Tab 1	**SB 18** by **Braynon**; (Similar to CS/H 06509) Relief of C.M.H. by the Department of Children and Families

897514	A	S	RCS	AP, Braynon	Delete L.87 - 94:	02/28 01:38 PM

Tab 2	**CS/SB 80** by **BI, Lee (CO-INTRODUCERS) Young**; (Similar to H 00037) Direct Primary Care Agreements

Tab 3	**SB 138** by **Book (CO-INTRODUCERS) Hutson, Perry**; (Compare to CS/CS/H 00937) Perinatal Mental Health

944342	PCS	S	RCS	AP, AHS		02/28 02:53 PM

Tab 4	**SB 144** by **Grimsley (CO-INTRODUCERS) Stargel**; (Identical to H 00119) Adult Cardiovascular Services

~~179874~~	A	S	WD	AP, Grimsley	Delete L.11 - 13:	02/27 09:11 AM

Tab 5	**CS/SB 310** by **CJ, Steube (CO-INTRODUCERS) Baxley**; (Identical to CS/CS/CS/H 00165) Threats to Kill or do Great Bodily Injury

116576	A	S	RCS	AP, Steube	Delete L.25 - 37:	02/28 02:55 PM

Tab 6	**SB 322** by **Book (CO-INTRODUCERS) Baxley**; (Identical to H 00185) Fees Charged by Tax Collectors

Tab 7	**CS/SB 324** by **CA, Young**; (Compare to CS/CS/CS/H 00697) Impact Fees

841860	PCS	S	RCS	AP, AFT		02/28 03:44 PM
484394	A	S	RCS	AP, Young	Delete L.53 - 66:	02/28 03:44 PM
532634	A	S	RCS	AP, Bean	Delete L.87 - 248.	02/28 03:44 PM

Tab 8	**SB 328** by **Baxley**; (Similar to H 00107) Veteran Identification

939294	A	S		AP, Powell	Delete L.482 - 484:	02/22 01:27 PM
660814	A	S		AP, Baxley	btw L.496 - 497:	02/20 09:38 AM
118946	A	S		AP, Stewart	btw L.496 - 497:	02/22 12:59 PM
896042	A	S		AP, Stewart	btw L.496 - 497:	02/22 01:00 PM
125810	A	S		AP, Gibson	btw L.496 - 497:	02/22 01:27 PM

Tab 9	**CS/SB 354** by **CA, Stargel**; (Similar to CS/1ST ENG/H 00011) Government Accountability

522564	D	S		FAV	AP, Stargel	Delete everything after	03/02 04:28 PM
104016	AA	S		RCS	AP, Bradley	Delete L.362 - 574:	03/02 04:28 PM
110202	AA	S		RCS	AP, Stargel	Delete L.779 - 947:	03/02 04:28 PM
263764	AA	S		RCS	AP, Stargel	btw L.1495 - 1496:	03/02 04:28 PM
703092	AA	S	L	RCS	AP, Stargel	Delete L.311 - 333:	03/02 04:28 PM

Tab 10	**CS/SB 376** by **BI, Book (CO-INTRODUCERS) Young, Taddeo, Montford, Stewart, Rader, Campbell**; (Compare to CS/CS/CS/H 00227) Workers' Compensation Benefits for First Responders

945328	D	S	RCS	AP, Book	Delete everything after	02/28 03:23 PM

Tab 11	**SB 502** by **Stargel**; (Compare to H 07093) Corporate Income Tax

383058	PCS	S	RCS	AP, AFT		02/27 09:09 PM

Tab 12	**SB 538** by **Garcia (CO-INTRODUCERS) Rodriguez, Negron, Baxley, Bean, Benacquisto, Book, Bracy, Braynon, Campbell, Farmer, Flores, Galvano, Gibson, Grimsley, Hukill, Lee, Mayfield, Montford, Passidomo, Perry, Powell, Rader, Rouson, Simmons, Simpson, Stargel, Steube, Stewart, Taddeo, Thurston, Torres, Young**; (Similar to H 00279) State and Local Governmental Relations with The Government of Venezuela

Tab 13	**CS/SB 590** by **CF, Garcia (CO-INTRODUCERS) Campbell**; (Compare to CS/CS/H 01435) Child Welfare						
608810	PCS	S		RCS	AP, AHS		02/27 09:27 PM
~~371160~~	PCS:D	S		WD	AP, Flores	Delete everything after	02/27 09:27 PM
614878	PCS:D	S	L	RCS	AP, Flores	Delete everything after	02/27 09:27 PM
Tab 14	**CS/SB 710** by **HP, Book**; (Compare to CS/H 00291) Prescription Drug Donation Program						
471064	PCS	S		RCS	AP, AHS		02/27 09:15 PM
Tab 15	**CS/SB 744** by **HP, Grimsley**; (Compare to CS/CS/CS/H 00965) Laser Hair Removal or Reduction						
128446	D	S		RCS	AP, Grimsley	Delete everything after	03/02 05:34 PM
Tab 16	**CS/CS/SB 774** by **JU, CF, Bean**; (Compare to CS/CS/H 00505) Dependency Proceedings						
Tab 17	**CS/SB 848** by **HP, Grimsley (CO-INTRODUCERS) Broxson**; (Similar to CS/CS/H 00679) Telepharmacy						
Tab 18	**CS/SB 852** by **TR, Brandes (CO-INTRODUCERS) Taddeo, Campbell, Gibson**; (Similar to CS/CS/H 00633) Florida Smart City Challenge Grant Program						
859872	PCS	S		RCS	AP, ATD		03/02 07:21 PM
136690	A	S		RCS	AP, Brandes	Delete L.94 - 147:	03/02 07:21 PM
819704	A	S		RCS	AP, Brandes	Delete L.289:	03/02 07:21 PM
Tab 19	**SB 992** by **Book**; (Compare to CS/CS/H 07063) C-51 Reservoir Project						
757058	PCS	S		RCS	AP, AEN		03/02 07:24 PM
Tab 20	**SB 1012** by **Passidomo (CO-INTRODUCERS) Young**; (Compare to CS/CS/1ST ENG/H 00141) Alligator Alley Toll Road						
291154	PCS	S		RCS	AP, ATD		03/02 07:40 PM
~~494290~~	PCS:D	S		WD	AP, Passidomo	Delete everything after	03/02 07:36 PM
477376	PCS:D	S		RCS	AP, Passidomo	Delete everything after	03/02 07:40 PM
Tab 21	**SB 1066** by **Baxley**; (Compare to CS/1ST ENG/H 00171) Transportation Facility Designations/Nelle W. Needham Memorial Highway						
723622	A	S		RCS	AP, Baxley	Delete L.10 - 17:	03/02 07:45 PM
Tab 22	**CS/SB 1114** by **CM, Brandes (CO-INTRODUCERS) Hutson, Perry**; (Similar to CS/CS/CS/H 01041) Professional Regulation						
638470	A	S			AP, Brandes	Delete L.295:	02/23 04:56 PM
892840	A	S			AP, Brandes	Delete L.296 - 380:	02/26 11:12 AM
607896	AA	S			AP, Brandes	Delete L.45 - 49:	02/27 07:57 AM
356140	A	S			AP, Brandes	Delete L.659:	02/26 11:12 AM
Tab 23	**CS/SB 1144** by **CA, Perry**; (Similar to CS/CS/CS/1ST ENG/H 00725) Permit Fees						
175328	PCS	S		RCS	AP, AFT		02/28 03:47 PM
Tab 24	**SB 1156** by **Perry**; (Similar to CS/CS/H 00591) Missing Persons with Special Needs						
522090	PCS	S		RCS	AP, AHE		02/28 03:49 PM
551402	A	S		RCS	AP, Perry	Before L.15:	02/28 03:49 PM

Tab 25	**CS/SB 1244** by **CA, Lee**; (Similar to CS/CS/1ST ENG/H 01151) Growth Management						
113064	PCS	S		RCS	AP, ATD		02/28 03:06 PM
447718	A	S		RCS	AP, Lee	Delete L.2583 - 2594:	02/28 03:06 PM
Tab 26	**CS/SB 1314** by **CM, Brandes**; (Similar to H 01181) Florida Capital Formation Act						
188068	PCS	S		RCS	AP, ATD		03/02 08:37 PM
Tab 27	**SB 1318** by **Rouson**; (Similar to H 01201) Education for Prisoners						
578002	PCS	S		FAV	AP, ACJ		02/28 03:57 PM
571242	A	S		RCS	AP, Brandes	Delete L.180:	02/28 03:57 PM
238822	A	S		RCS	AP, Brandes	Delete L.181 - 265:	02/28 03:57 PM
438768	AA	S		RCS	AP, Brandes	Delete L.45 - 49:	02/28 03:57 PM
914394	A	S		RCS	AP, Brandes	Delete L.343 - 344:	02/28 03:57 PM
Tab 28	**SB 1328** by **Perry**; (Similar to CS/CS/CS/H 00987) Affordable Housing						
443072	PCS	S		RCS	AP, ATD		02/28 03:59 PM
618886	A	S		RCS	AP, Perry	Delete L.86 - 397:	02/28 03:59 PM
Tab 29	**CS/SB 1360** by **CF, Broxson**; (Compare to CS/CS/H 01079) Child Welfare						
580822	PCS	S		RCS	AP, AHS		02/27 09:18 PM
Tab 30	**CS/SB 1392** by **CJ, Brandes (CO-INTRODUCERS) Perry**; (Similar to CS/CS/H 01197) Prearrest Diversion Programs						
~~868962~~	A	S		WD	AP, Gibson	Delete L.249 - 396.	02/27 09:44 PM
381400	A	S	L	RCS	AP, Brandes	Delete L.249 - 396:	02/27 09:44 PM
Tab 31	**CS/SB 1486** by **HP, Grimsley**; (Similar to CS/CS/H 01047) Department of Health						
485676	A	S		RCS	AP, Grimsley	Delete L.145 - 1408.	03/02 09:02 PM
Tab 32	**CS/CS/SB 1494** by **BI, HP, Montford (CO-INTRODUCERS) Grimsley, Powell**; (Similar to CS/CS/H 00351) Prescription Drug Pricing Transparency						
~~722650~~	A	S		WD	AP, Montford	Delete L.116 - 192:	03/03 09:54 AM
796750	A	S		RCS	AP, Montford	btw L.193 - 194:	03/03 09:54 AM
Tab 33	**SB 1508** by **Young**; (Similar to H 01185) Use of Stem Cells in a Clinic Setting						
Tab 34	**CS/SB 1608** by **TR, Grimsley**; (Compare to CS/2ND ENG/H 07087) Agricultural Recovery						
705324	PCS	S			AP, AFT		02/22 12:27 PM
353206	PCS:D	S			AP, Grimsley	Delete everything after	02/26 11:02 AM
Tab 35	**CS/SB 1646** by **CM, Montford (CO-INTRODUCERS) Gainer**; (Similar to CS/CS/H 01103) Regional Rural Development Grants						
952426	PCS	S		RCS	AP, ATD		03/02 01:28 PM
677446	A	S		RCS	AP, Montford	btw L.223 - 224:	03/02 01:28 PM
Tab 36	**CS/CS/SB 1678** by **JU, CJ, Stargel**; (Similar to CS/H 00547) Reports Concerning Seized or Forfeited Property						
Tab 37	**SB 1712** by **Montford (CO-INTRODUCERS) Thurston**; (Identical to CS/H 00375) Postsecondary Revenue Bonds and Debt						

Tab 38	**CS/SB 1804** by **ED, Stargel**; (Similar to CS/CS/CS/1ST ENG/H 01279) School District Accountability					
194862	A	S	RCS	AP, Stargel	Delete L.281:	02/28 08:39 AM

Tab 39	**HJR 7001** by **WMC, Leek (CO-INTRODUCERS) Avila, Eagle, Fischer, Metz**; (Compare to S 01742) Supermajority Vote for State Taxes or Fees					
813842	D	S	FAV	AFT, Stargel	Delete everything after	02/20 10:37 AM

Tab 40	**SPB 7022** by **RC**; Firearm Safety

Tab 41	**SB 7024** by **RC**; (Similar to H 07105) Public Records/Victim of an Incident of Mass Violence

Tab 42	**SB 7026** by **RC**; (Compare to H 00231) Public Safety					
114252	A	S	RCS	AP, Galvano	Delete L.281 - 297:	02/28 08:30 AM
668020	A	S	UNFAV	AP, Gibson	Delete L.330 - 382:	02/28 08:30 AM
941870	A	S	UNFAV	AP, Gibson	btw L.382 - 383:	02/28 08:30 AM
366940	A	S	UNFAV	AP, Stewart	btw L.382 - 383:	02/28 08:30 AM
481868	A	S	UNFAV	AP, Stewart	btw L.398 - 399:	02/28 08:30 AM
171890	A	S	RCS	AP, Galvano	Delete L.765 - 777:	02/28 08:30 AM
363704	A	S	RCS	AP, Galvano	Delete L.996 - 1024:	02/28 08:30 AM
129560	A	S	RCS	AP, Galvano	Delete L.1137 - 1143:	02/28 08:30 AM
812208	A	S	UNFAV	AP, Braynon, Book	Delete L.1543 - 1734:	02/28 08:30 AM
236270	A	S	UNFAV	AP, Stewart	Delete L.1543 - 1734:	02/28 08:30 AM
877728	A	S	FAV	AP, Galvano	btw L.1898 - 1899:	02/28 08:30 AM

Tab 43	**CS/HB 7055** by **APC, EDC, Bileca, Diaz, M.**; (Compare to CS/S 00354) Education					
~~903516~~	~~D~~	~~S~~	~~FAV~~	~~ED, Hukill~~	~~Delete everything after~~	~~02/21 02:38 PM~~
~~240726~~	~~SD~~	~~S~~	~~RE~~	~~AP, Passidomo~~	~~Delete everything after~~	~~02/28 02:59 PM~~
~~798988~~	~~AA~~	~~S~~	~~RE~~	~~AP, Stargel~~	~~btw L.1995 - 1996:~~	~~02/28 02:59 PM~~
~~583458~~	~~AA~~	~~S~~	~~RE~~	~~AP, Stargel~~	~~Delete L.224 - 340:~~	~~02/28 02:59 PM~~
~~185740~~	~~AA~~	~~S~~	~~RE~~	~~AP, Bean~~	~~btw L.3137 - 3138:~~	~~02/28 02:59 PM~~
~~480754~~	~~AA~~	~~S~~	~~WD~~	~~AP, Baxley~~	~~btw L.2169 - 2170:~~	~~02/28 02:59 PM~~
~~203668~~	~~AA~~	~~S~~	~~WD~~	~~AP, Baxley~~	~~btw L.173 - 174:~~	~~02/28 02:59 PM~~
~~663800~~	~~AA~~	~~S~~	~~RE~~	~~AP, Baxley~~	~~btw L.2913 - 2914:~~	~~02/28 02:59 PM~~
~~496800~~	~~AA~~	~~S~~	~~WD~~	~~AP, Baxley~~	~~btw L.2023 - 2024:~~	~~02/28 02:59 PM~~
~~157794~~	~~ASA~~	~~S~~	~~WD~~	~~AP, Baxley~~	~~btw L.3284 - 3285:~~	~~02/28 02:59 PM~~
~~337510~~	~~AA~~	~~S~~	~~RE~~	~~AP, Baxley~~	~~btw L.608 - 609:~~	~~02/28 02:59 PM~~
~~515880~~	~~AA~~	~~S~~	~~WD~~	~~AP, Baxley~~	~~Delete L.757 - 861:~~	~~02/28 02:59 PM~~
~~179276~~	~~AA~~	~~S~~	~~WD~~	~~AP, Brandes~~	~~Delete L.609 - 756:~~	~~02/28 02:59 PM~~
~~730710~~	~~AA~~	~~S~~	~~RE~~	~~AP, Passidomo~~	~~btw L.1632 - 1633:~~	~~02/28 02:59 PM~~
~~677148~~	~~AA~~	~~S~~	~~FC~~	~~AP, Gibson~~	~~btw L.223 - 224:~~	~~02/28 02:59 PM~~
~~501258~~	~~AA~~	~~S~~	~~WD~~	~~AP, Brandes~~	~~Delete L.609 - 756:~~	~~02/28 02:59 PM~~
~~809628~~	~~AA~~	~~S~~	~~WD~~	~~AP, Braynon, Book~~	~~Delete L.6 - 3329:~~	~~02/28 02:59 PM~~
~~881182~~	~~SD~~	~~S~~	~~OO~~	~~AP, Braynon~~	~~Delete everything after~~	~~02/28 02:59 PM~~
~~344352~~	~~AA~~	~~S~~	~~WD~~	~~AP, Gibson~~	~~btw L.222 - 223:~~	~~02/28 02:59 PM~~
~~692180~~	~~SD~~	~~S~~	~~FAV~~	~~AP, Passidomo~~	~~Delete everything after~~	~~02/28 02:59 PM~~

The Florida Senate

COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Flores, Vice Chair

MEETING DATE: Tuesday, February 27, 2018
TIME: 11:00 a.m.—6:00 p.m.
PLACE: *Pat Thomas Committee Room,* 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Flores, Vice Chair; Senators Baxley, Bean, Benacquisto, Book, Bracy, Brandes, Braynon, Gainer, Galvano, Gibson, Grimsley, Montford, Passidomo, Powell, Simmons, Simpson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	**SB 18** Braynon (Similar CS/H 6509)	Relief of C.M.H. by the Department of Children and Families; Providing for the relief of C.M.H.; providing an appropriation to compensate C.M.H. for injuries and damages sustained as a result of the negligence of the Department of Children and Families, formerly known as the Department of Children and Family Services; requiring certain funds to be placed into an irrevocable trust, etc. SM JU 01/25/2018 Favorable AHS 02/21/2018 Favorable AP 02/27/2018 Fav/CS With subcommittee recommendation – Health and Human Services	Fav/CS Yeas 20 Nays 0
2	**CS/SB 80** Banking and Insurance / Lee (Similar H 37)	Direct Primary Care Agreements; Specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code, etc. BI 09/13/2017 BI 10/10/2017 Fav/CS HP 10/24/2017 Favorable AP 02/27/2018 Favorable	Favorable Yeas 20 Nays 0

A proposed committee substitute for the following bill (SB 138) is available:

3	**SB 138** Book (Compare CS/CS/H 937)	Perinatal Mental Health; Citing this act as the "Florida Families First Act"; requiring the Department of Health to create public service announcements to educate the public on perinatal mental health care; revising components that are included in the postpartum evaluation and followup care provided by birth centers to include a mental health screening and the provision of certain information on postpartum depression, etc. HP 01/16/2018 Favorable AHS 01/24/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	With subcommittee recommendation – Health and Human Services		
4	**SB 144** Grimsley (Identical H 119, Compare CS/CS/H 597, CS/S 622)	Adult Cardiovascular Services; Establishing criteria that must be included by the Agency for Health Care Administration in rules relating to the licensure of certain hospitals performing percutaneous coronary intervention procedures, etc. HP 11/07/2017 Favorable AHS 12/07/2017 Favorable AP 02/27/2018 Favorable RC	Favorable Yeas 18 Nays 0
	With subcommittee recommendation – Health and Human Services		
5	**CS/SB 310** Criminal Justice / Steube (Identical CS/CS/CS/H 165)	Threats to Kill or do Great Bodily Injury; Prohibiting a person from making a threat to kill or do great bodily injury in a writing or other record and transmitting that threat in any manner that would allow another person to view the threat; deleting requirements that a threat be sent to a specific recipient to be prohibited, etc. CJ 01/29/2018 Fav/CS AP 02/22/2018 Not Considered AP 02/27/2018 Fav/CS RC	Fav/CS Yeas 18 Nays 2
6	**SB 322** Book (Identical H 185)	Fees Charged by Tax Collectors; Providing for allocation of fees from certain driver license examinations administered by tax collectors; providing for allocation of fees from certain driver license reinstatement services performed by tax collectors, etc. TR 11/14/2017 Favorable ATD 01/17/2018 Favorable AP 02/27/2018 Favorable	Favorable Yeas 20 Nays 0
	With subcommittee recommendation – Transportation, Tourism, and Economic Development		
	A proposed committee substitute for the following bill (CS/SB 324) is available:		
7	**CS/SB 324** Community Affairs / Young (Compare CS/CS/CS/H 697)	Impact Fees; Revising the minimum requirements for impact fees, etc. CA 12/05/2017 Fav/CS AFT 01/29/2018 Fav/CS AP 02/22/2018 Temporarily Postponed AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 1

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	With subcommittee recommendation – Finance and Tax		
8	**SB 328** Baxley (Similar H 107)	Veteran Identification; Requiring the Department of Highway Safety and Motor Vehicles to create a veteran identification card for certain purposes; authorizing use of the card as proof of veteran status for expedited processing of an application for a license to carry a concealed weapon or firearm, etc. TR 10/24/2017 Favorable ATD 01/17/2018 Favorable AP 02/22/2018 Not Considered AP 02/27/2018 Not Considered	Not Considered
	With subcommittee recommendation – Transportation, Tourism, and Economic Development		
9	**CS/SB 354** Community Affairs / Stargel (Similar CS/H 11, Compare CS/CS/H 1019, CS/CS/CS/H 1279, H 5203, CS/H 7055, CS/CS/H 7073, CS/CS/S 1804)	Government Accountability; Specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the commissioner, may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; revising the responsibilities of the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program, to include the establishment and maintenance of certain internal controls; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting, etc. CA 11/07/2017 Fav/CS AP 02/27/2018 Not Considered RC	Not Considered

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
10	**CS/SB 376** Banking and Insurance / Book (Compare CS/CS/CS/H 227, H 629, S 126)	Workers' Compensation Benefits for First Responders; Revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers' compensation benefits for first responders; providing that law enforcement officers, firefighters, emergency medical technicians, and paramedics are entitled to benefits under the Workers' Compensation Law for mental or nervous injuries, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances, etc. BI 12/05/2017 Fav/CS CM 01/16/2018 Favorable AP 02/27/2018 Fav/CS RC	Fav/CS Yeas 20 Nays 0

A proposed committee substitute for the following bill (SB 502) is available:

11	**SB 502** Stargel (Compare H 7093)	Corporate Income Tax; Adopting the 2018 version of the Internal Revenue Code; providing retroactive operation, etc. AFT 02/20/2018 Fav/CS AP 02/27/2018 Fav/CS With subcommittee recommendation – Finance and Tax	Fav/CS Yeas 20 Nays 0
12	**SB 538** Garcia (Similar H 279, H 359, S 70)	State and Local Governmental Relations with The Government of Venezuela; Requiring the State Board of Administration to divest investments, and prohibiting it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law; authorizing the Governor to waive such requirements under certain circumstances, etc. GO 01/16/2018 Favorable AFT 01/29/2018 Favorable AP 02/27/2018 Favorable With subcommittee recommendation – Finance and Tax	Favorable Yeas 18 Nays 0

A proposed committee substitute for the following bill (CS/SB 590) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
13	**CS/SB 590** Children, Families, and Elder Affairs / Garcia (Compare CS/CS/H 1435)	Child Welfare; Requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; requiring the court to request that parents consent to providing access to additional records; requiring the department to provide financial assistance to kinship caregivers who meet certain requirements; providing requirements and procedures for referring certain children to the Early Steps Program, etc. CF 12/04/2017 Fav/CS JU 02/06/2018 Favorable AHS 02/21/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 0

With subcommittee recommendation – Health and Human Services

A proposed committee substitute for the following bill (CS/SB 710) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	**CS/SB 710** Health Policy / Book (Compare CS/H 291)	Prescription Drug Donation Program; Renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; authorizing the donation of prescription drugs, including cancer drugs, and supplies to eligible patients; authorizing nursing home facilities to participate in the program, etc. HP 12/05/2017 Fav/CS AHS 01/24/2018 Temporarily Postponed AHS 02/14/2018 Fav/CS AP 02/22/2018 Not Considered AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 0

With subcommittee recommendation – Health and Human Services

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
15	**CS/SB 744** Health Policy / Grimsley (Compare CS/CS/CS/H 965)	Laser Hair Removal or Reduction; Providing rulemaking authority to the Department of Health for regulating electrolysis services; providing for the validity of temporary permits previously issued by the Board of Medicine; providing certification requirements for licensed electrologists who perform laser hair removal or reduction, etc. HP 02/13/2018 Fav/CS AP 02/27/2018 Not Considered RC	Not Considered

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
16	**CS/CS/SB 774** Judiciary / Children, Families, and Elder Affairs / Bean (Compare CS/CS/H 505, CS/CS/H 1079, CS/CS/S 1360)	Dependency Proceedings; Requiring the Department of Children and Families to provide specified records to entities conducting preliminary home studies; limiting certain training requirements to persons who adopt children from the department, etc. CF 01/22/2018 Fav/CS JU 02/20/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered
17	**CS/SB 848** Health Policy / Grimsley (Similar CS/CS/H 679)	Telepharmacy; Providing permit requirements for remote dispensing site pharmacies; requiring the prescription department manager or other pharmacist employed by the supervising pharmacy to visit the remote dispensing site pharmacy; authorizing a Florida licensed pharmacist to serve as the prescription drug manager at more than one remote dispensing site pharmacy under certain conditions, etc. HP 02/06/2018 Fav/CS AP 02/27/2018 Not Considered RC	Not Considered

A proposed committee substitute for the following bill (CS/SB 852) is available:

18	**CS/SB 852** Transportation / Brandes (Similar CS/CS/H 633)	Florida Smart City Challenge Grant Program; Creating the program within the Department of Transportation; requiring the department to issue a request for proposals by a specified date; authorizing the department to select an independent nongovernmental entity to assist in project construction, management, and evaluation for specified purposes, etc. TR 01/18/2018 Fav/CS ATD 02/21/2018 Fav/CS AP 02/27/2018 Not Considered With subcommittee recommendation – Transportation, Tourism, and Economic Development	Not Considered

A proposed committee substitute for the following bill (SB 992) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
19	**SB 992** Book (Compare CS/CS/H 7063)	C-51 Reservoir Project; Revising requirements related to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases; authorizing the South Florida Water Management District to enter into certain capacity allocation agreements and to request a waiver for repayment of certain loans; authorizing the Department of Environmental Protection to waive such loan repayment under certain conditions, etc. EP 02/05/2018 Favorable AEN 02/14/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

With subcommittee recommendation – Environment and Natural Resources

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A proposed committee substitute for the following bill (SB 1012) is available:

20	**SB 1012** Passidomo (Compare CS/CS/H 141)	Alligator Alley Toll Road; Requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public, etc. TR 01/18/2018 Favorable ATD 02/08/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

With subcommittee recommendation – Transportation, Tourism, and Economic Development

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21	**SB 1066** Baxley (Compare CS/H 171)	Transportation Facility Designations/Nelle W. Needham Memorial Highway; Providing an honorary designation of a certain transportation facility in a specified county, etc. TR 02/06/2018 Favorable ATD 02/14/2018 Favorable AP 02/22/2018 Not Considered AP 02/27/2018 Not Considered	Not Considered

With subcommittee recommendation – Transportation, Tourism, and Economic Development

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
22	**CS/SB 1114** Commerce and Tourism / Brandes (Similar CS/CS/CS/H 1041, Compare H 15, CS/S 526)	Professional Regulation; Authorizing a person to seek a declaratory statement from an agency as to the effect of the person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; deleting the requirement for a yacht broker to maintain a separate license for each branch office; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity, etc. RI 01/24/2018 Favorable CM 02/06/2018 Fav/CS AP 02/27/2018 Not Considered RC	Not Considered

A proposed committee substitute for the following bill (CS/SB 1144) is available:

23	**CS/SB 1144** Community Affairs / Perry (Similar CS/CS/CS/H 725)	Permit Fees; Requiring the governing body of certain counties to post its permit and inspection fee schedules and a link to the annual building permit and inspection report on its website; requiring the governing body of a local government, before making any adjustment to a fee schedule, to publish a building permit and inspection report and post it on the local government's website, etc. CA 01/16/2018 Fav/CS AFT 02/05/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 0

With subcommittee recommendation – Finance and Tax

A proposed committee substitute for the following bill (SB 1156) is available:

24	**SB 1156** Perry (Similar CS/CS/H 591)	Missing Persons with Special Needs; Expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System, etc. ED 01/22/2018 Favorable AHE 02/08/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 20 Nays 0

With subcommittee recommendation – Higher Education

A proposed committee substitute for the following bill (CS/SB 1244) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
25	**CS/SB 1244** Community Affairs / Lee (Similar CS/CS/H 1151, Compare CS/CS/H 883, S 84)	Growth Management; Adding a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding; revising the statewide guidelines and standards for developments of regional impact; specifying that amendments to a development order for an approved development may not alter the dates before which a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; requiring local governments to file a notice of abandonment under certain conditions, etc. CA 01/23/2018 Fav/CS ATD 02/08/2018 Fav/CS AP 02/27/2018 Fav/CS RC	Fav/CS Yeas 17 Nays 0

With subcommittee recommendation – Transportation, Tourism, and Economic Development

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A proposed committee substitute for the following bill (CS/SB 1314) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
26	**CS/SB 1314** Commerce and Tourism / Brandes (Similar H 1181)	Florida Capital Formation Act; Deleting the requirement that the Department of Economic Opportunity manage certain activities related to the commercialization of specified products, services, and ideas; redesignating the Institute for the Commercialization of Public Research as the Institute for Commercialization of Florida Technology; requiring that certain proceeds be returned to the Florida Technology Seed Capital Fund after the payment of certain costs and fees, etc. CM 02/06/2018 Fav/CS ATD 02/21/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

With subcommittee recommendation – Transportation, Tourism, and Economic Development

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A proposed committee substitute for the following bill (SB 1318) is available:

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
27	**SB 1318** Rouson (Similar H 1201, Compare H 7089)	Education for Prisoners; Authorizing the Department of Corrections to contract with certain entities to provide educational services for the Correctional Education Program; authorizing each county to contract with certain entities to provide educational services for county inmates; removing a provision prohibiting state funds for the operation of postsecondary workforce programs from being used for the education of certain state inmates, etc. CJ 01/29/2018 Favorable ACJ 02/14/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 0

With subcommittee recommendation – Criminal and Civil Justice

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A proposed committee substitute for the following bill (SB 1328) is available:

28	**SB 1328** Perry (Similar CS/CS/CS/H 987)	Affordable Housing; Revising the criteria that counties and municipalities must use when evaluating real property as part of their inventory for disposal of lands; prohibiting local governments from charging certain impact fees for a specified period; creating the Hurricane Housing Recovery Program to provide funds for specified purposes related to affordable housing; providing a process for certain entities to dispose of surplus lands for use for the construction of affordable housing, etc. CA 01/30/2018 Favorable ATD 02/21/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 20 Nays 0

With subcommittee recommendation – Transportation, Tourism, and Economic Development

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A proposed committee substitute for the following bill (CS/SB 1360) is available:

29	**CS/SB 1360** Children, Families, and Elder Affairs / Broxson (Compare CS/CS/H 1079, S 1514)	Child Welfare; Requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; revising minimum requirements for child care personnel related to screening and fingerprinting; defining the term “severe disability” and providing an exemption from fingerprint requirements for adult household members with severe disabilities, etc. CF 02/06/2018 Fav/CS AHS 02/21/2018 Fav/CS AP 02/27/2018 Fav/CS	Fav/CS Yeas 20 Nays 0

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	With subcommittee recommendation – Health and Human Services		
30	**CS/SB 1392** Criminal Justice / Brandes (Similar CS/CS/H 1197, Compare H 489, H 1199, CS/S 644, Linked S 1394)	Prearrest Diversion Programs; Encouraging counties, municipalities, and public or private educational institutions to implement prearrest diversion programs; requiring that in each judicial circuit the public defender, the state attorney, the clerks of the court, and representatives of participating law enforcement agencies create a prearrest diversion program and develop its policies and procedures; requiring, rather than authorizing, the Department of Law Enforcement to adopt rules for the expunction of certain nonjudicial records of the arrest of a minor upon his or her successful completion of a certain diversion program, etc. CJ 01/22/2018 Fav/CS ACJ 02/14/2018 Favorable AP 02/27/2018 Fav/CS	Fav/CS Yeas 19 Nays 1
	With subcommittee recommendation – Criminal and Civil Justice		
31	**CS/SB 1486** Health Policy / Grimsley (Similar CS/CS/H 1047, Compare CS/H 29, H 557, H 1039, S 1706, CS/S 1884)	Department of Health; Requiring the department to adopt any rules necessary to implement a specified federal program to further encourage qualified physicians to relocate to and practice in underserved areas; revising health care practitioner licensure eligibility for certain members of the armed forces and their spouses to include licensed dentists; removing a provision prohibiting a physician from holding himself or herself out as a board-certified specialist in dermatology unless the recognizing agency is reviewed and reauthorized on a specified basis by the Board of Medicine; authorizing the Board of Nursing to establish certain standards of care, etc. HP 01/30/2018 Fav/CS AP 02/27/2018 Not Considered RC	Not Considered
32	**CS/CS/SB 1494** Banking and Insurance / Health Policy / Montford (Similar CS/CS/H 351)	Prescription Drug Pricing Transparency; Requiring pharmacists to inform customers of less expensive, generically equivalent drugs for their prescriptions and as to whether customers' cost-sharing obligations exceed the retail price of their prescriptions; requiring a pharmacy benefit manager to register with the Office of Insurance Regulation beginning on a specified date, etc. HP 02/06/2018 Fav/CS BI 02/20/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
33	**SB 1508** Young (Similar H 1185)	Use of Stem Cells in a Clinic Setting; Requiring a physician or osteopathic physician or a clinic owner to register a clinic with the Department of Health if the clinic meets certain criteria; requiring a physician or osteopathic physician to adhere to specified regulations in the performance of any procedure using or purporting to use stem cells or products containing stem cells, etc. HP 02/06/2018 Favorable AP 02/27/2018 Favorable RC	Favorable Yeas 20 Nays 0

A proposed committee substitute for the following bill (CS/SB 1608) is available:

34	**CS/SB 1608** Transportation / Grimsley (Compare CS/H 7087, CS/CS/S 740)	Agricultural Recovery; Citing this act as the "Farmers and Ranchers Matter Act"; requiring the Florida Comprehensive Emergency Management Plan to allow the Department of Agriculture and Consumer Services to create the State Agricultural Response Team; authorizing the Department of Transportation to waive certain weight load restrictions and permit verifications for the transport of agricultural products from fields or packinghouses to public transportation facilities after certain natural disasters; requiring the Department of Transportation to create and administer a program to install directional signs to assist visitors in locating certain agritourism facilities, etc. TR 02/06/2018 Fav/CS AFT 02/20/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

With subcommittee recommendation – Finance and Tax

A proposed committee substitute for the following bill (CS/SB 1646) is available:

35	**CS/SB 1646** Commerce and Tourism / Montford (Similar CS/CS/H 1103, Compare H 1193, S 1496)	Regional Rural Development Grants; Providing that regional rural development grants may be used to hire regional economic development organization professional staff; authorizing the use of matching grant funds to provide technical assistance to certain entities; requiring that contracts or agreements involving the expenditure of grant funds be placed on a certain website for a specified time period; requiring that a plain language version of certain contracts or agreements be placed on a certain website; providing that improving access to and availability of broadband Internet service may be included in a project that is eligible for rural infrastructure grant funds, etc. CM 01/29/2018 Fav/CS ATD 02/21/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	With subcommittee recommendation – Transportation, Tourism, and Economic Development		
36	**CS/CS/SB 1678** Judiciary / Criminal Justice / Stargel (Similar CS/H 547)	Reports Concerning Seized or Forfeited Property; Revising the deadline for submitting an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act, etc. CJ 02/12/2018 Fav/CS JU 02/20/2018 Fav/CS AP 02/27/2018 Not Considered	Not Considered
37	**SB 1712** Montford (Identical CS/H 375)	Postsecondary Revenue Bonds and Debt; Authorizing state universities to use specified moneys to pay debt service on revenue bonds if required by a specified federal program, etc. ED 02/06/2018 Favorable AHE 02/14/2018 Favorable AP 02/27/2018 Not Considered	Not Considered
	With subcommittee recommendation – Higher Education		
38	**CS/SB 1804** Education / Stargel (Similar CS/CS/CS/H 1279, Compare CS/H 11, CS/CS/H 323, H 7003, CS/H 7055, CS/CS/H 7073, CS/S 354, S 1534)	School District Accountability; Prohibiting former appointed district school superintendents from conducting certain lobbying activities; requiring the Office of Inspector General to investigate certain allegations and reports made by specified individuals; requiring certain district school board member travel outside of the school district to be preapproved and meet certain criteria; requiring a district school board to limit certain expenditures by a specified amount if certain financial conditions exist for a specified period of time, etc. ED 02/20/2018 Fav/CS AP 02/27/2018 Fav/CS RC	Fav/CS Yeas 12 Nays 7
39	**HJR 7001** Ways and Means Committee / Leek (Compare SJR 1742)	Supermajority Vote for State Taxes or Fees; Proposes amendment to State Constitution to prohibit a state tax or fee from being imposed or raised except through legislation approved by two-thirds of each house of legislature; requires a state tax or fee imposed or raised to be contained in separate bill that contains no other subject. AFT 02/20/2018 Fav/1 Amendment AP 02/27/2018 Favorable	Favorable Yeas 13 Nays 7
	With subcommittee recommendation – Finance and Tax		

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
40	**SPB 7022** **(If Received)**	Firearm Safety; Authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; prohibiting a person younger than a certain age from purchasing a firearm, etc.	Not Considered
41	**SB 7024** Rules (Similar H 7105)	Public Records/Victim of an Incident of Mass Violence; Creating an exemption from public records requirements for the address of a victim of an incident of mass violence; providing for future legislative review and repeal of the exemption; designating the address of a victim of an incident of mass violence as criminal intelligence information and criminal investigative information; providing a statement of public necessity, etc. AP 02/27/2018 Favorable	Favorable Yeas 19 Nays 0
42	**SB 7026** Rules (Compare H 231, H 321, H 621, H 777, CS/H 7055, H 7101, S 456, S 530, S 1236, CS/S 1434, CS/S 1548, S 1616, S 2502, S 2508)	Public Safety; Citing this act as the "Marjory Stoneman Douglas High School Public Safety Act"; establishing the Office of Safe Schools within the Department of Education; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the importation, transfer, distribution, transport, sale, or giving of a bump-fire stock in this state; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations, etc. AP 02/27/2018 Fav/CS	Fav/CS Yeas 12 Nays 8
43	**CS/HB 7055** Appropriations Committee / Education Committee / Bileca / Diaz, M. (Compare CS/CS/H 1, CS/H 11, CS/H 29, CS/CS/H 323, CS/H 495, H 699, H 777, CS/CS/H 827, H 845, H 949, CS/H 1035, H 1191, CS/CS/CS/H 1279, CS/CS/H 1391, H 1431, H 5001, H 5101, H 6051, H 7003, CS/CS/H 7073, H 7101, CS/S 354, S 436, S 1064, CS/S 1090, S 1152, CS/S 1172, S 1198, S 1534, CS/S 1548, S 1566, S 1616, S 1618, S 1746, CS/CS/S 1804, S 1820, S 1848, CS/S 1884, S 2500, CS/S 7026)	Education; Revises provisions relating to Commissioner of Education, DOE, school districts, school district superintendents, statewide, standardized assessments, charter schools, educational scholarship programs, principal autonomy pilot program initiative, dual enrollment, FLVS, & private schools. ED 02/20/2018 Fav/1 Amendment AP 02/27/2018 Fav/1 Amendment	Fav/1 Amendment (692180) Yeas 11 Nays 7

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

THE FLORIDA SENATE

SPECIAL MASTER ON CLAIM BILLS

Location
515 Knott Building

Mailing Address
404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5198

DATE	COMM	ACTION
1/22/18	SM	Favorable
01/23/18	JU	**Favorable**
2/20/18	AHS	Recommend: Favorable
2/27/18	AP	Fav/CS

January 22, 2018

The Honorable Joe Negron
President, The Florida Senate
Suite 409, The Capitol
Tallahassee, Florida 32399-1100

Re: **CS/SB 18** – Senator Oscar Braynon II
HB 6509 – Representative James Grant
Relief of C.M.H.

SPECIAL MASTER'S FINAL REPORT

THIS IS AN UNCONTESTED CLAIM FOR $5,000,000 PREDICATED ON THE ENTRY OF A JURY AWARD IN FAVOR OF CHRISTOPHER HANN AND THERESA HANN, INDIVIDUALLY, AND AS NAUTRAL GUARDIANS OF C.M.H., A MINOR CHILD, DUE TO THE NEGLIGENCE OF THE DEPARTMENT OF CHILDREN AND FAMILIES.

FINDINGS OF FACT:

The Department of Children and Families, placed J.W., a 10 year old foster child with a history of violence and sexual assaults against younger children, in the home of Christopher and Theresa Hann. The Hanns had young children of their own, and because the Hanns were not trained to handle a child with J.W.'s propensity for violence, the department should not have placed J.W. in the Hann's home. Making matters worse, the department concealed J.W.'s violent past from the Hanns when it had a duty to disclose it. Ultimately, the department's placement of J.W. in the Hann's home led to the emotional, physical, and sexual abuse of C.M.H., the Hann's 8 year old son, by J.W.

The Department of Children and Families knew of J.W.'s propensity for violence toward other children.

J.W. was born January 23, 1992, in Florida, to a teenage mother who had a history of mental illness and homelessness. She did not receive prenatal care and attempted suicide during the third month of her pregnancy by inhaling butane. J.W.'s mother was living in a shelter for homeless and runaway youth at his birth. J.W.'s biological father had a history of drug abuse and played no major role in his life.

J.W. lived with his mother until the age of 4. During this time, he was subjected to extreme neglect, cruelty, and physical and sexual abuse by his mother, her boyfriends, and her extended family members. J.W., at age 1, was subjected to sexual abuse for approximately 2-3 years by males visiting his mother. He was severely beaten at age 2 while in the care of his mother's boyfriend.

As a result of his repeated abuse and neglect, J.W. began to exhibit symptoms of post-traumatic stress disorder. Due to aggressive behaviors, he was dismissed from two daycare centers. At age 3, he attempted suicide. He was subsequently diagnosed as having attention deficit hyperactivity disorder with psychotic behavior and suicidal tendencies and treated with anti-psychotic medication.

J.W. was returned to his mother's care at age 5. He was severely psychotic and began setting fires. In June 1997, J.W. was admitted to the Columbia Hospital Inpatient Psychiatric Program for a week due to self-mutilation, violent behavior, homicidal ideation, auditory hallucinations, and multiple suicide attempts. J.W. would continue receiving intensive outpatient psychiatric treatment for 7 months following his initial hospitalization.

After receiving a report that J.W. was again sexually molested by another of his mother's male friends, the department placed J.W. back into foster care where he resided on and off for approximately 5 years. He was involuntarily hospitalized at least two more times by age 9. One hospitalization was due to aggressive behavior, an attempt to stab his uncle and his babysitter with a knife. Later he was hospitalized for planning to bring a gun and knife to school to kill a teacher and himself. In 2002, J.W. was living with his mother who had married several years earlier and had given birth to a daughter with

her new husband. The department and the family entered into a voluntary case plan to address continuing allegations of abuse, neglect, and domestic violence in the home. During this time, J.W. began to exhibit sexually aggressive behavior towards other children. Multiple reports indicated that J.W. performed anal penetration on a neighborhood girl. He also continued to display severe psychotic behavior. On one occasion he attempted to cut his stepfather's throat while he slept.

On June 14, 2002, DCF family services counselor, Suzy Parchment, referred J.W. to Camelot Community Care, a DCF provider of child welfare and behavioral health services, for intensive therapeutic in-home services. Realizing the severity of J.W.'s behavior, in a communication with Camelot on June 24, Ms. Parchment noted that J.W. needed to be in a residential treatment facility as soon as possible.

As an emergency, temporary solution and noting that J.W. was a danger in the home, Camelot accepted the referral to provide mental health services to J.W. in his natural home while the department sought residential placement. Camelot noted on its admission form that J.W. was a sexual predator and engaged in sexually inappropriate behavior. It was also noted that J.W. suffered from non-specified psychosis, major depression with psychotic features, adjustment disorder and attention deficit hyperactivity disorder. The in-home counselor assigned to J.W.'s case did not have experience with sexual trauma, and Camelot's initial treatment plan did not include any specific goals or specialized treatment for sexual abuse.

J.W.'s mother informed Camelot and the department that J.W. was giving his 3 year old sister hickies, bouncing her on his lap in a sexual manner, and having her fondle his genitals. Camelot performed a child safety determination and found that based on J.W.'s history, a sibling was likely to be in immediate danger of moderate to severe harm if J.W. was not supervised. Camelot recommended that J.W.'s parents separate him from his younger sister at night and closely watch him when he interacts with his sister.

On or about August 2002, the department removed J.W. and his younger sister from their mother's care after she abandoned them at a friend's house. J.W. was sheltered in the home of a family friend, Luz Cruz, a non-relative

placement while his younger half-sister was placed with family members.

J.W. underwent a Comprehensive Behavioral Health Assessment on August 30, 2002, at the request of DCF. The assessment concluded that J.W. "should not have unsupervised access to [his younger sister], or to any younger, or smaller children wherever he resides." The Assessment also states: "***J.W.'s caregiver must be informed about these issues and must be able to demonstrate that they can provide adequate levels of supervision in order to prevent further victimization. These issues should be strongly considered in terms of making decisions about both temporary and long term care and supervision of J.W.***"

Based upon the findings and recommendations in the Assessment, J.W. was referred to Father Flanagan's Boys' Home d/b/s Girls and Boys Town, a DCF service provider, for case management services.

The Department of Children and Families knew that J.W., should not have been placed in a home with younger children.

Ms. Parchment removed J.W. from the Cruz home on September 6, 2002, due to allegations of sexual abuse by a member of the Cruz family; however, she did not report the abuse allegation as required by Florida law. It was also on September 6, 2002, that J.W. was placed with the Hanns.

Mr. and Mrs. Hann were former neighbors of J.W. and his natural family. The Hanns lived with their two children, a daughter, age 16, and a son, C.M.H., age 8. They were not licensed or trained foster parents. In the past, J.W. had often sought shelter in the Hann home when left alone by his mother. Theresa Hann had offered to care for J.W., and his mother lobbied Camelot and the department to have J.W. placed with the Hann family instead of Luz Cruz.

Ms. Parchment recalled her first impressions of the Hann family were of nice people who maintained a very organized and clean home. She believed Theresa Hann's main purpose was to care for J.W. and that she had no ulterior motives. However, despite the willingness of the Hanns to care for

J.W., the removal of J.W. from the Cruz home and placement in the Hann home violated DCF rules.

Under the department's rules, it is required to obtain prior court approval for all non-relative placements. This requirement eliminates non-relative placements for use in lieu of emergency shelter care. Ms. Parchment did not obtain the required court approval prior to placing J.W. in the Hann home. She also failed to notify the department's legal team, who is responsible for court filings, of the allegation of sexual abuse of J.W. in the Cruz home or his subsequent placement in the Hann home for two months.

Additionally, the placement directly conflicted with previous recommendations by department providers regarding placement for J.W. due to his sexually aggressive behaviors. J.W. was placed in a home with an 8 year old child even though 2 months earlier Camelot had warned that a sibling would be in danger in a home with J.W. One week prior to the placement, St. Mary's Medical Center had recommended that J.W. not have unsupervised access to younger children. The Hanns were not provided any information about J.W.'s ongoing inappropriate behavior with younger children and the Hanns allowed J.W. to share a bedroom with their son, C.M.H. Department rules expressly prohibit placing a sexually aggressive child in a bedroom with another child. Ms. Parchment knew of the planned sleeping arrangements prior to placing J.W. in the Hann home but did not tell them that the arrangement was prohibited under the department's rules.

The Department of Children and Families failed to inform the Hanns of J.W.'s background.

Christopher Hann specifically requested information about J.W., but the department failed to provide any information regarding J.W.'s troubled history of child-on-child sexual abuse or on his background generally. Florida law requires DCF to share psychological, psychiatric and behavioral histories, comprehensive behavioral assessments and other social assessments found in the child's resource record with caregivers. The department acknowledged during litigation that no evidence of a child resource record for J.W. was found. Additionally, for the purpose of preventing the reoccurrence of child-on-child sexual abuse, the department must provide caregivers of sexual abuse victims and aggressors with written, complete, and detailed information and strategies

related to such children, including the date of the sexual abuse incident(s), type of abuse, type of treatment received, and outcome of the treatment in order to "provide a safe living environment for **all** the children living in the home."

Not only did the department fail to comply with its own requirements, Ms. Parchment told Mr. Hann that she was not allowed to give him such information about J.W. because the placement was temporary. Nevertheless, J.W. remained in the Hann home for approximately 3 years during which his behavioral problems continued and quickly escalated.

The Department of Children and Families knew it should have removed J.W. from the Hann home as his violent behaviors increased.

Within a few weeks after J.W.'s placement in the Hann home, Mrs. Hann reported to Camelot that J.W. was playing with matches in the presence of C.M.H.; exhibited extreme anger and hostility towards C.M.H., including yelling, screaming "shut up" at the smallest aggravation or noise, and kicking C.M.H. Among J.W.'s behavioral problems, he stabbed himself with a straightened paper clip after being grounded for leaving the neighborhood without permission; threatened to jump out of a window after it was discovered he stole a roll of felt from school; and attacked Ms. Hann, biting and scratching her when she grounded him for cursing.

Camelot recommended to Ms. Parchment that the Hanns place a one way monitor in the bedroom shared by J.W. and C.M.H. While Ms. Parchment agreed to pass the recommendation on to the Hanns, there is no evidence that the information was shared or that the Hanns ever obtained the monitor.

J.W.'s behavior further deteriorated and on October 24, 2002, after a physical altercation with C.M.H., he pulled a knife on the younger child but was stopped from further assaulting him by Mr. Hann. Camelot was immediately informed of the incident by Mr. Hann, and J.W. was again involuntarily committed into Columbia Hospital for a mental health assessment. Camelot's notes indicate Ms. Parchment was informed of J.W.'s escalating behavior in the Hann home. Ms. Parchment later acknowledged that at this point she should have considered removing J.W. from the Hann home due to the danger he posed to himself, the Hanns and their son.

A week after the mental health assessment was performed, J.W. sexually assaulted a 4 year old girl who was visiting the Hann home. The children were watching a movie when J.W. exposed his genitals and began "humping" the young girl. Ms. Hann reported the incident to DCF. During the course of the investigation, the department learned the children were not under the direct supervision of any adult at the time of the incident – a failure that DCF providers warned would lead to harm of other children when left alone with J.W. Again, DCF was required to give immediate consideration to the safety of C.M.H. Despite, the inability of the Hanns, who both worked outside the home, to adequately supervise J.W. and his continuing access to young children, DCF did not remove J.W. from the Hann home.

Camelot began pressuring Ms. Parchment to schedule a psychosexual evaluation of J.W. which she was required to do months earlier pursuant to DCF's operating procedures. The evaluation had in fact been requested by Camelot when J.W. was placed with the Hanns and again just 2 days before he sexually assaulted the 4 year old girl visiting the Hann home. Camelot's notes indicate that it told Ms. Parchment that "[J.W.] needed specific sexual counseling by a specialist in this area." Ms. Parchment took no action so Camelot advised Mr. Hann that a new safety plan would be implemented which prohibited J.W. and C.M.H. from sharing a bedroom and requiring J.W. to be under close adult supervision when other children were present. Such recommendations had already been a complete failure at preventing J.W. from perpetuating sexual abuse on other children. Further, still without knowledge of J.W.'s extensive history of sexual abuse as a victim and aggressor, Mr. Hann informed Camelot that the family disagreed with and would not follow the safety plan.

The Department of Children and Families ignored repeated warnings from its service providers.

Beginning in November 2002, Girls and Boys Town began providing services to J.W. in conjunction with Camelot. The assessment of J.W.'s case and his current behaviors, which was performed by Girls and Boys Town, found that despite his escalating violence and suicidal and sexually aggressive actions, no additional interventions or therapies had been put in place.

Camelot again requested a psychosexual evaluation of J.W. on November 6, 2002.

Additionally, in November 2002, C.M.H. began to exhibit behavioral problems which Camelot directly attributed to J.W. being in the home. C.M.H.'s grade dropped. In one school year he went from being an "A", "B", or "C" student to failing grades and was ultimately retained in the fourth grade.

In December 2002, the Hanns, overwhelmed with the number of providers involved in J.W.'s care and the disruption to their family, canceled the services of Camelot. Camelot recommended in its discharge form, signed by Ms. Parchment, that J.W. be placed in a residential treatment facility; however, DCF did not initiate a change in placement.

In June 2003, J.W. began expressing sexually inappropriate behavior towards C.M.H., asking him if he wanted to "see what sperm looks like" before masturbating to completion in front of him and attempting to hand him the semen. Due to this new escalation of J.W.'s behavior now directed at C.M.H., the department finally secured the psychosexual evaluation of J.W. but still did not remove him from the Hann home.

The department received the results of the psychosexual evaluation of J.W. performed by The Chrysalis Center on September 18, 2003. The Center found that J.W. "fit the profile of a sexually aggressive child due to the fact that he continues to engage in extensive sexual behaviors with children younger than himself." Further, it was found that J.W. "[presented] a risk of potentially becoming increasing more aggressive" and "continuing sexually inappropriate behaviors." The Center warned that J.W. "may seek out victims who are children and coerce them to engage in sexual activity." And again the Center recommended specific counseling for J.W. and appropriate training for his caregivers, the Hanns.

Finally, in October 2003, the Hanns requested J.W. be placed in a therapeutic treatment facility as they did not feel equipped to provide him with services and interventions he needed. Therapeutic placement was authorized for J.W. and he was referred to Alternate Family Care in Jupiter, Florida. The Hanns were told that if J.W. was removed from their home they would not be permitted visitation privileges with him at the facility. The Hanns did not want to be the next in a series

of parental figures that abandoned J.W. so they ultimately made the decision to maintain him in their home with a request for additional services to treat his ongoing issues. At this time the Hanns begin training to become therapeutic foster parents.

C.M.H.'s problems due to J.W.'s presence in the home continued at school. Beginning in late 2003 to early 2004, C.M.H. began to act out and have more conflicts in school. He received a student discipline referral for ongoing behavioral problems in the classroom. Additionally, in early 2004 he began gaining weight and would subsequently gain about 40 pounds over the next two years.

The Department of Children and Families failed to remove a dangerous child it had placed in the Hann home when requested by the Hanns.

Mrs. Hann was diagnosed with terminal cancer on March 3, 2004. As a result, Mr. Hann contacted DCF within 48 hours of the diagnosis and requested the process of having J.W.'s placement with them as "long-term non-relative care" be stopped and asked that J.W. be placed elsewhere. Ms. Parchment visited the Hann home within 24 hours after the request and advised the family that "we'll get on it."

Nothing was done and contrary to the express request and wishes of the Hanns and without their knowledge, DCF had the Hanns declared as "long term non-relative caregivers" of J.W. The department subsequently closed the dependency case, leaving J.W. in the care of the Hanns.

The Department of Children and Family Services withdrew support for the Hann family when it was needed most.

The Hanns were not part of the foster care system so when DCF closed its dependency case, the Hann family lost approximately 50 percent of their services and counseling. Father Flanagan's suspended services to J.W. and the Hann family in April 2004. The Hanns would later directly attribute the resurgence in J.W.'s inappropriate sexual behavior to the loss of counseling services.

With almost no support from DCF, the Hanns grew more desperate as they tried to deal with Mrs. Hann's illness and J.W.'s escalating behavior.

C.M.H.'s troubles also continued. An April 2005 treatment plan from St. Mary's Child Development Center's Children's Provider Network noted that he began to have nightmares and was easily frustrated. The report also noted that his mother's diagnosis of terminal cancer and intensive chemotherapy treatments were contributing to C.M.H.'s increasing separation anxiety and grief issues. He was diagnosed with post-traumatic stress disorder.

In April 2005, Mr. Hann wrote DCF and the juvenile judge requesting help in placing J.W. in a residential placement. There was no response to his request, and J.W. remained in the Hann home.

A report from Child & Family Connections, the lead agency for community-based care in Palm Beach County, dated June 16, 2005, provided a description of J.W.'s personality and behavior, the high risk of sexual behavior problems and increasing aggression, his excessive masturbation, seeking out younger children, lies, and refusal to take responsibility for his actions. The report stated that the Hanns "[had] been told that it is not a matter of will J.W. perpetrate on their son again, but a matter of when the perpetration would occur. [J.W. was] in need of a more restrictive setting with intensive services specializing in sexual specific treatment." The report also noted that J.W.'s previous therapist, current therapist, and a psychosexual evaluation all recommended a full-time group home facility specializing in sexual specific treatment. The report concluded that J.W.'s condition was "so severe and the situation so urgent that treatment [could not] be safely attempted in the community."

Predictably, the numerous failures of the Department and its Family Services resulted in the sexual assault of another child.

On June 29, 2005, after a physical altercation between J.W. and Mrs. Hann, C.M.H., then 10 years old, told his parents that 2 years prior, J.W. had forced him to engage in oral sex while the boys were at a sleepover at this cousin's house. Mr. Hann called Girls & Boys Town and demanded that J.W. be removed from the home immediately. Later that same day, the department finally removed J.W. from the Hann home, and he was taken to an emergency shelter until a placement could be determined.

The court entered an order on August 11, 2005, authorizing the placement of J.W. into a residential treatment center. The court found that although a previous court order authorized placement in a specialized therapeutic group home, due to another incident that occurred while in emergency shelter, J.W. required a higher level of care.

Theresa Hann passed away the next year shortly after initiating litigation against DCF and its providers.

CLAIMANT'S POSITION:

The lawsuit was filed against the department, Camelot Community Care, Inc., Elaine Beckwith, Chrysalis Center, and Father Flanagan's Boys' Home d/b/a Girls and Boys Town of South Florida. The suit alleged the defendants were negligent and directly liable for the injuries suffered by C.M.H. as a result of the sexual abuse due to:

1. The initial placement of J.W. in the Hann home;
2. The failure of DCF to follow its own rules and operating procedures to provide the necessary treatment and services for J.W.;
3. The failure of DCF to provide the required information to the Hanns regarding J.W.'s history of sexual abuse and sexual aggressiveness, including the failure to formulate a safety plan for J.W. and all the children residing in the Hann home;
4. The failure of DCF to maintain the safety of J.W. and any children residing in the placement;
5. The failure of the DCF employee to report the allegations of sexual abuse of J.W. as mandated by s. 39.201, F.S.; and
6. DCF moving forward with having the court declare the Hanns "long-term non-relative caregivers," closing the case file, and leaving J.W. in the custody of the Hanns without notice to them and despite their request to stop the process.

RESPONDENT'S POSITION:

The Department of Children and Families defended the lawsuit. On November 18, 2013, after a 4-week jury trial, a judgment was entered in the amount of $10,000,000. DCF was found to be 50 percent liable ($5,000,000) and Mr. and Mrs. Hann were found to be 50 percent liable ($5,000,000). The jury attributed no liability to the remaining defendants.

CONCLUSIONS OF LAW:

Every claim bill must be based on facts sufficient to meet the preponderance of evidence standard. With respect to this claim bill, which is based on a negligence claim, the claimant proved that the state had a duty to the claimant, the state breached that duty, and that the breach caused the claimant's damages.

Duty

The Department of Children and Families had a duty pursuant to exercise reasonable care when placing a child involved in child-on-child sexual abuse or sexual assault in substitute care; to provide caregivers of children with sexual aggression and sexual abuse with written, detailed and complete information of the child's history; to establish appropriate safeguards and strategies to protect all children living in the foster or temporary care; to ensure the foster family is properly trained and equipped to meet the serious needs of the foster child; and to exercise reasonable care under the circumstances.

Breach

A preponderance of the evidence establishes that DCF breached its duties by failing to follow its governing statutes, rules, and internal operating procedures by:

- Placing J.W., a known sexually aggressive, severely emotionally disturbed, and dangerous child in the Hann home without legal authority and in direct conflict with recommendations of DCF service providers that J.W. not have access to young children;
- Failing to ensure that Mr. and Mrs. Hann were duly licensed and trained as required by department rule, making them capable of safely caring for a child with J.W.'s extensive needs;
- Failing to fully and completely inform the Hanns of J.W.'s history, and the risk and danger he posed to C.M.H. as required by department rule; and
- Failing to remove J.W. from the Hann home when it became clear that the placement was inappropriate and dangerous to the Hanns and C.M.H. particularly.

Causation

The sexual, physical and emotional abuse suffered by C.M.H. was the direct and proximate result of DCF's failure to fulfill its duties regarding the foster placement of a known sexually aggressive child.

Damages

At the conclusion of a 2-week trial, the jury found DCF and Mr. and Mrs. Hann each 50 percent responsible for the negligence that resulted in the injuries suffered by C.M.H. The jury awarded C.M.H. $6 million for past pain and suffering, $3.5 million for future pain and suffering, $250,000.00 for future treatment and services and $250,000.00 for future loss of earning capacity for a total award of $10 million. The department and Mr. and Mrs. Hann were each responsible for $5 million. The jury did not assess any liability for negligence against the remaining 6 defendants.

C.M.H. was initially diagnosed with post-traumatic stress disorder in 2005. Thomas N. Dikel, Ph.D., reaffirmed the diagnosis in 2010, finding that C.M.H.'s severe PTSD was cause by his "experiences of child-on-child sexual abuse, exacerbated and magnified by his mother's diagnosis of stage 4, metastatic colon cancer."

He was re-evaluated by Dr. Stephen Alexander in October 2014. Dr. Alexander found C.M.H. to continue to suffer from PTSD and major depression, but had become even more dysfunctional since his initial evaluation due to lack of services. Dr. Alexander attributed the majority of C.M.H.'s psychological trauma to this mother's illness and death; however, he did note that due to J.W.'s presence in the home during her illness, the two events have become inextricably intertwined in this psyche.

Comprehensive Rehabilitation Consultants, Inc., created a life plan for C.M.H. to determine the funds necessary to provide the support needed by C.M.H. as a direct consequence of the sexual abuse he experienced. It was determined the cost for medical, psycho-therapies, educational and support services as well as ancillary services of transportation, housing and personal items would be $2.23 million over C.M.H.'s life.

As a result of the judgment entered by the court against DCF, the state paid $100,000 (the maximum allowed under the state's sovereign immunity waiver) with the remaining $4.9 million to be paid if this claim bill is passed by the Legislature and signed into law by the Governor.

COLLATERAL SOURCES OF RECOVERY:

Father Flanagan's Boys' Home d/b/a Girls and Boys Town of South Florida (Father Flanagan) was a named defendant in the lawsuit. Father Flanagan executed a settlement agreement with Claimants on July 30, 2013, in the amount of $340,000. However, in October 2013, the jury found that Father Flanagan was not negligent for any loss, injury or damage to C.M.H.

ATTORNEYS FEES:

Claimant's attorneys have acknowledged in writing that nothing in excess of 25 percent of the gross recovery will be withheld or paid as attorneys' fees.

RECOMMENDATIONS:

The negligence of the department and the Hanns were the legal proximate cause of the damages suffered by C.M.H. However, the jury award of $9.5 million for non-economic damages or pain and suffering is not supported by the weight of the evidence. According to Dr. Alexander's October 2014 report, C.M.H. continues to suffer from PTSD but attributes a majority of C.M.H.'s psychological trauma to the illness and death of his mother. The department should not be held financially liable for C.M.H.'s psychological trauma that occurred due to the illness and death of his mother.

Damages awarded by the jury in the amount of $500,000 for future treatment and services and lost wages due to the sexual abuse are reasonable under the circumstances and are fully supported by the weight of the evidence. C.M.H. requires intensive and long-term psychotherapy, psychiatric evaluation and treatment and possible psychotropic mediations to assist him in dealing with his PTSD.

It should be noted that since receiving the settlement from Father Flanagan's in 2013, C.M.H. has only sought psychiatric treatment one time.

Accordingly, I recommend that SB 18 be reported FAVORABLY, with the amount to be paid amended to $2.5 million. The jury awarded $9.5 million ($4.75 million assessed to DCF) for past and future pain and suffering. Based on a lack of objective evidence in the record, a 50 percent reduction of DCF's obligation or $2.375 million may be a more appropriate amount to be paid for the non-economic damages. A corresponding reduction of 50 percent of DCF's share of the economic damages ($125,000) would be appropriate.

I further recommend that the funds be paid into a trust established for C.M.H. in equal installments over 10 years to pay for expenses related to education, psycho-therapies and living expenses. Any funds remaining in the trust after 10 years should be distributed in full to C.M.H.

Respectfully submitted,

Barbara M. Crosier
Senate Special Master

cc: Secretary of the Senate

CS by Appropriations on February 27, 2018:
The committee substitute reduces the settlement payment for the relief of C.M.H. to $2,639,043 to be consistent with the Special Master's recommendation. The CS appropriates $2,639,043 from the General Revenue Fund to the Department of Children and Families.

897514

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Braynon) recommended the following:

Senate Amendment (with title amendment)

Delete lines 87 - 94

and insert:

$2,639,043 for the relief of C.M.H. for the personal injuries and damages he sustained. After payment of attorney fees and costs, lobbying fees, and other similar expenses relating to this claim, the remaining funds shall be placed into an irrevocable trust created for C.M.H. for his exclusive use and benefit.

897514

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of C.M.H. in the sum of $2,639,043 upon

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

And the title is amended as follows:

Delete line 79

and insert:

amount of $2,639,043, NOW, THEREFORE,

By Senator Braynon

35-00102-18 201818__

A bill to be entitled

An act for the relief of C.M.H.; providing an appropriation to compensate C.M.H. for injuries and damages sustained as a result of the negligence of the Department of Children and Families, formerly known as the Department of Children and Family Services; requiring certain funds to be placed into an irrevocable trust; providing a limitation on attorney fees; providing an effective date.

WHEREAS, beginning at a very young age, J.W. was subjected to incidents of physical and sexual abuse, which caused him to become sexually aggressive, and

WHEREAS, on September 5, 2002, J.W., then in the custody of the Department of Children and Families (DCF), formerly known as the Department of Children and Family Services, was placed into the home of C.M.H., whose parents volunteered to have J.W. live in their home, and

WHEREAS, before the placement of J.W. with the family, DCF obtained a comprehensive behavioral health assessment that stated that J.W. was sexually aggressive and that recommended specific precautions and training for potential foster parents, which C.M.H.'s parents did not receive, and

WHEREAS, the testimony of the DCF caseworker confirmed that DCF was aware that then-10-year-old J.W. and then-8-year-old C.M.H. were sharing a bedroom, and

WHEREAS, on October 31, 2002, J.W. sexually assaulted a 4-year-old child who was visiting C.M.H.'s home, and

WHEREAS, although DCF knew that J.W. was sexually

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

35-00102-18 201818__

aggressive, the agency did not remove him from the home, and

WHEREAS, after November 2002, J.W.'s behavioral problems escalated, and he deliberately squeezed C.M.H.'s pet mouse to death in front of C.M.H. and made physical threats toward C.M.H., and

WHEREAS, C.M.H.'s parents began to discuss adopting J.W., whom they considered a part of their family, and

WHEREAS, in January 2004, the family began taking therapeutic parenting classes to better meet J.W.'s needs, and

WHEREAS, in March 2004, after C.M.H.'s mother was diagnosed with stage 4 terminal metastatic colon cancer, which had spread to her liver, C.M.H.'s father requested that DCF stop the process of having the family designated as "long-term nonrelative caregivers," and

WHEREAS, in April 2004, DCF closed out J.W.'s dependency file, leaving J.W. in the custody of the family, and

WHEREAS, in April 2005, C.M.H.'s father wrote DCF and the juvenile judge assigned to the case to request help in placing J.W. in a residential treatment facility, and

WHEREAS, on July 28, 2005, after a physical altercation between J.W. and C.M.H., C.M.H. disclosed to his parents that J.W. had sexually assaulted him, and J.W. was immediately removed from the home, and

WHEREAS, C.M.H. sustained severe and permanent psychiatric injuries, including posttraumatic stress disorder, as a result of the sexual and emotional abuse perpetrated by J.W., and

WHEREAS, the sexual assault of C.M.H. by J.W. was predictable and preventable, and

WHEREAS, on April 14, 2006, a lawsuit, Case No. 2006 CA

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

003727, was filed in the 15th Judicial Circuit in and for Palm Beach County on behalf of C.M.H., by and through his parents, alleging negligence on the part of DCF and its providers, which allowed the perpetration of sexual abuse against and the victimization of C.M.H. by J.W., and

WHEREAS, a mutually agreeable settlement could not be reached, and a jury trial was held in Palm Beach County, and

WHEREAS, on January 2, 2014, after a jury trial and verdict, the court entered a judgment against DCF for $5,176,543.08, including costs, and

WHEREAS, the Division of Risk Management of the Department of Financial Services paid the family of C.M.H. $100,000, the statutory limit at that time under s. 768.28, Florida Statutes, and

WHEREAS, C.M.H., now a young adult, is at a vulnerable stage in his life and urgently needs to recover the balance of the judgment awarded him so that his psychiatric injuries may be addressed and he may lead a normal life, and

WHEREAS, the balance of the judgment is to be paid into an irrevocable trust through the passage of this claim bill in the amount of $5,076,543.08, NOW, THEREFORE,

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

Section 1. The facts stated in the preamble to this act are found and declared to be true.

Section 2. There is appropriated from the General Revenue Fund to the Department of Children and Families the sum of $5,076,543.08 for the relief of C.M.H. for the personal injuries

and damages he sustained. After payment of attorney fees and costs, lobbying fees, and other similar expenses relating to this claim, the remaining funds shall be placed into an irrevocable trust created for C.M.H. for his exclusive use and benefit.

Section 3. The Chief Financial Officer is directed to draw a warrant in favor of C.M.H. in the sum of $5,076,543.08 upon funds of the Department of Children and Families in the State Treasury, and the Chief Financial Officer is directed to pay the same out of such funds in the State Treasury not otherwise appropriated.

Section 4. The amount paid by the Department of Children and Families pursuant to s. 768.28, Florida Statutes, and the amount awarded under this act are intended to provide the sole compensation for all present and future claims arising out of the factual situation described in the preamble to this act which resulted in the personal injuries and damages to C.M.H. The total amount of attorney fees relating to this claim may not exceed 25 percent of the amount awarded under this act.

Section 5. This act shall take effect upon becoming a law.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 80
INTRODUCER:	Banking and Insurance Committee and Senator Lee
SUBJECT:	Direct Primary Care Agreements
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	**Fav/CS**
2.	Lloyd	Stovall	HP	**Favorable**
3.	Sanders/Loe	Hansen	AP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 80 amends the Florida Insurance Code (code) to provide that a direct primary care agreement is not insurance and is not subject to regulation under the code. Direct primary care (DPC) is a primary care medical practice model that eliminates third party payers from the primary care provider-patient relationship. Through a contractual agreement, a patient pays a monthly fee, usually between $50 and $100 per individual, to the primary care provider for defined primary care services. The bill also defines DPC agreements and requires them to meet statutory requirements, including consumer disclosures. A contract that does not meet these requirements is not a DPC agreement and is not exempt from the code.

As of September 2017, 23 states have adopted DPC laws that define DPC as a medical service outside the scope of state insurance regulation.

The bill does not impact state revenues or expenditures.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Direct Primary Care

Direct primary care is a primary care medical practice model that eliminates third party payers from the provider-patient relationship.[1] Through a contractual agreement, a patient generally pays a monthly retainer fee, on average $77 per individual,[2] to the primary care provider for defined primary care services, such as office visits, preventive care, annual physical examination, and routine laboratory tests.

After paying the monthly fee, a patient can access all services under the agreement at no extra charge based on the terms of the agreement. Typically, DPC practices provide routine preventive services, screenings, or tests, like lab tests, mammograms, Pap screenings, and vaccinations. A primary care provider DPC model can be designed to address most health care issues, including women's health services, pediatric care, urgent care, wellness education, and chronic disease management.

Some of the potential benefits of the DPC model for providers include reducing patient volume, minimizing administrative and staffing expenses; increasing time with patients; and increasing revenues. In the DPC practice model, the primary care provider eliminates administrative costs associated with filing and resolving insurance claims. Direct primary care practices claim to reduce expenses by more than 40 percent by eliminating administrative staff resources associated with third-party costs.[3]

In 2014, the American Academy of Private Physicians (AAPP) estimated that approximately 5,500 physicians operate under some type of direct financial relationship with their patients outside of standard insurance coverage. According to the AAPP, that number has increased around 25 percent per year since 2010.[4] The Direct Primary Care Coalition has adopted model state legislation for DPC agreements.[5] As of September 2017, 23 states have adopted DPC legislation, which defines DPC as a medical service outside the scope of state insurance regulation.[6]

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[1] The DPC practice model is often compared to the concierge practice model. However, while both provide access to primary care services for a periodic fee, the concierge model generally continues to bill third party payers, such as insurers on a fee for service basis, in addition to the collection of membership and retainer fees. *See* Phillip M. Eskew and Kathleen Klink, *Direct Primary Care: Practice Distribution and Cost Across the Nation,* Journal of the Amer. Bd. of Family Med. (Nov.-Dec. 2015) Vol. 28, No. 6, p. 797, *available at:* http://www.jabfm.org/content/28/6/793.full.pdf (last viewed Oct 9, 2017).
[2] *Id.* A study of 141 DPC practices found the average monthly retainer fee to be $77.38. Of the 141 practices identified, 116 (82 percent) have cost information available online. The average monthly cost to the patient was $93.26 (median monthly cost, $75.00; range, $26.67 to $562.50 per month) for these 116 practices. Of the 116 DPCs noted, 36 charged a one-time enrollment fee and the average enrollment fee was $78. Twenty-eight of 116 DPCs charged a fee for office visits in addition to the retainer fee, and the average visit fee was $16.
[3] Lisa Zamosky, Direct-Pay Medical Practices Could Diminish Payer Headaches, MEDICAL ECONOMICS (Apr. 24, 2014).
[4] David Twiddy, *Practice Transformation: Taking the Direct Primary Care Route*, Family Practice Management, No. 3, (May-June 2014), *available at:* http://www.aafp.org/fpm/2014/0500/p10.html (last viewed Oct. 19, 2017).
[5] Direct Primary Care Coalition Model State Legislation, *available at* http://www.dpcare.org/dpcc-model-legislation. (last viewed Oct. 19, 2017).
[6] See https://www.dpcare.org/state-level-progress-and-issues (last viewed Oct. 19, 2017).

Federal Health Care Reform and Direct Primary Care

The federal Patient Protection and Affordable Care Act (PPACA)[7] requires health insurers to make guaranteed issue coverage available to all individuals and employers without exclusions for preexisting conditions. The PPACA also mandates that insurers that offer qualified health plans (QHPs) provide 10 categories of essential health benefits,[8] which includes preventive[9] care and other benefits.

The PPACA addresses the DPC practice model as part of health care reform.[10] Federal regulations provide that a QHP may provide coverage through a DPC medical home plan that meets criteria[11] established by the federal Department of Health and Human Services (HHS), if the plan meets all other applicable requirements.[12] For example, an individual could enroll in a DPC plan and obtain coverage through a high deductible health plan (HDHP),[13] which would provide coverage for severe injuries or chronic conditions. Such an individual may benefit from enrolling in a DPC medical home plan since it may provide greater degree of access to health care for a monthly fee that is substantially less than the annual deductible of the HDHP.

Federal Tax Treatment of Direct Primary Care

Currently, the federal tax treatment of direct primary care medical home plans may discourage the use of such plans. For an individual to be eligible to make tax-deductible contributions to a Health Savings Account (HSA), the individual must be covered by an HDHP and no other plan that is not an HDHP, unless the other plan qualifies as disregarded coverage.[14] A DPC medical home plan is not delineated as one of the disregarded coverages under the Internal Revenue Service (IRS) Code. According to the IRS, an individual would not be eligible to make tax-deductible contributions to an HSA while covered by both a HDHP and a DPC medical home plan, unless the DPC plan provided preventive care only.[15] Further, the IRS Code does not permit the periodic payments made to primary care physicians under a DPC model to qualify as a medical expense.[16] Federal legislation is pending to address these issues.[17]

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[7] Pub. Law No. 111-148 (Mar. 23, 2010) amended by Pub. Law. No. 111-152 (Mar. 30, 2010).
[8] 42 U.S.C. s. 18022.
[9] Available at: https://www.hhs.gov/healthcare/about-the-law/preventive-care/index.html# (last viewed Oct. 19, 2017).
[10] *See* 42 U.S.C. ss. 18021. The Secretary of Health and Human Services shall permit a qualified health plan to provide coverage through a qualified direct primary care medical home plan that meets criteria established by the Secretary, so long as the qualified health plan meets all requirements that are otherwise applicable and the services covered by the medical home plan are coordinated with the entity offering the qualified health plan.
[11] The HHS has not adopted criteria to date.
[12] *See* 45 C.F.R. 156.245.
[13] A high deductible health plan (HDHP) has a higher deductible than typical plans and a maximum limit on the amount of the annual deductible and out-of-pocket medical expenses an insured must pay for covered services. In 2017, for self-only coverage, the annual minimum deductible is $1,300 and the maximum is $6,550. An HDHP may provide preventive care benefits without a deductible or with a deductible less than the minimum annual deductible. See https://www.irs.gov/publications/p969#en_US_2016_publink1000204030 (last viewed Oct. 19, 2017).
[14] 26 U.S.C. s. 223(c).
[15] *See* U.S. Department of Treasury letter from John A. Koskinen, Commissioner of the Internal Revenue Service, to U.S. Senator Patty Murray (Jun. 30, 2014) (on filed with Senate Committee on Banking and Insurance).
[16] *See* 26 U.S.C. s. 213(d).
[17] The Primary Care Enhancement Act of 2017 available at https://www.congress.gov/bill/115th-congress/house-bill/365/text (last viewed Oct. 19, 2017).

State Regulation of Insurance

The Office of Insurance Regulation (OIR) licenses and regulates the activities of insurers, health maintenance organizations (HMOs), and other risk-bearing entities. These specified entities must meet certain requirements for licensure. The Agency for Health Care Administration (AHCA) establishes quality of care standards for HMOs and prepaid health clinics under part III of ch. 641, F.S. Before receiving a certificate of authority from the OIR, a HMO and a prepaid health clinic must receive a Health Care Provider Certificate[18] from the AHCA pursuant to part III of ch. 641, F.S.[19]

Currently, Florida law does not address DPC agreements. However, a medical provider offering DPC agreements may be considered to be operating a prepaid health clinic if the medical provider is offering to provide services in exchange for a prepaid fixed fee.[20]

Prepaid Health Clinics

Prepaid health clinics[21] are required to obtain a certificate of authority from the OIR pursuant to part II of ch. 641, F.S. The entity must meet minimum surplus requirements[22] and comply with solvency protections for the benefit of subscribers by securing insurance or filing a surety bond with the OIR.[23] Part II also provides that the procedures for offering basic services and offering and terminating contracts to subscribers may not unfairly discriminate based on age, health, or economic status.[24]

Prepaid Limited Health Services Organizations

Prepaid limited health services organizations provide limited health services to enrollees through an exclusive panel of providers in exchange for a prepayment authorized under ch. 636, F.S. Limited health services includes ambulance, dental, vision, mental health, substance abuse, chiropractic, podiatric, and pharmaceutical. Provider arrangements for prepaid limited health service organizations are authorized in s. 636.035, F.S. These organizations must comply with the requirements of s. 636.035, F.S., obtain a certificate of authority from the OIR,[25] and meet the minimum solvency requirements. The statute allows organizations to meet the solvency

[18] Section 641.49, F.S.
[19] Section 641.48, F.S., provides that the purpose of part III of ch. 641, F.S., is to ensure that HMOs and prepaid health clinics deliver high-quality care to their subscribers.
[20] Part II of ch. 641, F.S.
[21] Section 641.402, F.S., defines the term, "prepaid health clinic," to mean any organization authorized under part II that provides, either directly or through arrangements with other persons, basic services to persons enrolled with such organization, on a prepaid per capita or prepaid aggregate fixed-sum basis, including those basic services which subscribers might reasonably require to maintain good health. However, no clinic that provides or contracts for, either directly or indirectly, inpatient hospital services, hospital inpatient physician services, or indemnity against the cost of such services shall be a prepaid health clinic.
[22] Section 641.406, F.S.
[23] Section 641.409, F.S.
[24] Section 641.406, F.S.
[25] Section 636.007, F.S.

component through evidence of a fidelity bond of at least $50,000 or the deposit of an equal amount in cash or securities with the OIR.[26]

State Regulation of Health Care Practitioners

The Department of Health (DOH) is responsible for the licensure and regulation of most health care practitioners in the state. In addition to the regulatory authority in specific practice acts for each profession or occupation, ch. 456. F.S., provides the general regulatory provisions for health care professions within the DOH through the Division of Medical Quality Assurance.

Section 456.001, F.S., defines "health care practitioner" as any person licensed under chs. 457 (acupuncture); 458 (medicine); 459 (osteopathic medicine); 460 (chiropractic medicine); 461 (podiatric medicine); 462 (naturopathic medicine); 463 (optometry); 464 (nursing); 465 (pharmacy); 466 (dentistry and dental hygiene); 467 (midwifery); 478 (electrology or electrolysis); 480 (massage therapy); 484 (opticianry and hearing aid specialists); 486 (physical therapy); 490 (psychology); 491 (psychotherapy); F.S., or parts III or IV of ch. 483 (clinical laboratory personnel or medical physics), F.S.

Additionally, the miscellaneous professions and occupations regulated in parts I, II, III, V, X, XIII, or XIV (speech-language pathology and audiology; nursing home administration; occupational therapy; respiratory therapy; dietetics and nutrition practice; athletic trainers; and orthotics, prosthetics, and pedorthics) of ch. 468, F.S., are considered health care practitioners under s. 456.001, F.S.

III. Effect of Proposed Changes:

Section 1 creates s. 624.27, F.S., to expressly exempt DPC agreements from the Florida Insurance Code. The section provides that the act of entering into a DPC agreement does not constitute the business of insurance and is not subject to the Florida Insurance Code. A primary care provider or an agent of a primary care provider is not required to obtain a certification of authority or license under any chapter of the Florida Insurance Code, in order to market, sell, or offer to sell a DPC agreement.

To qualify for the exemption, a direct primary care agreement must meet the following minimum requirements and disclosures:

- Be in writing and signed by the provider or the provider's agent and the patient, the patient's legal representative, or the patient's employer;
- Allow a party to terminate the agreement with 30 days' advance written notice and provide for the immediate termination of the agreement if the physician-patient relationship is violated or a party breaches the terms of the agreement;
- Describe the scope of primary care services covered by the monthly fee;

[26] Section 636.046, F.S., provides the statutory requirements for insolvency protection for prepaid limited health service organizations, including the minimum market value of the deposit with the OIR for insolvency protection of $50,000. The options to provide the $50,000 through a blanket fidelity bond, cash, securities or other investments can be found on the *Office of Insurance Regulation Company Admissions, Application for Certificate of Authority, Prepaid Limited Health Service Organization Application, Section III-4 Insurance,* which is at, https://www.floir.com/siteDocuments/plhso_all_forms.pdf (last visited Oct. 19, 2017).

- Specify the monthly fee and any fees for primary care services not covered by the monthly fee;
- Specify the duration of the agreement and any automatic renewal provisions;
- Offer a refund of monthly fees paid in advance if the provider ceases to offer primary care services for any reason; and
- Contain the following statements in contrasting color and 12-point or larger type on the same page as the applicant's signature:
  - "This agreement is not health insurance, and the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement of any primary care services covered by this agreement."
  - "This agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the federal Patient Protection and Affordable Care Act, 26 U.S.C. s. 5000A."
  - "This agreement is not workers' compensation insurance and does not replace an employer's obligations under ch. 440, F.S."

Further, the section defines the following terms:

- "Direct primary care agreement" means a contract between a primary care provider and a patient, the patient's legal representative, or an employer which must satisfy the requirements regarding contract terms and disclosures within subsection (4) of the bill and does not indemnify for services provided by a third party.
- "Primary care provider" means a licensed health care practitioner under ch. 458, F.S., (medical doctor or physician assistant); ch. 459, F.S., (osteopathic doctor or physician assistant); ch. 460, F.S., (chiropractic physician); or ch. 464, F.S., (nurses and advanced registered nurse practitioners); or a primary care group practice, who provides primary care services to patients.
- "Primary care services" means the screening, assessment, diagnosis, and treatment conducted within the competency and training of the primary care provider for the purpose of promoting health or detecting and managing disease or injury.

Section 2 provides that the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

This bill removes regulatory uncertainty for health care providers by stating that the direct primary care agreement is not insurance, and as a result, the OIR does not regulate the agreements. This statutory change eliminates a long-standing concern regarding part II of ch. 641, F.S., which requires licensure and regulation of prepaid health clinics. Currently, that section of the code is unclear about the treatment of these types of arrangements with providers. To date, the OIR has not licensed any direct primary care providers under part II to provide such services.

Additional primary care providers may elect to pursue a direct primary care model and establish direct primary care practices that may increase patients' access to affordable primary care services.

Many individuals have high deductible policies and must meet a significant out of pocket cost to access many types of medical care. The DPC agreements may provide a less expensive option for accessing certain services. For many patients, the greater use of direct primary care agreements may decrease reliance on emergency rooms as a source of routine care.

C. Government Sector Impact:

The Department of Management Services (including the Division of State Group Insurance),[27] the Agency for Health Care Administration,[28] the Department of Health,[29] and the Office of Insurance Regulation[30] report no direct impacts to their respective agencies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The OIR notes that the direct primary care contract is required to offer a refund if the primary care provider ceases to provide primary care services for any reason. However, the legislation

[27] Florida Department of Management Services, *Analysis of SB 80* (Oct. 4, 2017) (on file with the Senate Committee on Banking and Insurance).
[28] Agency for Health Care Administration, *2018 No Agency Impact Statement* (Oct. 17, 2017) (on file with the Senate Committee on Health Policy).
[29] Florida Department of Health, *E-Mail Communication from Paul Runk – No Fiscal Impact* (Oct. 17, 2017) (on file with the Senate Committee on Health Policy).
[30] Office of Insurance Regulation, *2018 Agency Legislative Bill Analysis* (Oct. 18, 2017) (on file with the Senate Appropriations Subcommittee on General Government).

does not require any collateral be posted for the refund payments such as a surety bond. Therefore, there is some risk to consumers potentially that they may not receive their refunds if a provider ceases to provide services in the future.[31]

VIII. Statutes Affected:

This bill creates section 624.27 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 Banking and Insurance on October 10, 2017:
The CS places the direct primary care contracting requirements within the Florida Insurance Code, rather than in ch. 456, F.S.

B. Amendments:

None.

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

[31] The Florida Office of Insurance Regulation, *2018 Agency Bill Analysis – CS/SB 80* (Oct. 17, 2017) (on file with the Senate Committee on Health Policy).

By the Committee on Banking and Insurance; and Senator Lee

597-00751-18 201880c1

A bill to be entitled

An act relating to direct primary care agreements; creating s. 624.27, F.S.; providing definitions; specifying that a direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code; specifying that entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the code; providing that a certificate of authority or a license under the code is not required to market, sell, or offer to sell a direct primary care agreement; specifying requirements for a direct primary care agreement; providing an effective date.

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

Section 1. Section 624.27, Florida Statutes, is created to read:

624.27 Direct primary care agreements; exemption from code.—

(1) As used in this section, the term:

(a) "Direct primary care agreement" means a contract between a primary care provider and a patient, a patient's legal representative, or a patient's employer, which meets the requirements of subsection (4) and does not indemnify for services provided by a third party.

(b) "Primary care provider" means a health care provider licensed under chapter 458, chapter 459, chapter 460, or chapter 464, or a primary care group practice, who provides primary care

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

597-00751-18 201880c1

services to patients.

(c) "Primary care services" means the screening, assessment, diagnosis, and treatment of a patient conducted within the competency and training of the primary care provider for the purpose of promoting health or detecting and managing disease or injury.

(2) A direct primary care agreement does not constitute insurance and is not subject to the Florida Insurance Code. The act of entering into a direct primary care agreement does not constitute the business of insurance and is not subject to the Florida Insurance Code.

(3) A primary care provider or an agent of a primary care provider is not required to obtain a certificate of authority or license under the Florida Insurance Code to market, sell, or offer to sell a direct primary care agreement.

(4) For purposes of this section, a direct primary care agreement must:

(a) Be in writing.

(b) Be signed by the primary care provider or an agent of the primary care provider and the patient, the patient's legal representative, or the patient's employer.

(c) Allow a party to terminate the agreement by giving the other party at least 30 days' advance written notice. The agreement may provide for immediate termination due to a violation of the physician-patient relationship or a breach of the terms of the agreement.

(d) Describe the scope of primary care services that are covered by the monthly fee.

(e) Specify the monthly fee and any fees for primary care

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

services not covered by the monthly fee.

(f) Specify the duration of the agreement and any automatic renewal provisions.

(g) Offer a refund to the patient, the patient's legal representative, or the patient's employer of monthly fees paid in advance if the primary care provider ceases to offer primary care services for any reason.

(h) Contain, in contrasting color and in at least 12-point type, the following statement on the signature page: "This agreement is not health insurance and the primary care provider will not file any claims against the patient's health insurance policy or plan for reimbursement of any primary care services covered by the agreement. This agreement does not qualify as minimum essential coverage to satisfy the individual shared responsibility provision of the Patient Protection and Affordable Care Act, 26 U.S.C. s. 5000A. This agreement is not workers' compensation insurance and does not replace an employer's obligations under chapter 440, Florida Statutes."

Section 2. This act shall take effect July 1, 2018.

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

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Senate Committee on Appropriations

Subject: Committee Agenda Request

Date: November 8th, 2017

I respectfully request that **Senate Bill #80**, relating to **Direct Primary Care**, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Tom Lee
Florida Senate, District 20

File signed original with committee office

S-020 (03/2004)

412 K
11:00 Am

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 80
Bill Number (if applicable)

Topic DIRECT PRIMARY CARE AGREEMENTS

Amendment Barcode (if applicable)

Name STEPHEN R. WINN

Job Title EXECUTIVE DIRECTOR

Address 2544 BLAIRSTONE PINES DRIVE
Street

Phone 878-7364

TALLAHASSEE FL 32301
City *State* *Zip*

Email

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

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

Representing FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

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

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

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

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

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

SB 80

Bill Number (if applicable)

Topic Direct Primary Care

Amendment Barcode (if applicable)

Name Alexander Snitker

Job Title

Address 9854 SR 54

Street

Phone 813-315-0513

New Port Richey FL 34655

City *State* *Zip*

Email alex@libertyfirstnetwork.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

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

Representing Liberty First Network

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ ~~No~~

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

80
Bill Number (if applicable)

Topic Direct Primary Care

Amendment Barcode (if applicable)

Name Paul Lambert

Job Title

Address 263 Rosehill Drive N.
Street
Tallahassee FL 32312
City *State* *Zip*

Phone 850 597-2696

Email plambert@paullambertlaw.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chiropractic Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

80
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Chris Nuland

Job Title _____

Address 1000 Riverside Ave
Street

Jacksonville, FL 32204
City *State* *Zip*

Phone 904-233-3051

Email nulandlaw@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chapter, American College of Physicians

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)

2/27/18
Meeting Date

SB 80
Bill Number (if applicable)

Topic Direct Primary Care

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 East Jefferson Street
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-445-5367

Email tim.nungesser@nfib.org

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

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

Representing National Federation of Independent Business

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)

2/27/18
Meeting Date

80
Bill Number (if applicable)

Topic Direct Primary Care

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

Address 3738 Mundon Way
Street
Tallahassee FL 32309
City *State* *Zip*

Phone 850 567-1202

Email watson.strategies@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Chiropractic Physician 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/17
Meeting Date

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

SB 80
Bill Number (if applicable)

Topic Direct Primary Care Agreements

Amendment Barcode (if applicable)

Name Alexandra Abboud

Job Title Governmental Affairs Liaison

Address 118 E Jefferson St
Street
Tallahassee FL 32301
City *State* *Zip*

Phone (850)224-1089

Email aabboud@floridadental.org

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

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

Representing The Florida Dental Association

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

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

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

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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)

2/27
Meeting Date

SB 80
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Direct Primary Care

Name Aimee Diaz Lyon

Job Title

Address 119 South Monroe Street suite 200
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-205-9000

Email aimee.diazlyon@mhdhlm.com

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

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

Representing Florida Academy of Family Physicians

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

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

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

80
Bill Number (if applicable)

Topic Direct Primary Care

Amendment Barcode (if applicable)

Name Andrew Hosek

Job Title Analyst

Address 200 W College
Street

Tallahassee FL
City *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

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)

2/27
Meeting Date

80
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Sal Nuzzo

Job Title VP Policy

Address 100 N Duval Street
Street
Tallahassee FL 32301
City *State* *Zip*

Phone 850-322-9941

Email snuzzo@jamesmadison.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing The James Madison Institute

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/SB 138 (944342)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); and Senator Book and others
SUBJECT:	Perinatal Mental Health
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	**Favorable**
2.	Loe	Williams	AHS	**Recommend: Fav/CS**
3.	Loe	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 138 directs the Department of Health (DOH) to establish two toll-free perinatal mental health care hotlines by January 1, 2019 – one accessible to the public and one for health care providers. The public hotline must provide basic information on postpartum depression and perinatal care and may refer the caller to a local qualified provider. The health care provider hotline must provide information to assist a provider in addressing the mental health of pregnant or postpartum patients. The DOH must encourage obstetrical and mental health providers to attend continuing education on perinatal mental health care. The DOH must create public service announcements on perinatal mental health care that include the telephone number of the perinatal mental health care public hotline.

The bill expands the statutory responsibilities of birth centers and hospitals to require additional infant and maternal postpartum evaluations and follow-up, including a maternal mental health assessment, information on postpartum depression, and the telephone number of the DOH public perinatal mental health care hotline.

To implement its responsibilities under the bill, the DOH estimates it will need $1,156,520 from the General Revenue Fund in Fiscal Year 2018-2019, of which $854,700 is nonrecurring. The bill provides a supplemental appropriation of $1,156,520 from the General Revenue Fund, of which $854,700 is nonrecurring, for the DOH to implement the provisions of the bill.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Perinatal Mental Health Care and Child Birth

Perinatal Anxiety Disorders

There are four major mood and anxiety disorders that may affect women in the perinatal period:
- Bipolar Disorder (formerly Manic Depressive Disorder);
- Panic Disorder;
- Obsessive Compulsive Disorder; and
- Depression.[1]

Depression interferes with daily life and may last for weeks or months. Depression is a common and serious illness. A recent survey conducted by the United States Centers for Disease Control and Prevention (CDC) showed that about one in ten reproductive age women between the ages of 18 to 44 experienced symptoms of major depression.[2] Most women, even those with the most severe forms of depression, can get better with treatment.[3]

Recent studies suggest that approximately 10 to 16 percent of women experience clinically significant depression during pregnancy.[4] Particularly vulnerable are those women with histories of psychiatric illness who discontinue psychotropic medications during pregnancy. A recent study estimated that women who discontinued medication were five times as likely to relapse as compared to women who maintained treatment.[5]

While depression can occur among women with a healthy pregnancy and birth, the following experiences may put some women at a higher risk for perinatal depression:
- Symptoms of depression during or after a previous pregnancy;
- History of depression or bipolar disorder;
- Family history of depression;

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[1] Altshuler, M.D., Lori L., Hendrick, M.D., Victoria & Cohen, M.D., Lee S., *An Update on Mood and Anxiety Disorders During Pregnancy and the Postpartum Period*, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC181144/pdf/i1523-5998-002-06-0217.pdf (last visited Jan. 8, 2018).

[2] Journal of Women's Health, *Depression and treatment among U.S. pregnant and nonpregnant women of reproductive age, 2005-2009* (August 21, 2012), *available at* https://www.ncbi.nlm.nih.gov/pubmed/22691031 (last visited Jan. 9, 2018); Centers for Disease Control and Prevention, *Depression Among Women*, (Dec. 13, 2017), *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited January 8, 2018).

[3] *See Supra* note 3.

[4] Massachusetts Center for Women's Mental Health, *Depression During Pregnancy is Often Not Treated*, (Feb. 10, 2007), *available at* https://womensmentalhealth.org/posts/depression-during-pregnancy-is-often-not-treated/ (last visited Jan. 8, 2018); Florida Department of Health, *After Pregnancy*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last viewed Jan. 9, 2018); *See also Supra* note 2. This United States Centers for Disease Control and Prevention funded study indicated that 12 to 16 percent of new mothers experience postpartum depression.

[5] New Research, Psychiatric Disorders During Pregnancy, by Massachusetts Center for Women's Mental Health, *Relapse of Major Depression during Pregnancy* (April 22, 2006) *available at* https://womensmentalhealth.org/posts/243/ (last visited Jan. 8, 2018).

- Stressful event before, during, or shortly after childbirth such as job loss, death of a loved one, domestic violence, or personal illness;
- Medical complications during childbirth such as premature delivery or an infant with medical problems;
- Mixed emotion about pregnancy;
- Lack of emotional support from a spouse, partner, family, or friend; or
- Alcohol or drug abuse problems.[6]

Postpartum Blues vs. Depression

The "postpartum blues," or "baby blues," are common feelings experienced by approximately 75 to 80 percent of women in the first 10 days following childbirth. Symptoms include mood swings, crying spells, and feelings of sadness, fear, anger, irritability, or anxiety and usually go away within a few days to one to two weeks after childbirth.[7]

Postpartum depression is a major depressive episode that affects women after childbirth and commonly occurs within one and four weeks of delivery.[8] Postpartum depression can affect any woman regardless of age, race, ethnicity, or economic status.[9] Postpartum depression causes women to experience more intense feelings of depression and intensified feelings of sadness, fear, anger, anxiety, or despair that prevents them from being able to perform their activities of daily living.[10] Postpartum depression may begin shortly before or any time after childbirth. Postpartum depression commonly begins one to four weeks after childbirth[11] and can persist up to a year or more after giving birth.[12] Postpartum depression usually requires treatment due to the severity of symptoms.[13]

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[6] National Institute of Mental Health, *Postpartum Depression Facts* https://www.nimh.nih.gov/health/publications/postpartum-depression-facts/postpartum-depression-brochure_146657.pdf (last visited Jan. 9, 2018).

[7] Florida Department of Health, After Pregnancy, *The "Baby Blues" and Postpartum Depression, available at* http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last visited Jan. 9, 2018); United States Centers for Disease Control and Prevention, *Depression Among Women,* (Dec. 13, 2017) *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited Jan. 8, 2018); Fitelson, E; Kim, Sarah; Scott-Baker, A.; and Leicht, K; International Journal of Women's Health, *Treatment of postpartum depression: clinical, psychological and pharmacological options,* (Dec. 30, 2010) *available at* https://www.ncbi.nlm.nih.gov/pubmed/?term=Leight%20K%5BAuthor%5D&cauthor=true&cauthor_uid=21339932 (last visited Jan. 9, 2018).

[8] American Psychiatric Association*; Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Washington DC, 1994, p. 386.

[9] *See supra* note 10.

[10] United States Centers for Disease Control and Prevention, *Maternal Depression,* (May 23, 2017) *available at* https://www.cdc.gov/features/maternal-depression/index.html (last visited Jan. 9, 2018).

[11] *See supra* note 10; *see also* Fitelson, E; Kim, Sarah; Scott-Baker, A.; and Leicht, K; International Journal of Women's Health, *Treatment of postpartum depression: clinical, psychological and pharmacological options* (Dec. 30, 2010), *available at* https://www.ncbi.nlm.nih.gov/pubmed/?term=Leight%20K%5BAuthor%5D&cauthor=true&cauthor_uid=21339932 (last visited Jan. 9, 2018).

[12] Fitelson, E; Kim, Sarah; Scott-Baker, A.; and Leicht, K; International Journal of Women's Health, *Treatment of postpartum depression: clinical, psychological and pharmacological options,* (Dec. 30, 2010) *available at* https://www.ncbi.nlm.nih.gov/pubmed/?term=Leight%20K%5BAuthor%5D&cauthor=true&cauthor_uid=21339932 (last visited Jan. 9, 2018).

[13] United States Centers for Disease Control and Prevention, *Depression Among Women,* (Dec. 13, 2017) *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited Jan. 8, 2018).

Regulation of Perinatal Mental Health Care and Child Birth Settings

The Department of Children and Families (DCF), the Agency for Healthcare Administration (AHCA), and the DOH have responsibilities related to the regulation and delivery of perinatal mental health care and childbirth. The DCF evaluates, researches, plans, and recommends to the Governor and the Legislature programs designed to reduce the occurrence, severity, duration, and disabling aspects of mental, emotional, and behavioral disorders.[14] The DCF oversees and contracts for the delivery of mental health services funded with certain federal and state funds through the Substance Abuse and Mental Health (SAMH) program office. The AHCA regulates hospitals and birthing centers.[15]

The DOH is responsible for the state's public health system[16] and is the agency designated by the Legislature to administer and provide maternal and child health services.[17]

The DOH does not provide or perform mental health services.[18] The DOH, through its county health departments and other state programs, refer clients in need of mental health services to providers in local areas[19] and though its website provides information on the "baby blues" and postpartum depression.[20]

The DOH contracts for the provision of a toll-free Family Health Line[21] to provide consumers with information on community resources, pregnancy, prenatal care, childbirth, breastfeeding, family planning, infant and toddler care, parenting, smoking cessation, substance abuse and the Medicaid Family Planning Waiver Program. In 2016, the Family Health Line received 10,011 calls.[22,23]

Childbirth Settings

The Legislature has recognized the need for a person to have the freedom to choose the manner, cost, and setting for childbirth.[24] A woman may choose three settings for childbirth: at home, at a licensed birthing center, or at a hospital.[25]

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[14] Section 394.453, F.S.
[15] Sections 395.003 and 383.301, F.S.
[16] Section 381.001, F.S.
[17] Section 383.011, F.S. *See also* Department of Health, *Programs and Services*, http://www.floridahealth.gov/programs-and-services/index.html, (last visited Jan. 9, 2018). Some of the programs the DOH administers or provides to mothers and children include Breastfeeding, Birth Certificates, Children's Medical Services (CMS), Florida's Children's Medical Services Managed Care Plan, Drowning Prevention, Early Steps, Healthy Start, Kid Care, Lead Poisoning, Newborn Screening, School Health Program, and the Woman, Infants, and Children (WIC) federal nutrition program.
[18] Department of Health, *Senate Bill 138 Analysis* (August 15, 2017) (on file with the Senate Committee on Health Policy).
[19] *See supra* note 22.
[20] Department of Health, *After Pregnancy*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last viewed Jan. 9, 2018).
[21] Department of Health, *Family Health Line*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/family-health-line.html (last visited Jan. 9, 2018).
[22] *See supra* note 22; the hotline costs $17,532.62 per month or $210,391 per year.
[23] *See supra* note 26.
[24] *See* s. 467.002, F.S.
[25] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.

The home delivery setting for childbirth is not regulated like birthing centers and hospitals, but the practices of physicians, physician assistants (PAs),[26] Advanced Registered Nurse Practitioners (ARNPs), Certified Nurse Midwives (CNMs), and Licensed Midwives (LMs) who may attend a woman during a home delivery, are licensed and regulated by the DOH.[27]

A licensed physician may attend any birth in any setting, including home delivery, if he or she can do so with reasonable skill and safety, and within the standard of care.[28] A physician may also delegate any delivery to his or her PA.[29] There are no specific laws or administrative rules that address the required perinatal care required for a patient choosing home delivery by physicians and PAs.[30]

Section 464.012(4)(b), F.S., permits an ARNP-CNM to perform a postpartum examination to the extent authorized by an established protocol with a supervising physician, but does not specify that a perinatal mental health assessment is to be included in that examination or at any time during the perinatal period for a home delivery.

Licensed birth centers are places outside of the home or hospital where women with normal, uncomplicated, low risk pregnancies may choose to deliver their babies.[31] Sections 383.330 through 383.335, F.S., establish minimum standards of care for birth centers.[32] Birth centers are licensed by the AHCA, but the clinical staff of the birth centers must be physicians, ARNP-CNMs, or LMs licensed and regulated by the DOH.

In order for a pregnant woman to be accepted for childbirth by a licensed birth center, she must be initially determined to be at low maternal risk and be regularly evaluated throughout the pregnancy to assure that she remains at low risk for poor pregnancy outcomes.[33] The woman must receive specific prenatal,[34] intrapartum,[35] and postpartum care,[36] but regulatory rules do not include specific mental health screening or education for prenatal or postpartum depression.

The mother and infant must be discharged from the licensed birth center within 24 hours of birth except under unusual circumstances.[37] A postpartum examination of the mother is required to be performed within 72 hours after delivery and must include, at a minimum:

- Interval history;
- Blood pressure measurement; and
- Observation of the breasts, perineum, and abdomen.[38]

[26] *See* ss. 458.347 and 459.022, F.S.
[27] *See supra* note 31.
[28] *See* ss. 458.347 and 459.022, F.S
[29] *See* ss. 458.347 and 459.022, F.S. See also Rules 64B8-30.001 and 64B15-6.001, F.A.C.
[30] *See* chs. 458 and 459, F.S., and Rules 64B8-9 and 64B15-14, F.A.C.
[31] Section 383.302(2), F.S.
[32] Section 383.309(1), F.S.
[33] Rule 59A-11.009, F.A.C.
[34] Rule 59A-11.012, F.A.C.
[35] Rule 59A-11.013, F.A.C.
[36] Rule 59A-11.016, F.A.C.
[37] Section 383.318, F.S., and Rule 59A-11.016(6), F.A.C.
[38] Rule 59A-11.016(6), F.A.C.

A second postpartum examination is required at four to six weeks postpartum that includes all of the above, and:

- Weight measurement;
- Hemoglobin or hematocrit measurement; and,
- A bi-manual pelvic examination.[39]

The mother must also be counseled at some point during the postpartum period regarding:

- Breast feeding;
- Perineal care;
- Family planning;
- Signs of common complications;
- Activities and exercises;
- Sex relations;
- Care and feeding of the newborn; and
- Changing family relationships.[40]

None of the required postpartum examinations or counseling for mothers utilizing licensed birth centers require any type of mental health screening or education on postpartum depression. However, if complications occur during the postpartum period, which could include postpartum depression, a consultation or referral must be made to the appropriate source for secondary or tertiary care.[41]

Hospitals are regulated by the AHCA under ch. 395, F.S. Within the context of the bill, the only statutory requirement for a hospital providing birthing services is that women using the facility for childbirth must receive instruction on newborn care concerning safe sleep practices and possible causes of Sudden Unexpected Infant Death (SUID).[42] There are no other statutory or administrative requirements that a hospital providing birthing services require its medical staff to perform any type of postpartum mental health assessment, follow-up care, or postpartum depression education.

III. Effect of Proposed Changes:

Section 1 cites the act as the "Florida Families First Act."

Section 2 creates s. 383.014, F.S., direct the DOH to establish, by January 1, 2019, and maintain two perinatal mental health care toll-free hotlines – one accessible to the public and one for health care providers as defined in s. 408.07, F.S.[43] The hotline for public access:

- Provides basic information on postpartum depression and perinatal care;

[39] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[40] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[41] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[42] Section 395.1053, F.S.
[43] Section 408.07(25), F.S., defines *health care providers* as those licensed under chs. 458 (allopathic doctor & PA), 459 (osteopathic doctor & PA), 460 (chiropractor), 461(podiatrist), 463 (optometrist), 464 (nurses), 465 (pharmacist), 466 (dentist and hygienist), 483, 484, 486, 490, 491, or 468, parts I (speech & language pathologists & audiologists), III (occupational therapists), IV (radiological technicians), V (respiratory therapists), or X (dietician and nutritionist).

- May recommend that the caller or patient be further evaluated by a qualified health care provider; and
- May refer a caller or patient to an appropriate health care provider in the caller's or patient's local area.

The hotline for health care providers must:
- Provide information to assist health care providers in addressing the mental health of a pregnant or postpartum patient;
- Maintain and offer contact information for health care providers throughout the state who have experience in caring for pregnant or postpartum patients; and
- Compile resources to encourage the efficient and coordinated care of pregnant or postpartum patients.

The bill requires the DOH to create public service announcements (PSAs) to educate the public on perinatal mental health care. The PSAs must include the telephone number of the public perinatal mental health care hotline.

The DOH must also encourage mental health care providers, and health care providers who conduct postpartum evaluations or treat postpartum patients, to attend continuing medical education courses on perinatal mental health care.

Section 3 amends s. 383.318, F.S., to require licensed birth centers to provide the following additional postpartum services and follow-up care:
- A maternal postpartum assessment that includes mental health screening;
- Information on postpartum depression; and
- The telephone number of the public perinatal mental health care hotline.

Section 4 amends s. 395.1053, F.S., to require hospitals providing birthing services to provide similar postpartum education and care services as birthing centers, including:
- Physical examination of the infant;
- Metabolic screening tests required by s. 383.14, F.S.;[44]
- Referral to sources for pediatric care;
- Maternal postpartum assessment that incorporates mental health screening;
- Information on postpartum depression and the telephone number of the perinatal mental health care hotline established in s. 383.014, F.S.;
- Instruction in child care, including immunization and breastfeeding, in addition to information on safe sleep practices and possible causes of Sudden Unexpected Infant Death;
- Family planning services; and
- Referral to secondary or tertiary care, as indicated.

[44] Section 383.14, F.S., requires the DOH to screen newborns for metabolic disorders before becoming one week of age. Currently the DOH screens for 53 total conditions. Department of Health, *Newborn Screening*, http://www.floridahealth.gov/programs-and-services/childrens-health/newborn-screening/index.html (last visited Jan. 8, 2018). Babies born in a hospital must be tested for metabolic disorders between 24 and 48 hours after birth. Babies discharged before 24 hours after birth must be tested before discharge, and again between 24 hours and five days after birth. Rule 64C-7.002, F.A.C.

Section 5 provides the bill takes effect July 1, 2018.

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:

Women who are experiencing, or may experience, perinatal mental health issues will potentially benefit if they avail themselves to the services contemplated by the bill.

Hospitals and birthing centers may incur additional costs due to the mandated evaluations and follow-up care, which will likely be billed to patients, insurers, and Medicaid.

C. Government Sector Impact:

This bill requires the DOH to establish and maintain two telephone hotlines– one for the public and one for health care providers. The DOH estimates that the cost of operating the two hotlines, producing public service announcements, and developing promotional and educational materials will be $1,156,520 from the General Revenue Fund in Fiscal Year 2018-2019, of which $854,700 is nonrecurring.[45]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[45] *See supra* note 22.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 383.318 and 395.1053.

The bill creates section 383.014 of the Florida Statutes.

The bill creates one undesignated section of law.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Health and Human Services on January 24, 2018:
The committee substitute provides a supplemental appropriation of $1,156,520 from the General Revenue Fund, of which $854,700 is nonrecurring, for the DOH to implement the provisions of the bill.

B. Amendments:

None.

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

944342

576-02403-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to perinatal mental health; providing a short title; creating s. 383.014, F.S.; requiring the Department of Health to establish and maintain a toll-free hotline accessible to the general public and a toll-free hotline accessible to health care providers; requiring the department to create public service announcements to educate the public on perinatal mental health care; requiring the department to encourage certain health care providers to attend continuing medical education courses on perinatal mental health care; amending s. 383.318, F.S.; revising components that are included in the postpartum evaluation and followup care provided by birth centers to include a mental health screening and the provision of certain information on postpartum depression; amending s. 395.1053, F.S.; requiring hospitals that provide birthing services to provide the same postpartum evaluation and followup care that is required to be provided by birth centers; providing an appropriation, providing an effective date.

WHEREAS, the Alachua County Perinatal Mental Health Coalition released its 2017 Maternal Mental Health Needs Assessment, which found that perinatal mental illness is the leading health complication related to pregnancy and birth, and

WHEREAS, as many as 1 in 5 mothers nationally will

944342

576-02403-18

experience Perinatal Mood and Anxiety Disorder (PMD), and

WHEREAS, as many as 1 in 10 fathers will also experience symptoms of PMD, and

WHEREAS, Florida loses approximately $900 million annually because of the failure to recognize and treat perinatal mental illnesses, and

WHEREAS, approximately 44,000 Florida babies are born to a parent experiencing a perinatal mental illness, and those babies may experience social, emotional, and cognitive detriments if their affected parents do not have access to proper care or receive treatment, NOW, THEREFORE,

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

Section 1. This act may be cited as the "Florida Families First Act."

Section 2. Section 383.014, Florida Statutes, is created to read:

383.014 Perinatal mental health care.—By January 1, 2019, the Department of Health shall:

(1) Establish and maintain a perinatal mental health care toll-free hotline, accessible to the general public, which:

(a) Provides basic information on postpartum depression and perinatal care;

(b) May recommend that a caller or patient be further evaluated by a qualified health care provider; and

(c) May refer a caller or patient to an appropriate health care provider in the caller's or patient's local area.

(2) Establish and maintain a perinatal mental health care

provider toll-free hotline for health care providers, as defined in s. 408.07, which:

(a) Provides information to assist health care providers in addressing the mental health of a pregnant or postpartum patient;

(b) Maintains and offers the contact information of health care providers throughout the state who have experience in caring for pregnant or postpartum patients; and

(c) Compiles resources to encourage the efficient and coordinated care of pregnant or postpartum patients.

(3) Create public service announcements (PSAs) to educate the public on perinatal mental health care. The PSAs must include the telephone number of the perinatal mental health care hotline established in subsection (1).

(4) Encourage mental health care providers, and health care providers who conduct postpartum evaluations or treat postpartum patients, to attend continuing medical education courses on perinatal mental health care.

Section 3. Subsection (3) of section 383.318, Florida Statutes, is amended to read:

383.318 Postpartum care for birth center clients and infants.—

(3) The birth center shall provide a postpartum evaluation and followup care that includes all of the following ~~shall be provided, which shall include~~:

(a) Physical examination of the infant.

(b) Metabolic screening tests required by s. 383.14.

(c) Referral to sources for pediatric care.

(d) Maternal postpartum assessment that incorporates mental

health screening.

(e) Information on postpartum depression and the telephone number of the perinatal mental health care hotline established in s. 383.014.

(f) ~~(c)~~ Instruction in child care, including immunization, breastfeeding, safe sleep practices, and possible causes of Sudden Unexpected Infant Death.

(g) ~~(f)~~ Family planning services.

(h) ~~(g)~~ Referral to secondary or tertiary care, as indicated.

Section 4. Section 395.1053, Florida Statutes, is amended to read:

395.1053 Postpartum care and education.—A hospital that provides birthing services shall provide a postpartum evaluation and followup care that includes all of the following:

(1) Physical examination of the infant.

(2) Metabolic screening tests required by s. 383.14.

(3) Referral to sources for pediatric care.

(4) Maternal postpartum assessment that incorporates mental health screening.

(5) Information on postpartum depression and the telephone number of the perinatal mental health care hotline established in s. 383.014.

(6) Instruction in child care, including immunization, breastfeeding, ~~incorporate information on~~ safe sleep practices, and ~~the~~ possible causes of Sudden Unexpected Infant Death ~~into the hospital's postpartum instruction on the care of newborns~~.

(7) Family planning services.

(8) Referral to secondary or tertiary care, as indicated.

944342

576-02403-18

Section 5. For the 2018-2019 fiscal year, the sum of $1,156,520 from the General Revenue Fund, of which $854,700 is nonrecurring, is appropriated to the Department of Health for the purpose of implementing s. 383.014, Florida Statutes.

Section 6. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 138
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); and Senator Book and others
SUBJECT:	Perinatal Mental Health
DATE:	March 1, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	**Favorable**
2.	Loe	Williams	AHS	**Recommend: Fav/CS**
3.	Loe	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 138 directs the Department of Health (DOH) to establish two toll-free perinatal mental health care hotlines by January 1, 2019 – one accessible to the public and one for health care providers. The public hotline must provide basic information on postpartum depression and perinatal care and may refer the caller to a local qualified provider. The health care provider hotline must provide information to assist a provider in addressing the mental health of pregnant or postpartum patients. The DOH must encourage obstetrical and mental health providers to attend continuing education on perinatal mental health care. The DOH must create public service announcements on perinatal mental health care that include the telephone number of the perinatal mental health care public hotline.

The bill expands the statutory responsibilities of birth centers and hospitals to require additional infant and maternal postpartum evaluations and follow-up, including a maternal mental health assessment, information on postpartum depression, and the telephone number of the DOH public perinatal mental health care hotline.

To implement its responsibilities under the bill, the DOH estimates it will need $1,156,520 from the General Revenue Fund in Fiscal Year 2018-2019, of which $854,700 is nonrecurring. The bill provides a supplemental appropriation of $1,156,520 from the General Revenue Fund, of which $854,700 is nonrecurring, for the DOH to implement the provisions of the bill.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Perinatal Mental Health Care and Child Birth

Perinatal Anxiety Disorders

There are four major mood and anxiety disorders that may affect women in the perinatal period:
- Bipolar Disorder (formerly Manic Depressive Disorder);
- Panic Disorder;
- Obsessive Compulsive Disorder; and
- Depression.[1]

Depression interferes with daily life and may last for weeks or months. Depression is a common and serious illness. A recent survey conducted by the United States Centers for Disease Control and Prevention (CDC) showed that about one in ten reproductive age women between the ages of 18 to 44 experienced symptoms of major depression.[2] Most women, even those with the most severe forms of depression, can get better with treatment.[3]

Recent studies suggest that approximately 10 to 16 percent of women experience clinically significant depression during pregnancy.[4] Particularly vulnerable are those women with histories of psychiatric illness who discontinue psychotropic medications during pregnancy. A recent study estimated that women who discontinued medication were five times as likely to relapse as compared to women who maintained treatment.[5]

While depression can occur among women with a healthy pregnancy and birth, the following experiences may put some women at a higher risk for perinatal depression:
- Symptoms of depression during or after a previous pregnancy;
- History of depression or bipolar disorder;
- Family history of depression;

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[1] Altshuler, M.D., Lori L., Hendrick, M.D., Victoria & Cohen, M.D., Lee S., *An Update on Mood and Anxiety Disorders During Pregnancy and the Postpartum Period*, https://www.ncbi.nlm.nih.gov/pmc/articles/PMC181144/pdf/i1523-5998-002-06-0217.pdf (last visited Jan. 8, 2018).
[2] Journal of Women's Health, *Depression and treatment among U.S. pregnant and nonpregnant women of reproductive age, 2005-2009* (August 21, 2012), *available at* https://www.ncbi.nlm.nih.gov/pubmed/22691031 (last visited Jan. 9, 2018); Centers for Disease Control and Prevention, *Depression Among Women*, (Dec. 13, 2017), *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited January 8, 2018).
[3] *See Supra* note 3.
[4] Massachusetts Center for Women's Mental Health, *Depression During Pregnancy is Often Not Treated*, (Feb. 10, 2007), *available at* https://womensmentalhealth.org/posts/depression-during-pregnancy-is-often-not-treated/ (last visited Jan. 8, 2018); Florida Department of Health, *After Pregnancy*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last viewed Jan. 9, 2018); *See also Supra* note 2. This United States Centers for Disease Control and Prevention funded study indicated that 12 to 16 percent of new mothers experience postpartum depression.
[5] New Research, Psychiatric Disorders During Pregnancy, by Massachusetts Center for Women's Mental Health, *Relapse of Major Depression during Pregnancy* (April 22, 2006) *available at* https://womensmentalhealth.org/posts/243/ (last visited Jan. 8, 2018).

- Stressful event before, during, or shortly after childbirth such as job loss, death of a loved one, domestic violence, or personal illness;
- Medical complications during childbirth such as premature delivery or an infant with medical problems;
- Mixed emotion about pregnancy;
- Lack of emotional support from a spouse, partner, family, or friend; or
- Alcohol or drug abuse problems.[6]

Postpartum Blues vs. Depression

The "postpartum blues," or "baby blues," are common feelings experienced by approximately 75 to 80 percent of women in the first 10 days following childbirth. Symptoms include mood swings, crying spells, and feelings of sadness, fear, anger, irritability, or anxiety and usually go away within a few days to one to two weeks after childbirth.[7]

Postpartum depression is a major depressive episode that affects women after childbirth and commonly occurs within one and four weeks of delivery.[8] Postpartum depression can affect any woman regardless of age, race, ethnicity, or economic status.[9] Postpartum depression causes women to experience more intense feelings of depression and intensified feelings of sadness, fear, anger, anxiety, or despair that prevents them from being able to perform their activities of daily living.[10] Postpartum depression may begin shortly before or any time after childbirth. Postpartum depression commonly begins one to four weeks after childbirth[11] and can persist up to a year or more after giving birth.[12] Postpartum depression usually requires treatment due to the severity of symptoms.[13]

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[6] National Institute of Mental Health, *Postpartum Depression Facts* https://www.nimh.nih.gov/health/publications/postpartum-depression-facts/postpartum-depression-brochure_146657.pdf (last visited Jan. 9, 2018).

[7] Florida Department of Health, After Pregnancy, *The "Baby Blues" and Postpartum Depression, available at* http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last visited Jan. 9, 2018); United States Centers for Disease Control and Prevention, *Depression Among Women,* (Dec. 13, 2017) *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited Jan. 8, 2018); Fitelson, E; Kim, Sarah; Scott-Baker, A.; and Leicht, K; International Journal of Women's Health, *Treatment of postpartum depression: clinical, psychological and pharmacological options,* (Dec. 30, 2010) *available at* https://www.ncbi.nlm.nih.gov/pubmed/?term=Leight%20K%5BAuthor%5D&cauthor=true&cauthor_uid=21339932 (last visited Jan. 9, 2018).

[8] American Psychiatric Association*; Diagnostic and Statistical Manual of Mental Disorders*, Fourth Edition, Washington DC, 1994, p. 386.

[9] *See supra* note 10.

[10] United States Centers for Disease Control and Prevention, *Maternal Depression,* (May 23, 2017) *available at* https://www.cdc.gov/features/maternal-depression/index.html (last visited Jan. 9, 2018).

[11] *See supra* note 10; *see also* Fitelson, E; Kim, Sarah; Scott-Baker, A.; and Leicht, K; International Journal of Women's Health, *Treatment of postpartum depression: clinical, psychological and pharmacological options* (Dec. 30, 2010), *available at* https://www.ncbi.nlm.nih.gov/pubmed/?term=Leight%20K%5BAuthor%5D&cauthor=true&cauthor_uid=21339932 (last visited Jan. 9, 2018).

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[13] United States Centers for Disease Control and Prevention, *Depression Among Women,* (Dec. 13, 2017) *available at* https://www.cdc.gov/reproductivehealth/depression/index.htm (last visited Jan. 8, 2018).

Regulation of Perinatal Mental Health Care and Child Birth Settings

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The DOH does not provide or perform mental health services.[18] The DOH, through its county health departments and other state programs, refer clients in need of mental health services to providers in local areas[19] and though its website provides information on the "baby blues" and postpartum depression.[20]

The DOH contracts for the provision of a toll-free Family Health Line[21] to provide consumers with information on community resources, pregnancy, prenatal care, childbirth, breastfeeding, family planning, infant and toddler care, parenting, smoking cessation, substance abuse and the Medicaid Family Planning Waiver Program. In 2016, the Family Health Line received 10,011 calls.[22,23]

Childbirth Settings

The Legislature has recognized the need for a person to have the freedom to choose the manner, cost, and setting for childbirth.[24] A woman may choose three settings for childbirth: at home, at a licensed birthing center, or at a hospital.[25]

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[14] Section 394.453, F.S.
[15] Sections 395.003 and 383.301, F.S.
[16] Section 381.001, F.S.
[17] Section 383.011, F.S. *See also* Department of Health, *Programs and Services*, http://www.floridahealth.gov/programs-and-services/index.html, (last visited Jan. 9, 2018). Some of the programs the DOH administers or provides to mothers and children include Breastfeeding, Birth Certificates, Children's Medical Services (CMS), Florida's Children's Medical Services Managed Care Plan, Drowning Prevention, Early Steps, Healthy Start, Kid Care, Lead Poisoning, Newborn Screening, School Health Program, and the Woman, Infants, and Children (WIC) federal nutrition program.
[18] Department of Health, *Senate Bill 138 Analysis* (August 15, 2017) (on file with the Senate Committee on Health Policy).
[19] *See supra* note 22.
[20] Department of Health, *After Pregnancy*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/after-pregnancy.html (last viewed Jan. 9, 2018).
[21] Department of Health, *Family Health Line*, http://www.floridahealth.gov/programs-and-services/womens-health/pregnancy/family-health-line.html (last visited Jan. 9, 2018).
[22] *See supra* note 22; the hotline costs $17,532.62 per month or $210,391 per year.
[23] *See supra* note 26.
[24] *See* s. 467.002, F.S.
[25] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.

The home delivery setting for childbirth is not regulated like birthing centers and hospitals, but the practices of physicians, physician assistants (PAs),[26] Advanced Registered Nurse Practitioners (ARNPs), Certified Nurse Midwives (CNMs), and Licensed Midwives (LMs) who may attend a woman during a home delivery, are licensed and regulated by the DOH.[27]

A licensed physician may attend any birth in any setting, including home delivery, if he or she can do so with reasonable skill and safety, and within the standard of care.[28] A physician may also delegate any delivery to his or her PA.[29] There are no specific laws or administrative rules that address the required perinatal care required for a patient choosing home delivery by physicians and PAs.[30]

Section 464.012(4)(b), F.S., permits an ARNP-CNM to perform a postpartum examination to the extent authorized by an established protocol with a supervising physician, but does not specify that a perinatal mental health assessment is to be included in that examination or at any time during the perinatal period for a home delivery.

Licensed birth centers are places outside of the home or hospital where women with normal, uncomplicated, low risk pregnancies may choose to deliver their babies.[31] Sections 383.330 through 383.335, F.S., establish minimum standards of care for birth centers.[32] Birth centers are licensed by the AHCA, but the clinical staff of the birth centers must be physicians, ARNP-CNMs, or LMs licensed and regulated by the DOH.

In order for a pregnant woman to be accepted for childbirth by a licensed birth center, she must be initially determined to be at low maternal risk and be regularly evaluated throughout the pregnancy to assure that she remains at low risk for poor pregnancy outcomes.[33] The woman must receive specific prenatal,[34] intrapartum,[35] and postpartum care,[36] but regulatory rules do not include specific mental health screening or education for prenatal or postpartum depression.

The mother and infant must be discharged from the licensed birth center within 24 hours of birth except under unusual circumstances.[37] A postpartum examination of the mother is required to be performed within 72 hours after delivery and must include, at a minimum:

- Interval history;
- Blood pressure measurement; and
- Observation of the breasts, perineum, and abdomen.[38]

[26] *See* ss. 458.347 and 459.022, F.S.
[27] *See supra* note 31.
[28] *See* ss. 458.347 and 459.022, F.S
[29] *See* ss. 458.347 and 459.022, F.S. See also Rules 64B8-30.001 and 64B15-6.001, F.A.C.
[30] *See* chs. 458 and 459, F.S., and Rules 64B8-9 and 64B15-14, F.A.C.
[31] Section 383.302(2), F.S.
[32] Section 383.309(1), F.S.
[33] Rule 59A-11.009, F.A.C.
[34] Rule 59A-11.012, F.A.C.
[35] Rule 59A-11.013, F.A.C.
[36] Rule 59A-11.016, F.A.C.
[37] Section 383.318, F.S., and Rule 59A-11.016(6), F.A.C.
[38] Rule 59A-11.016(6), F.A.C.

A second postpartum examination is required at four to six weeks postpartum that includes all of the above, and:

- Weight measurement;
- Hemoglobin or hematocrit measurement; and,
- A bi-manual pelvic examination.[39]

The mother must also be counseled at some point during the postpartum period regarding:

- Breast feeding;
- Perineal care;
- Family planning;
- Signs of common complications;
- Activities and exercises;
- Sex relations;
- Care and feeding of the newborn; and
- Changing family relationships.[40]

None of the required postpartum examinations or counseling for mothers utilizing licensed birth centers require any type of mental health screening or education on postpartum depression. However, if complications occur during the postpartum period, which could include postpartum depression, a consultation or referral must be made to the appropriate source for secondary or tertiary care.[41]

Hospitals are regulated by the AHCA under ch. 395, F.S. Within the context of the bill, the only statutory requirement for a hospital providing birthing services is that women using the facility for childbirth must receive instruction on newborn care concerning safe sleep practices and possible causes of Sudden Unexpected Infant Death (SUID).[42] There are no other statutory or administrative requirements that a hospital providing birthing services require its medical staff to perform any type of postpartum mental health assessment, follow-up care, or postpartum depression education.

III. Effect of Proposed Changes:

Section 1 cites the act as the "Florida Families First Act."

Section 2 creates s. 383.014, F.S., direct the DOH to establish, by January 1, 2019, and maintain two perinatal mental health care toll-free hotlines – one accessible to the public and one for health care providers as defined in s. 408.07, F.S.[43] The hotline for public access:

- Provides basic information on postpartum depression and perinatal care;

[39] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[40] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[41] *See* chs. 383 and 467, F.S., Rules 59A-11 and 64B24-7, F.A.C.
[42] Section 395.1053, F.S.
[43] Section 408.07(25), F.S., defines *health care providers* as those licensed under chs. 458 (allopathic doctor & PA), 459 (osteopathic doctor & PA), 460 (chiropractor), 461(podiatrist), 463 (optometrist), 464 (nurses), 465 (pharmacist), 466 (dentist and hygienist), 483, 484, 486, 490, 491, or 468, parts I (speech & language pathologists & audiologists), III (occupational therapists), IV (radiological technicians), V (respiratory therapists), or X (dietician and nutritionist).

- May recommend that the caller or patient be further evaluated by a qualified health care provider; and
- May refer a caller or patient to an appropriate health care provider in the caller's or patient's local area.

The hotline for health care providers must:
- Provide information to assist health care providers in addressing the mental health of a pregnant or postpartum patient;
- Maintain and offer contact information for health care providers throughout the state who have experience in caring for pregnant or postpartum patients; and
- Compile resources to encourage the efficient and coordinated care of pregnant or postpartum patients.

The bill requires the DOH to create public service announcements (PSAs) to educate the public on perinatal mental health care. The PSAs must include the telephone number of the public perinatal mental health care hotline.

The DOH must also encourage mental health care providers, and health care providers who conduct postpartum evaluations or treat postpartum patients, to attend continuing medical education courses on perinatal mental health care.

Section 3 amends s. 383.318, F.S., to require licensed birth centers to provide the following additional postpartum services and follow-up care:
- A maternal postpartum assessment that includes mental health screening;
- Information on postpartum depression; and
- The telephone number of the public perinatal mental health care hotline.

Section 4 amends s. 395.1053, F.S., to require hospitals providing birthing services to provide similar postpartum education and care services as birthing centers, including:
- Physical examination of the infant;
- Metabolic screening tests required by s. 383.14, F.S.;[44]
- Referral to sources for pediatric care;
- Maternal postpartum assessment that incorporates mental health screening;
- Information on postpartum depression and the telephone number of the perinatal mental health care hotline established in s. 383.014, F.S.;
- Instruction in child care, including immunization and breastfeeding, in addition to information on safe sleep practices and possible causes of Sudden Unexpected Infant Death;
- Family planning services; and
- Referral to secondary or tertiary care, as indicated.

[44] Section 383.14, F.S., requires the DOH to screen newborns for metabolic disorders before becoming one week of age. Currently the DOH screens for 53 total conditions. Department of Health, *Newborn Screening*, http://www.floridahealth.gov/programs-and-services/childrens-health/newborn-screening/index.html (last visited Jan. 8, 2018). Babies born in a hospital must be tested for metabolic disorders between 24 and 48 hours after birth. Babies discharged before 24 hours after birth must be tested before discharge, and again between 24 hours and five days after birth. Rule 64C-7.002, F.A.C.

Section 5 provides the bill takes effect July 1, 2018.

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:

Women who are experiencing, or may experience, perinatal mental health issues will potentially benefit if they avail themselves to the services contemplated by the bill.

Hospitals and birthing centers may incur additional costs due to the mandated evaluations and follow-up care, which will likely be billed to patients, insurers, and Medicaid.

C. Government Sector Impact:

This bill requires the DOH to establish and maintain two telephone hotlines– one for the public and one for health care providers. The DOH estimates that the cost of operating the two hotlines, producing public service announcements, and developing promotional and educational materials will be $1,156,520 from the General Revenue Fund in Fiscal Year 2018-2019, of which $854,700 is nonrecurring.[45]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[45] *See supra* note 22.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 383.318 and 395.1053.

The bill creates section 383.014 of the Florida Statutes.

The bill creates one undesignated section of law.

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 Appropriations on February 27, 2018:
The committee substitute provides a supplemental appropriation of $1,156,520 from the General Revenue Fund, of which $854,700 is nonrecurring, for the DOH to implement the provisions of the bill.

B. Amendments:

None.

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

By Senator Book

32-00046-18 2018138__

A bill to be entitled

An act relating to perinatal mental health; providing a short title; creating s. 383.014, F.S.; requiring the Department of Health to establish and maintain a toll-free hotline accessible to the general public and a toll-free hotline accessible to health care providers; requiring the department to create public service announcements to educate the public on perinatal mental health care; requiring the department to encourage certain health care providers to attend continuing medical education courses on perinatal mental health care; amending s. 383.318, F.S.; revising components that are included in the postpartum evaluation and followup care provided by birth centers to include a mental health screening and the provision of certain information on postpartum depression; amending s. 395.1053, F.S.; requiring hospitals that provide birthing services to provide the same postpartum evaluation and followup care that is required to be provided by birth centers; providing an effective date.

WHEREAS, the Alachua County Perinatal Mental Health Coalition released its 2017 Maternal Mental Health Needs Assessment, which found that perinatal mental illness is the leading health complication related to pregnancy and birth, and

WHEREAS, as many as 1 in 5 mothers nationally will experience Perinatal Mood and Anxiety Disorder (PMD), and

WHEREAS, as many as 1 in 10 fathers will also experience

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

Florida Senate - 2018 **SB 138**

32-00046-18 2018138__

symptoms of PMD, and

WHEREAS, Florida loses approximately $900 million annually because of the failure to recognize and treat perinatal mental illnesses, and

WHEREAS, approximately 44,000 Florida babies are born to a parent experiencing a perinatal mental illness, and those babies may experience social, emotional, and cognitive detriments if their affected parents do not have access to proper care or receive treatment, NOW, THEREFORE,

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

Section 1. This act may be cited as the "Florida Families First Act."

Section 2. Section 383.014, Florida Statutes, is created to read:

383.014 Perinatal mental health care.—By January 1, 2019, the Department of Health shall:

(1) Establish and maintain a perinatal mental health care toll-free hotline, accessible to the general public, which:

(a) Provides basic information on postpartum depression and perinatal care;

(b) May recommend that a caller or patient be further evaluated by a qualified health care provider; and

(c) May refer a caller or patient to an appropriate health care provider in the caller's or patient's local area.

(2) Establish and maintain a perinatal mental health care provider toll-free hotline for health care providers, as defined in s. 408.07, which:

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

(a) Provides information to assist health care providers in addressing the mental health of a pregnant or postpartum patient;

(b) Maintains and offers the contact information of health care providers throughout the state who have experience in caring for pregnant or postpartum patients; and

(c) Compiles resources to encourage the efficient and coordinated care of pregnant or postpartum patients.

(3) Create public service announcements (PSAs) to educate the public on perinatal mental health care. The PSAs must include the telephone number of the perinatal mental health care hotline established in subsection (1).

(4) Encourage mental health care providers, and health care providers who conduct postpartum evaluations or treat postpartum patients, to attend continuing medical education courses on perinatal mental health care.

Section 3. Subsection (3) of section 383.318, Florida Statutes, is amended to read:

383.318 Postpartum care for birth center clients and infants.—

(3) The birth center shall provide a postpartum evaluation and followup care that includes all of the following ~~shall be provided, which shall include~~:

(a) Physical examination of the infant.

(b) Metabolic screening tests required by s. 383.14.

(c) Referral to sources for pediatric care.

(d) Maternal postpartum assessment that incorporates mental health screening.

(e) Information on postpartum depression and the telephone

number of the perinatal mental health care hotline established in s. 383.014.

(f) ~~(c)~~ Instruction in child care, including immunization, breastfeeding, safe sleep practices, and possible causes of Sudden Unexpected Infant Death.

(g) ~~(f)~~ Family planning services.

(h) ~~(g)~~ Referral to secondary or tertiary care, as indicated.

Section 4. Section 395.1053, Florida Statutes, is amended to read:

395.1053 Postpartum care and education.—A hospital that provides birthing services shall provide a postpartum evaluation and followup care that includes all of the following:

(1) Physical examination of the infant.

(2) Metabolic screening tests required by s. 383.14.

(3) Referral to sources for pediatric care.

(4) Maternal postpartum assessment that incorporates mental health screening.

(5) Information on postpartum depression and the telephone number of the perinatal mental health care hotline established in s. 383.014.

(6) Instruction in child care, including immunization, breastfeeding, ~~incorporate information on~~ safe sleep practices, and ~~the~~ possible causes of Sudden Unexpected Infant Death ~~into the hospital's postpartum instruction on the care of newborns~~.

(7) Family planning services.

(8) Referral to secondary or tertiary care, as indicated.

Section 5. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

January 24, 2018

Chair Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Bradley,

I respectfully request that you place SB 138, relating to Perinatal Mental Health, on the agenda of the Committee on Appropriations at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:
❒ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

138
Bill Number (if applicable)

Topic Perinatal Mental Health

Amendment Barcode (if applicable)

Name Barbara DeBone

Job Title MS

Address 625 E. Brevard St
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Tallahassee FL 32308
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Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL NOW

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)

H12 K
11:00 AM

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 138
Bill Number (if applicable)

Topic PERINATAL MENTAL HEALTH

Amendment Barcode (if applicable)

Name STEPHEN R. WINN

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TALLAHASSEE FL 32301
City *State* *Zip*

Email

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

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

Representing FLORIDA OSTEOPATHIC MEDICAL ASSOCIATION

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

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

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

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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)

2/27/18
Meeting Date

138
Bill Number (if applicable)

Topic Perinatal Mental Health

Amendment Barcode (if applicable)

Name Ron Watson

Job Title Lobbyist

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City *State* *Zip*

Phone 850 567-1202

Email Watson

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Midwife Association of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/22/18
Meeting Date

138
Bill Number (if applicable)

Topic Mental Problems

Amendment Barcode (if applicable)

Name Greg Pound

Job Title

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Phone

Largo FL 33773
City *State* *Zip*

Email

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)

2/27
Meeting Date

138
Bill Number (if applicable)

Topic Perinatal Mental Health

Amendment Barcode (if applicable)

Name Aimee Diaz Lyon

Job Title

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Tallahassee FL 32301 *City* *State* *Zip*

Email aimee.diazlyon@mhdfirm.com

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

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

Representing Florida Psychiatric Society

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

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

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 138

Meeting Date *Bill Number (if applicable)*

Topic Perinatal Mental Health *Amendment Barcode (if applicable)*

Name Jill Gran

Job Title Senior Policy Director

Address 2868 Mahan Dr Phone jill@myflbha.org

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Tallahassee FL 32308 Email 878-2196

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against

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

Representing Florida Behavioral Health Association

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

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 144
INTRODUCER:	Senators Grimsley and Stargel
SUBJECT:	Adult Cardiovascular Services
DATE:	February 26, 2017 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	**Favorable**
2.	Kidd	Williams	AHS	**Recommend: Favorable**
3.	Kidd	Hansen	AP	**Favorable**
4.			RC	

I. Summary:

SB 144 requires the Agency for Health Care Administration (AHCA) to include in its licensure rules for hospitals providing adult cardiovascular services that nursing and technical staff have demonstrated experience in handling acutely ill patients requiring intervention in dedicated cardiovascular interventional laboratories or surgical centers. Current AHCA rules require the experience to be acquired in a hospital providing percutaneous coronary intervention (PCI) with onsite cardiac surgery (licensure Level II). The bill allows the experience also to be acquired in a Level I hospital (providing PCI without onsite cardiac surgery) if, at the time the experience was acquired, the Level I dedicated cardiovascular interventional laboratory met specified minimum standards for volume, performance, and types of procedures performed.

This bill has no fiscal impact on state funds.

The bill takes effect on July 1, 2018.

II. Present Situation:

Percutaneous coronary intervention (PCI), also commonly known as coronary angioplasty or angioplasty, is a nonsurgical technique for treating obstructive coronary artery disease, including unstable angina, acute myocardial infarction, and multi-vessel coronary artery disease.[1]

PCI uses a catheter to insert a small structure called a stent to reopen blood vessels in the heart that have been narrowed by plaque build-up, a condition known as atherosclerosis. Using a special type of X-ray called fluoroscopy, the catheter is threaded through blood vessels into the

[1] Medscape: Percutaneous cardiac intervention, *available at* http://emedicine.medscape.com/article/161446-overview, (last visited Oct. 30, 2017).

heart where the coronary artery is narrowed. When the tip is in place, a balloon tip covered with a stent is inflated. The balloon tip compresses the plaque and expands the stent. Once the plaque is compressed and the stent is in place, the balloon is deflated and withdrawn. The stent stays in the artery, holding it open.[2]

Hospital and Adult Cardiovascular Services Licensure and Regulation

Hospitals are regulated by the AHCA under ch. 395, F.S., and the general licensure provisions of part II of ch. 408, F.S. Hospitals are subject to the certificate of need (CON) provisions in part I of ch. 408, F.S. A CON is a written statement issued by the AHCA evidencing community need for a new, converted, expanded, or otherwise significantly modified health care facility or health service.[3]

Adult cardiovascular services (ACS), including PCI, were previously regulated through the CON program.[4] However, in 2004, the Legislature established a licensure process for adult interventional cardiology services (the predecessor terminology for ACS), dependent upon rulemaking, in lieu of the CON procedure.[5] Among other things, that law required the rules to establish two hospital program licensure levels: a Level I program authorizing the performance of adult primary PCI for emergency patients without onsite cardiac surgery, and a Level II program authorizing the performance of PCI with onsite cardiac surgery.[6] Additionally the rules must require compliance with the most recent guidelines of the American College of Cardiology and American Heart Association guidelines for staffing, physician training and experience, operating procedures, equipment, physical plant, and patient-selection criteria to ensure quality and safety.[7]

The AHCA adopted rules for Level I ACS[8] and Level II ACS.[9] Staffing rules for both levels require the nursing and technical catheterization laboratory staff to meet the following:

- Be experienced in handling acutely ill patients requiring intervention or balloon pump;
- Have at least 500 hours of previous experience in dedicated cardiac interventional laboratories at a hospital with a Level II ACS program;[10]
- Be skilled in all aspects of interventional cardiology equipment; and
- Participate in a 24-hour-per-day, 365 day-per-year call schedule;

[2] Heart and Stroke Foundation, *available at* https://www.heartandstroke.ca/heart/treatments/surgery-and-other-procedures/percutaneous-coronary-intervention, (last visited Oct. 30, 2017).
[3] Section 408.032(3), F.S.
[4] *See* s. 408.036(3)(m) and (n), F.S., allowing for an exemption from the full review process for certain adult open-heart services and PCI services.
[5] Ch. 2004-383, s. 7, Laws of Fla.
[6] Level I and Level II ACS programs may also perform adult diagnostic cardiac catheterization in accordance with Rule 59A-3.2085(13), F.A.C. Adult diagnostic cardiac catheterization involves the insertion of a catheter into one or more heart chambers for the purpose of diagnosing cardiovascular diseases.
[7] *See* s. 408.0361(3), F.S.
[8] Fla. Admin. Code R. 59A-3.2085(16)
[9] Fla. Admin. Code R. 59A-3.2085(17)
[10] The standard in the CON exemption in s. 408.036(3)(n), F.S., for providing PCI in a hospital without an approved adult open-heart-surgery program required previous experience in dedicated interventional laboratories or surgical centers.

One of the authoritative sources referenced in the AHCA's rulemaking is The American College of Cardiology/American Heart Association Task Force on Practice Guidelines' report: ACC/AHA/SCAI 2005 Guideline Update for PCI.[11] Table 15 in that report provides criteria for the performance of primary PCI at hospitals without onsite cardiac surgery. It states:

> The nursing and technical catheterization laboratory staff must be experienced in handling acutely ill patients and must be comfortable with interventional equipment. They must have acquired experience in dedicated interventional laboratories at a surgical center.

In 2014, the Society for Cardiovascular Angiography and Interventions, the American College of Cardiology Foundation, and the American Heart Association, Inc., issued the SCAI/ACC/AHA Expert Consensus Document: 2014 Update on PCI Without On-Site Surgical Backup.[12] That report acknowledged advances and best practices in PCI performed in hospitals without onsite surgery. Table IV in that report addresses personnel requirements for PCI programs without onsite surgery. It recommends the program have experienced nursing and technical laboratory staff with training in interventional laboratories. The report does not reference a requirement that the training or experience should occur in a dedicated interventional laboratory at a surgical center.

As of October 31, 2017, there are 56 Florida hospitals providing Level I ACS services and 79 Florida hospitals providing Level II ACS services.[13]

III. Effect of Proposed Changes:

The bill requires AHCA licensure rules for hospitals providing ACS to include, at a minimum, a requirement that all nursing and technical staff have demonstrated experience in handling acutely ill patients requiring PCI in dedicated cardiac interventional laboratories or surgical centers. A staff member's previous experience in a dedicated cardiac interventional laboratory at a hospital that did not have an approved adult open-heart-surgery program will qualify if the laboratory met the following criteria during the staff member's tenure. The laboratory must have:

- Had an annual volume of 500 or more PCI procedures;
- Achieved a demonstrated success rate of 95 percent or higher for PCI;
- Experienced a complication rate of less than 5 percent for PCI; and

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[11] Smith SC Jr, Feldman TE, Hirshfeld JW Jr, Jacobs AK, Kern MJ, King SB III, Morrison DA, O'Neill WW, Schaff HV, Whitlow PL, Williams DO. ACC/AHA/SCAI 2005 guideline update for percutaneous coronary intervention: a report of the American College of Cardiology/American Heart Association Task Force on Practice Guidelines (ACC/AHA/SCAI Writing Committee to Update the 2001 Guidelines for Percutaneous Coronary Intervention). the Society for Cardiovascular Angiography and Interventions Web Site, *available at* http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwizrYy2zubKAhUBfSYKHafZCiAQFggvMAI&url=http%3A%2F%2Fwww.scai.org%2Fasset.axd%3Fid%3Da1d96b40-b6c7-42e7-9b71-1090e581b58c%26t%3D634128854999430000&usg=AFQjCNF0t0334L9yMm_XLA5rl0pXoCvPDw (last visited Oct. 30, 2017).

[12] Gregory J. Dehmer, et.al, *available at* http://circ.ahajournals.org/content/129/24/2610.full.pdf+html (last visited Oct. 30, 2017).

[13] *See* The AHCA FloridaHealthFinder.gov *available at* http://www.floridahealthfinder.gov/facilitylocator/FacilitySearch.aspx, (last visited Oct. 31, 2017).

- Performed diverse cardiac procedures, including, but not limited to, balloon angioplasty and stenting, rotational atherectomy, cutting balloon atheroma remodeling, and procedures relating to left ventricular support capability.

The bill also makes technical changes replacing the term "percutaneous cardiac intervention" with "percutaneous coronary intervention."

The bill takes effect July 1, 2018.

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:

SB 144 may have a positive fiscal impact on hospitals providing Level I ACS by expanding the number of programs where their nursing and technical staff may be trained as well as potentially allowing such hospitals to provide the required training at their own facilities.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill's mandate to establish rules to require nursing and technical staff in hospitals performing adult cardiovascular services to have specified experience appears to apply to both hospitals providing Level I and Level II services, however, this is placed within a statutory paragraph only

relating to a hospital seeking a Level I program license. As such, it is unclear whether the staff training requirement applies to both hospitals providing Level I and Level II services or only to hospitals providing Level I services. The bill may need to be amended to indicate clearly to which hospitals the requirement applies.

VIII. Statutes Affected:

This bill substantially amends section 408.0361 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

179874

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/27/2018	.	
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The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 11 - 13
and insert:
Section 1. Subsection (1) and paragraphs (a) and (b) of subsection (3) of section 408.0361, Florida Statutes, are amended to read:
408.0361 Cardiovascular services and burn unit licensure.—
(1) Each provider of diagnostic cardiac catheterization services shall comply with rules adopted by the agency that

179874

establish licensure standards governing the operation of adult inpatient diagnostic cardiac catheterization programs. The rules shall ensure that such programs:

(a) Comply with the most recent guidelines of the American College of Cardiology and American Heart Association Guidelines for Cardiac Catheterization and Cardiac Catheterization Laboratories.

(b) Perform only adult inpatient diagnostic cardiac catheterization services and will not provide therapeutic cardiac catheterization or any other cardiology services.

(c) Maintain sufficient appropriate equipment and health care personnel to ensure quality and safety.

(d) Maintain appropriate times of operation and protocols to ensure availability and appropriate referrals in the event of emergencies.

(e) Demonstrate a plan to provide services to Medicaid and charity care patients.

(f) Are offered at facilities licensed under chapter 395.

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

And the title is amended as follows:

Delete lines 3 - 5

and insert:

amending s. 408.0361, F.S.; requiring rules adopted by the Agency for Health Care Administration to include a provision ensuring that adult inpatient diagnostic cardiac catheterization programs are offered at certain licensed facilities; establishing criteria that must be included by the agency in rules relating

179874

to the licensure of

By Senator Grimsley

26-00116-18 2018144__

A bill to be entitled

An act relating to adult cardiovascular services; amending s. 408.0361, F.S.; establishing criteria that must be included by the Agency for Health Care Administration in rules relating to the licensure of certain hospitals performing percutaneous coronary intervention procedures; providing an effective date.

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

Section 1. Paragraphs (a) and (b) of subsection (3) of section 408.0361, Florida Statutes, are amended to read:

408.0361 Cardiovascular services and burn unit licensure.—

(3) In establishing rules for adult cardiovascular services, the agency shall include provisions that allow for:

(a) Establishment of two hospital program licensure levels: a Level I program authorizing the performance of adult percutaneous coronary ~~cardiac~~ intervention without onsite cardiac surgery and a Level II program authorizing the performance of percutaneous coronary ~~cardiac~~ intervention with onsite cardiac surgery.

(b) For a hospital seeking a Level I program, demonstration that, for the most recent 12-month period as reported to the agency, it has provided a minimum of 300 adult inpatient and outpatient diagnostic cardiac catheterizations or, for the most recent 12-month period, has discharged or transferred at least 300 inpatients with the principal diagnosis of ischemic heart disease and that it has a formalized, written transfer agreement with a hospital that has a Level II program, including written

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

26-00116-18 2018144__

transport protocols to ensure safe and efficient transfer of a patient within 60 minutes. However, a hospital located more than 100 road miles from the closest Level II adult cardiovascular services program does not need to meet the 60-minute transfer time protocol if the hospital demonstrates that it has a formalized, written transfer agreement with a hospital that has a Level II program. The agreement must include written transport protocols to ensure the safe and efficient transfer of a patient, taking into consideration the patient's clinical and physical characteristics, road and weather conditions, and viability of ground and air ambulance service to transfer the patient. At a minimum, the rules for adult cardiovascular services must require nursing and technical staff to have demonstrated experience in handling acutely ill patients requiring intervention based on the staff members' previous experience in dedicated cardiovascular interventional laboratories or surgical centers. If a staff member's previous experience is in a dedicated cardiovascular interventional laboratory at a hospital that does not have an approved adult open-heart surgery program, the staff member's previous experience qualifies only if, at the time the staff member acquired his or her experience, the dedicated cardiovascular interventional laboratory:

1. Had an annual volume of 500 or more percutaneous coronary intervention procedures;

2. Achieved a demonstrated success rate of 95 percent or greater for percutaneous coronary intervention procedures;

3. Experienced a complication rate of less than 5 percent for percutaneous coronary intervention procedures; and

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

4. Performed diverse cardiac procedures, including, but not limited to, balloon angioplasty and stenting, rotational atherectomy, cutting balloon atheroma remodeling, and procedures relating to left ventricular support capability.

Section 2. This act shall take effect July 1, 2018.

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

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: December 11, 2017

I respectfully request that **Senate Bill #144**, relating to Adult Cardiovascular Services, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Denise Grimsley
Florida Senate, District 26

cc: Mike Hansen, Staff Director
Alicia Weiss, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: January 10, 2018

I respectfully request that **Senate Bill #144**, relating to Adult Cardiovascular Services, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Denise Grimsley
Florida Senate, District 26

cc: Mike Hansen, Staff Director
Alicia Weiss, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 310
INTRODUCER:	Appropriations Committee; Criminal Justice Committee; and Senators Steube and Baxley
SUBJECT:	Threats to Kill or Do Great Bodily Injury
DATE:	March 1, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Jones	CJ	**Fav/CS**
2.	Forbes	Hansen	AP	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 310 replaces the current statutory requirement that prohibits any person who writes or composes and sends a letter, inscribed communication, or electronic communication with a threat to kill or do bodily injury to a person or any member of the person's family, with language that prohibits a person from making a threat to kill or do great bodily injury in writing or other record, including an electronic record, and posting or transmitting the threat in a manner that would allow another person to view it.

Additionally, the offense is decreased from a second degree felony to a third degree felony. The bill also changes the offense from a Level 6 to a Level 4 in the Criminal Punishment Code Offense Severity Ranking Chart, which decreases the offense's sentencing points from 36 points to 22 points.

The bill also exempts providers of an interactive computer service, communications service, commercial mobile service, or information service from liability under s. 836.10, F.S.

The bill is expected to result in an unquantifiable increase in prison beds.

The bill takes effect October 1, 2018.

II. Present Situation:

Section 836.10, F.S., currently prohibits a person from:

- Writing or composing and sending to any person:
  - A letter,
  - Inscribed communication, or
  - Electronic communication,
- Containing a threat to kill or do bodily injury to:
  - The person to whom the letter or communication was sent, or
  - Any member of the person's family.[1]

The act of "sending" under the statute requires two events – sending the communication to a particular person *and* receipt of the communication by the person being threatened.[2]

When the threat is not necessarily made against a particular individual who receives the threat, but the threat is more random in nature, the application of the statute breaks down, particularly as related to social media.[3]

Social Media

Studies indicate that social media sites are widely used to communicate with other people and to find information. For example, reports published by the Pew Research Center show that:

- 86 percent of Americans use the Internet;[4]
- Of the surveyed 1,520 adults in one study, 79 percent use Facebook, 32 percent use Instagram, 31 percent use Pinterest, 29 percent use LinkedIn, and 24 percent use Twitter;[5] and
- In a survey of 1,060 teens ages 13-17 and their parent or guardian, when asked about the use of specific sites, 89 percent of all teens reported the use of at least one of the sites[6] and 71 percent used two or more of the sites.[7]

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[1] A violation of s. 836.10, F.S., is a second degree felony, punishable by up to 15 years in prison and a fine of up to $10,000. Sections 775.082, 775.083, and 775.084, F.S.

[2] *J.A.W. v. State*, 210 So.3d 142, 143 (Fla. 2d DCA 2016) citing *State v. Wise*, 664 So.2d 1028, 1030 (Fla. 2d DCA 1995).

[3] "[M]any threats made on social media will fall outside the narrow language of section 836.10, which was originally written with pen-and-paper letters in mind. ... The narrow language of section 836.10 will not encompass many threats made via social media because...social media is often used to post communications publicly, for the whole world to see, instead of sending those communications directly to any specific person. (citation omitted) This is problematic because, even though social media posts may not travel directly, they are often shared with the understanding or expectation that they will be widely distributed, even outside the original poster's own network of friends or followers." *J.A.W. v. State*, 210 So.3d 142, 145-146 (Fla. 2d DCA 2016).

[4] Pew Research Center, *Social Media Update 2016* (November 2016), available at http://www.pewinternet.org/2016/11/11/social-media-update-2016/ (last visited January 23, 2018).

[5] *Id*.

[6] Pew Research Center, *Mobile Access Shifts Social Media Use and Other Online Activities*, (April 2015), available at http://www.pewinternet.org/2015/04/09/mobile-access-shifts-social-media-use-and-other-online-activities/ (last visited January 24, 2018).

[7] Pew Research Center, *Teens, Social Media and Technology Overview 2015* (April 2015), available at http://www.pewinternet.org/2015/04/09/teens-social-media-technology-2015/ (last visited January 23, 2018).

Examples of Random Threats Using E-Mail and Social Media

In late 2015, there was a rash of e-mailed hoax threats against schools across the country that began in New York City and Los Angeles.[8] The New York and Los Angeles threats were nearly identically worded. The e-mails threatened the use of bombs, nerve gas, and rifles, and were routed through a server in Frankfurt, Germany, apparently by the same person.[9] A few days later, similar threats were directed at schools in Florida.[10]

Social media and other electronic forms of communication were used in at least 35 percent of the violent threats to schools, as reported in one recent study covering half of the 2013-14 school year in 43 states.[11]

Florida Social Media Threats

Threats conveyed over social media to do random acts of violence at schools often disrupt student education regardless of the validity of the threat.

For example, in October 2017, three students made threats at two Panhandle high schools.[12] While no violence occurred on the high school campuses, school officials are concerned about the missed school hours, testing, and assignments resulting from the panic that can ensue from threats of violence communicated through social media.[13]

A police officer in Tarpon Springs was singled out and threated with being killed in apparent retaliation for an officer-involved shooting in May 2017. According to a press release by the police chief, the threats, based on misinformation, were targeting an officer who had nothing to do with the officer-involved shooting.[14]

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[8] The New York Times, December 15, 2015, *Los Angeles and New York Differ in Their Responses to a Terrorism Threat*, available at https://www.nytimes.com/2015/12/16/us/los-angeles-schools-bomb-threat.html (last visited January 23, 2018).
[9] *Id*.
[10] NBC News 6, December 17, 2015, *Miami-Dade, Broward Schools Receive Threats: Officials*, available at http://www.nbcmiami.com/news/local/Miami-Dade-School-System-Receives-Threat-Officials-362740851.html (last visited January 23, 2018). *See also*, WJXT News 4 Jacksonville, December 9, 2015, *Frustration over 5 school bomb threats in 2 days, False calls frustrate law enforcement, but must be taken seriously, police say*, available at http://www.news4jax.com/news/bomb-scare-forces-evacuation-of-southside-business (last visited January 23, 2018).
[11] National School Safety and Security Services, *Schools face new wave of violent threats sent by social media and other electronic means study says*, February 2014 (reporting on 315 documented school bomb threats, shooting threats, hoaxes, and acts of violence between August 2013 and January 2014), available at http://www.schoolsecurity.org/2014/02/schools-face-new-wave-violent-threats-sent-social-media-electronic-means-study-says/ (last visited January 23, 2018).
[12] "I think people take it more seriously now than ever, there's no doubt in my mind about that and it's justly so," said Jason Weeks, Santa Rosa County School District director of high schools. *'Just a joke': Students' social media threats are disrupting schools* (October 2017), available at http://www.pnj.com/story/news/crime/2017/10/15/how-students-social-media-threats-disrupting-schools-involving-police/753349001/ (last visited January 23, 2018).
[13] *Id*.
[14] Tarpon Springs Police Department "Information-Be On the Lookout" Bulletin and May 9, 2017 Press Release (on file with the Senate Committee on Criminal Justice).

Case Law Applying Section 836.10, F.S.

In a 2016 court decision, a juvenile's disposition for a violation of s. 836.10, F.S., for posting written threats to kill or do bodily injury on Twitter[15] was reversed.[16] The juvenile made a series of public posts on Twitter over the span of several days threatening to "shoot up" his school.[17] The tweets were discovered by an out-of-state watchdog group who reported the threats to local police. Local police later contacted the juvenile's school officials informing them of the threats.[18]

The Second District Court of Appeals found that because the juvenile publicly posted the tweets, rather than directly sending them to any student or school official, the receipt of the threats by school officials through local police was too far removed to support a conviction under s. 836.10, F.S.[19]

The court specifically discussed the difficulty of applying the current statute to modern forms of communication, recognizing that many threats made on social media fall outside the narrow scope of the law, which requires the threatening communication to be sent directly to a specific person who receives the threat.[20]

III. Effect of Proposed Changes:

The bill deletes the current statutory requirement that prohibits any person who writes or composes and sends a letter, inscribed communication, or electronic communication to with a threat kill or do bodily injury to a person or any member of the person's family.

Further, the bill prohibits a person from making a threat in writing or other record, including an electronic record, to kill or do great bodily injury to another person, and posting or transmitting the threat in any manner that would allow another person to view the threat.

Section 836.10, F.S., is made applicable under circumstances where a person transmits a threat to kill or do great bodily injury to another in a more public forum than the current law contemplates.

The current second degree felony[21] is changed by the bill to a third degree felony.[22] The bill also changes the offense from a Level 6 to a Level 4 in the Criminal Punishment Code Offense

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[15] "Twitter allows users to send 'updates' (or 'tweets': text based posts, up to 140 characters long) to [the] Twitter website via short message service (e.g. on a cell phone), instant messaging, from their computer at home or work, or through a third-party application." GNOTED, *What Is Twitter and How Does It Work- Beginner's Guide* (February 2009) available at http://gnoted.com/what-is-twitter-and-how-does-it-work-beginners-guide/ (last visited January 23, 2018).
[16] *J.A.W. v. State*, 210 So.3d 142 (Fla. 2d DCA 2016).
[17] The following tweets were posted: "can't WAIT to shoot up my school," "it's time," "My mom and dad think I'm serious about shooting up my school I'm dying"; "school getting shot up on a Tuesday," "night f[***]king sucked can't wait to shoot up my school soon"; and "I sincerely apologize to anyone who took me seriously. I love my high school and honestly own no weapons to want to harm anyone in any way." *J.A.W. v. State*, 210 So.3d 142, 143 (Fla. 2d DCA 2016).
[18] *J.A.W. v. State*, 210 So.3d 142, 143 (Fla. 2d DCA 2016).
[19] *J.A.W. v. State*, 210 So.3d 142 (Fla. 2d DCA 2016).
[20] *Id*.
[21] A second degree felony is punishable by up to 15 years imprisonment and a $15,000 fine.
[22] A third degree felony is punishable by up to five years imprisonment and a $5,000 fine. Sections 775.082, 775.083, and 775.084, F.S.

Severity Ranking Chart, which decreases the offense's sentencing points from 36 points to 22 points.[23]

The bill exempts the following providers from liability under s. 836.10, F.S.:

- Interactive computer service;
- Communications services;[24]
- Commercial mobile service; or
- Information service, including but not limited to an Internet service provider or a hosting service provider, if it provides the transmission, storage or catching of electronic communications or messages of others or provides another related telecommunications, commercial mobile radio service or information service for use by another person who violates s. 836.10, F.S.

The bill specifies that the exemption is consistent with and in addition to any liability exemption under 47 U.S.C. s. 230.[25]

The bill is effective October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

[23] Section 921.0024, F.S.

[24] Section 202.11, F.S., defines communications services as the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals, including video services, to a point, or between or among points, by or through any electronic, radio, satellite, cable, optical, microwave, or other medium or method now in existence or hereafter devised, regardless of the protocol used for such transmission or conveyance. The term includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice-over-Internet-protocol services or is classified by the Federal Communications Commission as enhanced or value-added. The term does not include: information services, installation or maintenance of wiring or equipment on a customer's premises, the sale or rental of tangible personal property, the sale of advertising, including, but not limited to, directory advertising, bad check charges, late payment charges, billing and collection services, internet access service, electronic mail service, electronic bulletin board service, or similar online computer services.

[25] 47 U.S.C. s. 230 specifies that a provider of an interactive computer service is not treated as the publisher or speaker of any information provided by another information content provider.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

On January 8, 2018, the Criminal Justice Impact Conference (CJIC) reviewed the bill. The CJIC adopted a "positive indeterminate" estimate of the fiscal impact of the bill on prison beds, meaning that there may be an unquantifiable increase in prison beds from the bill.[26]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 836.10 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/CS by Appropriations on February 27, 2018:
The committee substitute exempts providers of an interactive computer service, communications service, commercial mobile service, or information service from liability under s. 836.10, F.S.

CS by Criminal Justice on January 29, 2018:
The committee substitute:

- Changes the elements of the offense by:
  - Requiring that the threat be to kill or do *great* bodily harm to a person, not just bodily harm; and
  - Requiring that the threat be transmitted in a way that would allow another person to view it.

[26] E-mail from the Office of Economics and Demographics Research staff, January 23, 2018 (on file with Senate Committee on Criminal Justice).

- Changes the statutory degree of the offense. The offense is decreased from a second degree felony to a third degree felony.
- Changes the offense from a Level 6 to a Level 4 in the Criminal Punishment Code Offense Severity Ranking Chart, which decreases the offense's sentencing points from 36 points to 22 points.

B. Amendments:

None.

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

116576

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Steube) recommended the following:

Senate Amendment (with title amendment)

Delete lines 25 - 37

and insert:

punishment; exemption from liability.—

(1) A ~~Any~~ person who makes a threat in a writing or other record, including an electronic record, ~~writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person,~~

116576

~~containing a threat~~ to kill or to do great bodily injury to another ~~the~~ person and posts or transmits the threat in any manner that would allow another person to view the threat ~~to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent~~ commits a felony of the third ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) This section does not impose liability on a provider of an interactive computer service, communications services as defined in s. 202.11, a commercial mobile service, or an information service, including, but not limited to, an Internet service provider or a hosting service provider, if it provides the transmission, storage, or caching of electronic communications or messages of others or provides another related telecommunications, commercial mobile radio service, or information service for use by another person who violates this section. This exemption from liability is consistent with and in addition to any liability exemption provided under 47 U.S.C. s. 230.

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

And the title is amended as follows:

Delete line 9

and insert:

prohibited; revising a criminal penalty; exempting certain providers of services from liability; amending s.

By the Committee on Criminal Justice; and Senators Steube and Baxley

591-02575-18 2018310c1

A bill to be entitled

An act relating to threats to kill or do great bodily injury; amending s. 836.10, F.S.; prohibiting a person from making a threat to kill or do great bodily injury in a writing or other record and transmitting that threat in any manner that would allow another person to view the threat; deleting requirements that a threat be sent to a specific recipient to be prohibited; revising a criminal penalty; amending s. 921.0022, F.S.; revising the ranking of the offense of making written threats to kill or do great bodily injury on the offense severity ranking chart of the Criminal Punishment Code; reenacting ss. 794.056(1) and 938.085, F.S., relating to the Rape Crisis Program Trust Fund and additional cost to fund rape crisis centers, respectively, to incorporate the amendments made to s. 836.10, F.S., in references thereto; providing an effective date.

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

Section 1. Section 836.10, Florida Statutes, is amended to read:

836.10 Written threats to kill or do great bodily injury; punishment.—A ~~Any~~ person who makes a threat in a writing or other record, including an electronic record, ~~writes or composes and also sends or procures the sending of any letter, inscribed communication, or electronic communication, whether such letter or communication be signed or anonymous, to any person,~~

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

591-02575-18 2018310c1

~~containing a threat~~ to kill or to do great bodily injury to another ~~the~~ person and posts or transmits the threat in any manner that would allow another person to view the threat ~~to whom such letter or communication is sent, or a threat to kill or do bodily injury to any member of the family of the person to whom such letter or communication is sent~~ commits a felony of the third ~~second~~ degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Paragraphs (d) and (f) of subsection (3) of section 921.0022, Florida Statutes, are amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.—

(3) OFFENSE SEVERITY RANKING CHART

(d) LEVEL 4

Florida Statute	Felony Degree	Description
316.1935(3)(a)	2nd	Driving at high speed or with wanton disregard for safety while fleeing or attempting to elude law enforcement officer who is in a patrol vehicle with siren and lights activated.
499.0051(1)	3rd	Failure to maintain or deliver transaction history, transaction information, or transaction statements.

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

499.0051(5)	2nd	Knowing sale or delivery, or possession with intent to sell, contraband prescription drugs.
517.07(1)	3rd	Failure to register securities.
517.12(1)	3rd	Failure of dealer, associated person, or issuer of securities to register.
784.07(2)(b)	3rd	Battery of law enforcement officer, firefighter, etc.
784.074(1)(c)	3rd	Battery of sexually violent predators facility staff.
784.075	3rd	Battery on detention or commitment facility staff.
784.078	3rd	Battery of facility employee by throwing, tossing, or expelling certain fluids or materials.
784.08(2)(c)	3rd	Battery on a person 65 years of age or older.
784.081(3)	3rd	Battery on specified official or employee.

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

784.082(3)	3rd	Battery by detained person on visitor or other detainee.
784.083(3)	3rd	Battery on code inspector.
784.085	3rd	Battery of child by throwing, tossing, projecting, or expelling certain fluids or materials.
787.03(1)	3rd	Interference with custody; wrongly takes minor from appointed guardian.
787.04(2)	3rd	Take, entice, or remove child beyond state limits with criminal intent pending custody proceedings.
787.04(3)	3rd	Carrying child beyond state lines with criminal intent to avoid producing child at custody hearing or delivering to designated person.
787.07	3rd	Human smuggling.
790.115(1)	3rd	Exhibiting firearm or weapon

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		within 1,000 feet of a school.
790.115(2)(b)	3rd	Possessing electric weapon or device, destructive device, or other weapon on school property.
790.115(2)(c)	3rd	Possessing firearm on school property.
800.04(7)(c)	3rd	Lewd or lascivious exhibition; offender less than 18 years.
810.02(4)(a)	3rd	Burglary, or attempted burglary, of an unoccupied structure; unarmed; no assault or battery.
810.02(4)(b)	3rd	Burglary, or attempted burglary, of an unoccupied conveyance; unarmed; no assault or battery.
810.06	3rd	Burglary; possession of tools.
810.08(2)(c)	3rd	Trespass on property, armed with firearm or dangerous weapon.

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812.014(2)(c)3.	3rd	Grand theft, 3rd degree $10,000 or more but less than $20,000.
812.014 (2)(c)4.-10.	3rd	Grand theft, 3rd degree, a will, firearm, motor vehicle, livestock, etc.
812.0195(2)	3rd	Dealing in stolen property by use of the Internet; property stolen $300 or more.
817.505(4)(a)	3rd	Patient brokering.
817.563(1)	3rd	Sell or deliver substance other than controlled substance agreed upon, excluding s. 893.03(5) drugs.
817.568(2)(a)	3rd	Fraudulent use of personal identification information.
817.625(2)(a)	3rd	Fraudulent use of scanning device, skimming device, or reencoder.
817.625(2)(c)	3rd	Possess, sell, or deliver skimming device.
828.125(1)	2nd	Kill, maim, or cause great

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		bodily harm or permanent breeding disability to any registered horse or cattle.
836.10	3rd	Written threats to kill or do great bodily injury.
837.02(1)	3rd	Perjury in official proceedings.
837.021(1)	3rd	Make contradictory statements in official proceedings.
838.022	3rd	Official misconduct.
839.13(2)(a)	3rd	Falsifying records of an individual in the care and custody of a state agency.
839.13(2)(c)	3rd	Falsifying records of the Department of Children and Families.
843.021	3rd	Possession of a concealed handcuff key by a person in custody.
843.025	3rd	Deprive law enforcement, correctional, or correctional

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		probation officer of means of protection or communication.
843.15(1)(a)	3rd	Failure to appear while on bail for felony (bond estreature or bond jumping).
847.0135(5)(c)	3rd	Lewd or lascivious exhibition using computer; offender less than 18 years.
874.05(1)(a)	3rd	Encouraging or recruiting another to join a criminal gang.
893.13(2)(a)1.	2nd	Purchase of cocaine (or other s. 893.03(1)(a), (b), or (d), (2)(a), (2)(b), or (2)(c)4. drugs).
914.14(2)	3rd	Witnesses accepting bribes.
914.22(1)	3rd	Force, threaten, etc., witness, victim, or informant.
914.23(2)	3rd	Retaliation against a witness, victim, or informant, no bodily injury.

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

918.12	3rd	Tampering with jurors.
934.215	3rd	Use of two-way communications device to facilitate commission of a crime.

(f) LEVEL 6

Florida Statute	Felony Degree	Description
316.027(2)(b)	2nd	Leaving the scene of a crash involving serious bodily injury.
316.193(2)(b)	3rd	Felony DUI, 4th or subsequent conviction.
400.9935(4)(c)	2nd	Operating a clinic, or offering services requiring licensure, without a license.
499.0051(2)	2nd	Knowing forgery of transaction history, transaction information, or transaction statement.
499.0051(3)	2nd	Knowing purchase or receipt of prescription drug from

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		unauthorized person.
499.0051(4)	2nd	Knowing sale or transfer of prescription drug to unauthorized person.
775.0875(1)	3rd	Taking firearm from law enforcement officer.
784.021(1)(a)	3rd	Aggravated assault; deadly weapon without intent to kill.
784.021(1)(b)	3rd	Aggravated assault; intent to commit felony.
784.041	3rd	Felony battery; domestic battery by strangulation.
784.048(3)	3rd	Aggravated stalking; credible threat.
784.048(5)	3rd	Aggravated stalking of person under 16.
784.07(2)(c)	2nd	Aggravated assault on law enforcement officer.
784.074(1)(b)	2nd	Aggravated assault on sexually violent predators facility

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

		staff.
784.08(2)(b)	2nd	Aggravated assault on a person 65 years of age or older.
784.081(2)	2nd	Aggravated assault on specified official or employee.
784.082(2)	2nd	Aggravated assault by detained person on visitor or other detainee.
784.083(2)	2nd	Aggravated assault on code inspector.
787.02(2)	3rd	False imprisonment; restraining with purpose other than those in s. 787.01.
790.115(2)(d)	2nd	Discharging firearm or weapon on school property.
790.161(2)	2nd	Make, possess, or throw destructive device with intent to do bodily harm or damage property.
790.164(1)	2nd	False report concerning bomb, explosive, weapon of mass

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		destruction, act of arson or violence to state property, or use of firearms in violent manner.
790.19	2nd	Shooting or throwing deadly missiles into dwellings, vessels, or vehicles.
794.011(8)(a)	3rd	Solicitation of minor to participate in sexual activity by custodial adult.
794.05(1)	2nd	Unlawful sexual activity with specified minor.
800.04(5)(d)	3rd	Lewd or lascivious molestation; victim 12 years of age or older but less than 16 years of age; offender less than 18 years.
800.04(6)(b)	2nd	Lewd or lascivious conduct; offender 18 years of age or older.
806.031(2)	2nd	Arson resulting in great bodily harm to firefighter or any other person.

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

810.02(3)(c)	2nd	Burglary of occupied structure; unarmed; no assault or battery.
810.145(8)(b)	2nd	Video voyeurism; certain minor victims; 2nd or subsequent offense.
812.014(2)(b)1.	2nd	Property stolen $20,000 or more, but less than $100,000, grand theft in 2nd degree.
812.014(6)	2nd	Theft; property stolen $3,000 or more; coordination of others.
812.015(9)(a)	2nd	Retail theft; property stolen $300 or more; second or subsequent conviction.
812.015(9)(b)	2nd	Retail theft; property stolen $3,000 or more; coordination of others.
812.13(2)(c)	2nd	Robbery, no firearm or other weapon (strong-arm robbery).
817.4821(5)	2nd	Possess cloning paraphernalia with intent to create cloned cellular telephones.

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

817.505(4)(b)	2nd	Patient brokering; 10 or more patients.
825.102(1)	3rd	Abuse of an elderly person or disabled adult.
825.102(3)(c)	3rd	Neglect of an elderly person or disabled adult.
825.1025(3)	3rd	Lewd or lascivious molestation of an elderly person or disabled adult.
825.103(3)(c)	3rd	Exploiting an elderly person or disabled adult and property is valued at less than $10,000.
827.03(2)(c)	3rd	Abuse of a child.
827.03(2)(d)	3rd	Neglect of a child.
827.071(2) & (3)	2nd	Use or induce a child in a sexual performance, or promote or direct such performance.
836.05	2nd	Threats; extortion.
~~836.10~~	~~2nd~~	~~Written threats to kill or do~~

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

		~~bodily injury.~~
843.12	3rd	Aids or assists person to escape.
847.011	3rd	Distributing, offering to distribute, or possessing with intent to distribute obscene materials depicting minors.
847.012	3rd	Knowingly using a minor in the production of materials harmful to minors.
847.0135(2)	3rd	Facilitates sexual conduct of or with a minor or the visual depiction of such conduct.
914.23	2nd	Retaliation against a witness, victim, or informant, with bodily injury.
944.35(3)(a)2.	3rd	Committing malicious battery upon or inflicting cruel or inhuman treatment on an inmate or offender on community supervision, resulting in great bodily harm.

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

944.40	2nd	Escapes.
944.46	3rd	Harboring, concealing, aiding escaped prisoners.
944.47(1)(a)5.	2nd	Introduction of contraband (firearm, weapon, or explosive) into correctional facility.
951.22(1)	3rd	Intoxicating drug, firearm, or weapon introduced into county facility.

Section 3. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, subsection (1) of section 794.056, Florida Statutes, is reenacted to read:

794.056 Rape Crisis Program Trust Fund.—

(1) The Rape Crisis Program Trust Fund is created within the Department of Health for the purpose of providing funds for rape crisis centers in this state. Trust fund moneys shall be used exclusively for the purpose of providing services for victims of sexual assault. Funds credited to the trust fund consist of those funds collected as an additional court assessment in each case in which a defendant pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, an offense provided in s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s.

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

784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); s. 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1). Funds credited to the trust fund also shall include revenues provided by law, moneys appropriated by the Legislature, and grants from public or private entities.

Section 4. For the purpose of incorporating the amendment made by this act to section 836.10, Florida Statutes, in a reference thereto, section 938.085, Florida Statutes, is reenacted to read:

938.085 Additional cost to fund rape crisis centers.—In addition to any sanction imposed when a person pleads guilty or nolo contendere to, or is found guilty of, regardless of adjudication, a violation of s. 775.21(6) and (10)(a), (b), and (g); s. 784.011; s. 784.021; s. 784.03; s. 784.041; s. 784.045; s. 784.048; s. 784.07; s. 784.08; s. 784.081; s. 784.082; s. 784.083; s. 784.085; s. 787.01(3); s. 787.02(3); 787.025; s. 787.06; s. 787.07; s. 794.011; s. 794.05; s. 794.08; former s. 796.03; former s. 796.035; s. 796.04; s. 796.05; s. 796.06; s. 796.07(2)(a)-(d) and (i); s. 800.03; s. 800.04; s. 810.14; s. 810.145; s. 812.135; s. 817.025; s. 825.102; s. 825.1025; s. 827.071; s. 836.10; s. 847.0133; s. 847.0135(2); s. 847.0137; s. 847.0145; s. 943.0435(4)(c), (7), (8), (9)(a), (13), and (14)(c); or s. 985.701(1), the court shall impose a surcharge of

$151. Payment of the surcharge shall be a condition of probation, community control, or any other court-ordered supervision. The sum of $150 of the surcharge shall be deposited into the Rape Crisis Program Trust Fund established within the Department of Health by chapter 2003-140, Laws of Florida. The clerk of the court shall retain $1 of each surcharge that the clerk of the court collects as a service charge of the clerk's office.

Section 5. This act shall take effect July 1, 2018.

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27
Meeting Date

310
Bill Number (if applicable)

116576
Amendment Barcode (if applicable)

Topic Threats to Kill

Name Casey Reed

Job Title State Director of Leg. Affairs

Address 150 ~~S~~ S. Monroe St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 591-6002

Email CR8243

Speaking: ☐ For ☐ Against ☐ Information

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

Representing AT&T

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27
Meeting Date

310
Bill Number (if applicable)

Topic Threats to Kill or do Great Bodily Injury

Amendment Barcode (if applicable)

Name Billie Anne Gay

Job Title

Address 203 S Monroes
Street

Phone 414 2578

32301
City *State* *Zip*

Email

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

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)

2/27/18
Meeting Date

SB 310
Bill Number (if applicable)

Topic Threats to K. 11 or do Great Bodily Harm

Amendment Barcode (if applicable)

Name Dennis Strange

Job Title Captain

Address 2000 West Colonial Dr
Street

Phone 321-436-6064

Orl FL 32804
City *State* *Zip*

Email dennis.strange@ocso.net

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

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

Representing Orange County Sheriff Jerry L. Demings

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

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

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

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

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

310
Bill Number (if applicable)

Topic Threats to Kill or Do Great Bodily Injury

Amendment Barcode (if applicable)

Name Chief Larry Krantz

Job Title Chief of Police, Casselberry PD

Address PO Box 14038
Street

Phone 850-219-3631

Tallahassee FL 32317
City *State* *Zip*

Email lbriscoe@fpca.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Police Chiefs Association

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.27.18
Meeting Date

310
Bill Number (if applicable)

Topic 3 Threats to Kill or do Great Injury

Amendment Barcode (if applicable)

Name RON DRAA

Job Title DIRECTOR OF EXTERNAL AFFAIRS

Address 2331 PHILLIPS DR
Street

Phone 410.7020

TALL FL 32308
City *State* *Zip*

Email RONALDDRAA@FDLE STATE.FL.US

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FDLE

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)

5 Rules

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.27.18
Meeting Date

310
Bill Number (if applicable)

Topic Threats to Kill do Great Bodily Injury

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
City *State* *Zip*

Email Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations			
BILL:	SB 322		
INTRODUCER:	Senators Book and Baxley		
SUBJECT:	Fees Charged by Tax Collectors		
DATE:	February 26, 2018	REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Favorable**
2.	Wells	Hrdlicka	ATD	**Recommend: Favorable**
3.	Wells	Hansen	AP	**Favorable**

I. Summary:

SB 322 authorizes tax collectors to retain a portion of fees when they administer subsequent driver license examinations or reinstate driver licenses. Specifically, the bill requires tax collectors to retain:

- $10, less an eight percent general revenue (GR) service charge, for administering a subsequent knowledge test as part of the driver license examination;
- $20, less an eight percent GR service charge, for administering a subsequent skills test as part of the driver license examination;
- $15, less an eight percent GR service charge, of the $45 fee for processing a reinstatement of a suspended driver license; and
- $20, less an eight percent GR service charge, of the $75 fee for processing a reinstatement of a disqualified or revoked driver license.

The bill has no impact on state or local government expenditures. However, the Revenue Estimating Conference estimates the bill will shift approximately $4.7 million in fee revenues from the Highway Safety Operating Trust Fund (HSOTF) to the local tax collectors in FY 2018-2019 and $4.9 million annually thereafter.

The bill takes effect July 1, 2018.

II. Present Situation:

In 2010, the Florida Legislature required all state driver license issuance services to be transferred from many Department of Highway Safety and Motor Vehicles (DHSMV) offices to tax collectors who are constitutional officers under Art. VIII, s. 1(d) of the State Constitution by June 30, 2015.[1] As part of that transfer, tax collectors retain portions of specified fees when

[1] Chapter 2010-163, Laws of Florida, and s. 322.02(1), F.S.

processing certain driver license services. Additionally, tax collectors charge a $6.25 service fee for completing such services.[2]

Tax collectors are not currently allowed to retain portions of fees for some services that the tax collectors are performing regularly. For example, an applicant who fails his or her initial driving knowledge or skills test is required to pay a $10 or $20 fee, respectively, to take any subsequent test. These fees are deposited into the HSOTF, regardless of whether the DHSMV or the tax collectors administers the test.[3]

Similarly, service fees required to reinstate a suspended, revoked, or disqualified driver license, collected pursuant to s. 322.21(8), F.S., are deposited into the General Revenue Fund and HSOTF, regardless of whether the reinstatement was conducted by the DHSMV or a tax collector. Of the $45 service fee to reinstate a driver license suspension, $15 is deposited in the General Revenue Fund and $30 in the HSOTF. Of the $75 service fee to reinstate a driver license revocation or commercial driver license disqualification, $35 is deposited in the General Revenue Fund and $40 in the HSOTF.

In the past year, tax collector offices administered 70 percent of subsequent driver license examinations, 79 percent of suspended and revoked driver license reinstatements, and 61 percent of disqualified commercial driver license reinstatements.[4]

Section 215.20, F.S., requires an eight percent service charge to be paid to the General Revenue Fund from all income of a revenue nature deposited in all state trust funds excluding those exempt pursuant to s. 215.22, F.S. The fees addressed by this bill are subject to the service charge when deposited into the HSOTF.

III. Effect of Proposed Changes:

Section 1 amends s. 322.12, F.S., to require, for subsequent driver license tests, that the tax collector retain:

- $10, less an eight percent GR service charge, when they administer a subsequent knowledge test as part of the driver license examination.
- $20, less an eight percent GR service charge, when they administer a subsequent skills test as part of the driver license examination.

Section 2 amends s. 322.21, F.S., to require the tax collectors to retain a portion of service fees when processing driver license reinstatements. If the reinstatement is processed by the tax collector:

- Of the $45 fee for suspension reinstatement, $15 shall be retained by the tax collector, less an eight percent GR service charge, $15 shall be deposited into the HSOTF, and $15 shall be deposited into the General Revenue Fund.

[2] Section 322.135(1)(c), F.S.
[3] Section 322.12(1), F.S.
[4] REC, *Highway Safety Fees – HB 185 and SB* 322 (Nov. 3, 2017), *available at* http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page83-85.pdf at p. 83 (last visited Jan. 9, 2018).

- Of the $75 fee for revocation or disqualification reinstatement, $20 shall be retained by the tax collector, less an eight percent GR service charge, $20 shall be deposited into the HSOTF, and $35 shall be deposited into the General Revenue Fund.

The bill takes effect July 1, 2018.

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:

The Revenue Estimating Conference estimates that allowing tax collectors to retain fees or portions of fees for administering subsequent driver license examinations and reinstating driver licenses will shift approximately $5 million of revenue each year from the HSOTF to the local tax collectors.[5] The bill does not impact the revenues deposited in the General Revenue Fund.

B. Private Sector Impact:

The bill does not appear to impact the private sector.

C. Government Sector Impact:

The bill will have no impact on state and local government expenditures. However, as noted above, revenues deposited into the HSOTF are expected to decrease by $4.7 million in FY 2018-2019 and $4.9 million annually thereafter with similar increases in revenues retained by local tax collectors.

VI. Technical Deficiencies:

None.

[5] *Id.* at p. 84.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.12 and 322.21.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Book

32-00511-18 2018322__

A bill to be entitled

An act relating to fees charged by tax collectors; amending s. 322.12, F.S.; providing for allocation of fees from certain driver license examinations administered by tax collectors; amending s. 322.21, F.S.; providing for allocation of fees from certain driver license reinstatement services performed by tax collectors; providing an effective date.

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

Section 1. Subsection (1) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(1) It is the intent of the Legislature that every applicant for an original driver license in this state be required to pass an examination pursuant to this section. However, the department may waive the knowledge, endorsement, and skills tests for an applicant who is otherwise qualified and who surrenders a valid driver license from another state or a province of Canada, or a valid driver license issued by the United States Armed Forces, if the driver applies for a Florida license of an equal or lesser classification. An ~~Any~~ applicant who fails to pass the initial knowledge test incurs a $10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, except that if a subsequent test is administered by the tax collector, the tax collector shall retain such $10 fee, less the general revenue service charge set forth in s. 215.20(1). An ~~Any~~ applicant who fails to pass the

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

32-00511-18 2018322__

initial skills test incurs a $20 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, except that if a subsequent test is administered by the tax collector, the tax collector shall retain such $20 fee, less the general revenue service charge set forth in s. 215.20(1). A person who seeks to retain a hazardous-materials endorsement, pursuant to s. 322.57(1)(e), must pass the hazardous-materials test, upon surrendering his or her commercial driver license, if the person has not taken and passed the hazardous-materials test within 2 years before applying for a commercial driver license in this state.

Section 2. Subsection (8) of section 322.21, Florida Statutes, is amended to read:

322.21 License fees; procedure for handling and collecting fees.—

(8) A ~~Any~~ person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service fee of $45 following a suspension, and $75 following a revocation, which is in addition to the fee for a license. A ~~Any~~ person who applies for reinstatement of a commercial driver license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service fee of $75, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the $45 fee received from a licensee for reinstatement following a suspension:

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

1. If the reinstatement is processed by the department, the department shall deposit $15 in the General Revenue Fund and $30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, $15, less the general revenue service charge set forth in s. 215.20(1), shall be retained by the tax collector, $15 shall be deposited into the Highway Safety Operating Trust Fund, and $15 shall be deposited into the General Revenue Fund.

(b) Of the $75 fee received from a licensee for reinstatement following a revocation or disqualification:

1. If the reinstatement is processed by the department, the department shall deposit $35 in the General Revenue Fund and $40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, $20, less the general revenue service charge set forth in s. 215.20(1), shall be retained by the tax collector, $20 shall be deposited into the Highway Safety Operating Trust Fund, and $35 shall be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of $130 must be charged. However, only one $130 fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the $130 fee and deposit the fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person’s driver license, but the fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a

conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional fee of $180 is imposed for each offense. The department shall collect and deposit the additional fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person’s driver license.

Section 3. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

January 17, 2018

Chairman Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Bradley,

I respectfully request that you place SB 322, relating to Fees Charged by Tax Collectors, on the agenda of the Committee on Appropriations at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:
❒ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

322
Bill Number (if applicable)

N/A
Amendment Barcode (if applicable)

Topic Redirection of Fees to Tax Collectors

Name Sharon Jordan

Job Title President - Florida Tax Collectors Association

Address 215 S. Monroe St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-222-7206

Email SJordan@SWTAX.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Tax Collectors Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 324 (841860)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); Community Affairs Committee; and Senator Young
SUBJECT:	Impact Fees
DATE:	February 21, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Fav/CS**
2.	Babin	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Babin	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 324 requires that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees.

The bill also codifies the dual rational nexus test. The bill requires impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. The bill prohibits the use of impact fee revenues to pay existing debt unless certain conditions are met.

Lastly, the bill prohibits local governments from requiring developers to pay for land acquisition or construction of public facilities as a condition for approving a development order unless the local government has an ordinance imposing similar requirements on all developers.

The Revenue Estimating Conference (REC) has not completed an analysis of the bill; however, the REC has determined that the portions of the bill that prohibit the collection of impact fees prior to the issuance of a building permit will reduce local revenues by an indeterminate amount. Staff estimates that the remaining bill will reduce local revenues by an indeterminate amount.

II. Present Situation:

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[1] Those counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.[2] Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[3]

The Florida Statutes enumerate the powers and duties of all county governments, unless preempted on a particular subject by general or special law.[4] Those powers include the provision of fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.[5] Article VIII, Section 2 of the State Constitution and s. 166.021, F.S., grant municipalities broad home rule powers.

Given these constitutional and statutory powers, local governments may use a variety of revenue sources to fund services and improvements without express statutory authorization.[6] Special assessments, impact fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources.[7]

Impact Fees

Impact fees are enacted by local ordinance. These fees are tailored to pay the cost of additional infrastructure necessitated by new development. As a result, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

[1] FLA. CONST. art VIII, s. 1(f).

[2] FLA. CONST. art VIII, s. 1(g).

[3] FLA. CONST. art VIII, s. 2(b). *See also* s. 166.021(1), F.S.

[4] Section 125.01, F.S.

[5] Section 125.01(1), F.S.

[6] The exercise of home rule powers by local governments is constrained by whether an inconsistent provision or outright prohibition exists in the constitution or a general law or special law regarding the power at issue. Article VII, s. 1 of the State Constitution prohibits counties and municipalities from levying a tax without express statutory authorization. However, local governments may levy special assessments and a variety of fees absent any general law prohibition, provided such home rule funding source meets the relevant legal sufficiency tests.

[7] For a catalogue of such revenue sources, see the most recent editions of the Florida Legislature's *Local Government Financial Information Handbook* and the *Florida Tax Handbook*.

In 2015, 38 counties reported impact fee revenues of approximately $504 million, and 193 cities reported impact fee revenues of approximately $225.3 million.[8] In 2016, 28 school districts reported impact fee revenues of approximately $265.3 million.[9]

Statutory Authority for Impact Fees

In 2006, the Legislature enacted s. 163.31801, F.S., which provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee. An impact fee ordinance adopted by local government must:

- Require that the calculation of the impact fee be based on the most recent and localized data.
- Provide for accounting and reporting of impact fee collections and expenditures. If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
- Limit administrative charges for the collection of impact fees to actual costs.
- Require that notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.[10]

The Dual Rational Nexus Test

Impact fees have their roots in the common law. A number of court decisions have addressed challenges to the legality of impact fees.[11] In *Hollywood, Inc. v. Broward County*,[12] the Fourth District Court of Appeal addressed the validity of a county ordinance that required a developer, as a condition of plat approval, to dedicate land or pay a fee for the expansion of the county level park system to accommodate the new residents of the proposed development. The court found that a reasonable dedication or impact fee requirement is permissible if (1) it offsets reasonable needs that are sufficiently attributable to the new development and (2) the fees collected are adequately earmarked for the acquisition of capital assets that will benefit the residents of the new development.[13] These two requirements are called the dual rational nexus test. In order to show the impact fee meets those requirements, the local government must demonstrate a rational relationship between the need for additional capital facilities and the proposed development. In addition, the local government must show the funds are earmarked for the provision of public facilities to benefit the new residents.[14]

In *Volusia County v. Aberdeen at Ormond Beach*, the Florida Supreme Court ruled that when a residential development has no potential to increase school enrollment, public school impact fees may not be imposed.[15] The county in that case had imposed a school impact fee on a deed-

[8] Office of Economic Demographic Research, The Florida Legislature, *Impact Fees*, *available at* http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm. County Revenues were updated July 25, 2017, and City Revenues were updated September 28, 2017.
[9] *Id.* School District Revenues were updated October 5, 2017.
[10] Section 163.31801, F.S. Other sections of law also address the ability of local governments or special districts to levy impact fees. *See* ss. 163.3202(3), 191.009(4), and 380.06(15) and (16), F.S.
[11] *See, e.g., Contractors & Builders Ass'n v. City of Dunedin*, 329 So.2d 314 (Fla. 1976); *Home Builders and Contractors' Association v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 1983).
[12] *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983).
[13] *Id.* at 611.
[14] *Id.* at 611-12.
[15] *Volusia County v. Aberdeen at Ormond Beach*, 760 So.2d 126, 134 (Fla. 2000).

restricted community for adults 55 years old and older. In *City of Zephyrhills v. Wood*, the Second District Court of Appeal upheld an impact fee on a recently purchased and renovated building, finding that structural changes had corresponding impacts on the city's water and sewer system.[16]

As developed under case law, an impact fee must have the following characteristics to be legal:

- The fee is levied on new development, the expansion of existing development, or a change in land use that requires additional capacity for public facilities;
- The fee represents a proportionate share of the cost of public facilities needed to serve new development;
- The fee is earmarked and expended for the benefit of those in the new development who have paid the fee;
- The fee is a one-time charge, although collection may be spread over a period of time;
- The fee is earmarked for capital outlay only and is not expended for operating costs; and
- The fee-payers receive credit for the contributions toward the cost of the increased capacity for public facilities.[17]

Time of Collection for Impact Fees

The Florida Statutes do not specify when a local government must collect impact fees. As a result, the applicable local government makes this decision, and the time of collection varies. For example, in Orange County, residential impact fees are due when the building permit is issued, although the county allows the fee to be deferred in certain circumstances.[18] In contrast, in Volusia County, impact fees are due before the issuance of a certificate of occupancy or business tax receipt.[19]

Sector Plans

Local governments are authorized to adopt sector plans into their comprehensive plans.[20] Sector planning is a process whereby local governments engage in long-term planning for a large area of land and address regional issues through adoption of detailed specific area plans within the planning area.[21] Sector plans are approved in two stages: first, the local government approves an amendment to its comprehensive plan, and second, the local government adopts development orders approving one or more detailed specific area plans.[22]

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[16] *City of Zephyrhills v. Wood*, 831 So.2d 223, 225 (Fla. 2d DCA 2002).
[17] The Florida Senate, Issue Brief 2010-310, 4 (Sept. 2009), *available at* http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-310ca.pdf (last visited Jan. 17, 2018).
[18] Orange County, Residential Impact Fees, http://www.orangecountyfl.net/PermitsLicenses/Permits/ResidentialImpactFees.aspx#.WgnLs0kUmUl (last visited Jan. 17, 2018).
[19] Volusia County, Frequently Asked Questions on Impact Fees, https://www.volusia.org/services/growth-and-resource-management/impact-fees/faqs-impact-fees.stml (last visited Jan. 17, 2018).
[20] Section 163.3245(1), F.S.
[21] Section 163.3164(42), F.S.
[22] Section 163.3245(3), F.S.

III. Effect of Proposed Changes:

The bill provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum, specify that the impact fee be collected no earlier than the issuance of the building permit for the property that is subject to the fee.

The bill also codifies the dual rational nexus test. Specifically, the bill requires that an impact fee be reasonably connected to, or have a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

Additionally, the local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents. Finally, the bill prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

The bill provides that water and sewer connection fees are excluded from the statutory provisions related to impact fees contained in s. 163.31801, F.S.

The bill provides that in adopting a detailed specific area plan or related development order a local government may not require a developer to contribute or pay for land acquisition or construction or expansion of public facilities unless the local government has enacted an ordinance that requires developers of other developments not within the sector planning area to contribute a proportionate share of the funds, land or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development. Obligations to fund or construct new facilities or add to the present system of public facilities must have an essential nexus with, and be roughly proportionate to, the proposed development.

The bill provides that, within 30 days of receipt of an application for approval of a detailed specific area plan or related development order, a local government must review the application for completeness and issue a letter either indicating that all required information has been submitted or specifying, with particularity, any areas that are deficient. If the application is found to be deficient, the applicant must address the deficiencies within 30 days after receiving notice of the deficiencies by submitting the required additional information. The local government must approve, approve with conditions, or deny the application for a detailed specific area plan within 90 days after receipt of the initial or supplemental submission, whichever is later, unless the deadline is waived in writing by the applicant. An approval or denial of the application for approval of a detailed specific area plan or related development order must include written findings supporting the local government's decision.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote, may not enact a general law if the anticipated effect of doing so would be to reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill restricts the time at which a county or municipality may collect its impact fees and prohibits counties and municipalities from requiring certain payments as a condition of approving a detailed specific area plan or related development order as part of sector planning.

The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was $2.05 million or less.[23,24,25] If the bill is determined to reduce the authority that counties and municipalities have to raise revenues in the aggregate and exceeds the threshold for insignificant fiscal impact, the bill may qualify as a mandate and require final passage by a two-thirds vote of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference (REC) has not completed an analysis of this bill; however, the REC has determined that the portions of the bill that prohibit collection of impact fees prior to issuance of a building permit will reduce local revenues by an indeterminate amount. Staff estimates that the remaining portions of the bill will reduce local revenues by an indeterminate amount.

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[23] FLA. CONST. art. VII, s. 18(d).

[24] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 17, 2018).

[25] Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf (last visited Jan. 18, 2018).

B. Private Sector Impact:

Developers will not have to pay impact fees prior to the issuance of the building permit for a property, and developers will not have to contribute or pay for land acquisition or construction of public facilities related to detailed specific area plans or related development orders unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

C. Government Sector Impact:

Counties, municipalities, and special districts will not be able to collect impact fees prior to the issuance of the building permit for a property, and local governments will not be able to require contributions of or payments for land or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 163.31801 and 163.3245.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Finance and Tax on January 29, 2018:
The committee substitute:

- Provides that impact fee requirements do not apply to water or sewer connection fees.
- Prohibits local governments from requiring developers to contribute or pay for land acquisition or construction of public facilities as a condition for approving a detailed specific area plan or related development order unless the local government has an ordinance that imposes similar payments on developers of developments not within the sector planning area requiring that they contribute a proportionate share of the

funds, land, or facilities necessary to accommodate any impacts having a rational nexus to the proposed development.

CS by Community Affairs on December 5, 2017:

- Provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee.
- Requires that the impact fee be reasonably connected to, or have a rational nexus with:
  - The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
  - The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.
- Requires the local government to specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.
- Prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

B. Amendments:

None.

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

484394

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Young) recommended the following:

Senate Amendment

Delete lines 53 - 66
and insert:
(e) Collection of the impact fees may not be required to occur earlier than the issuance of the building permit for the property that is subject to the fee.
(f) The impact fees must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new

484394

residential or commercial construction.

(g) The impact fees must be reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

(h) The local government must specifically earmark funds collected pursuant to the impact fees for use in acquiring, constructing, or improving capital facilities to benefit the new users.

532634

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Bean) recommended the following:

Senate Amendment (with title amendment)

Delete lines 87 - 248.

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

And the title is amended as follows:

Delete lines 6 - 11

and insert:

providing an effective

841860

576-02569-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to impact fees; amending s. 163.31801, F.S.; revising the minimum requirements for impact fees; prohibiting the application of impact fee provisions to water and sewer connection fees; amending s. 163.3245, F.S.; prohibiting local governments from requiring certain conditions in development orders, except under certain conditions; specifying the process for the local government review and approval of detailed specific area plans or related development orders; providing an effective date.

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

Section 1. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges ~~definitions; ordinances levying impact fees~~.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within

841860

576-02569-18

its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) At a minimum, impact fees ~~An impact fee~~ adopted by ordinance of a county or municipality or by resolution of a special district must~~, at minimum~~ satisfy the following conditions:

(a) ~~Require that~~ The calculation of the impact fees must ~~fee~~ be based on the most recent and localized data.

(b) The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) ~~Limit~~ Administrative charges for the collection of impact fees must be limited to actual costs.

(d) ~~Require that~~ Notice must be provided no less than 90 days before the effective date of an ordinance or resolution imposing ~~a~~ new or increased impact fees ~~fee~~. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate ~~an~~ impact fees ~~fee~~.

(e) Collection of the impact fees may not occur earlier than the issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be reasonably connected to, or have

a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

(h) The local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.

(i) The collection or expenditure of the impact fee revenues may not be used, in whole or part, to pay existing debt or be used for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.

(6) This section does not apply to water and sewer

connection fees.

Section 2. Paragraph (b) of subsection (3) and subsection (4) of section 163.3245, Florida Statutes, are amended to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(b)1. In addition to the other requirements of this chapter, except for those that are inconsistent with or superseded by the planning standards of this paragraph, the detailed specific area plans must ~~shall~~ be consistent with the long-term master plan and ~~must~~ include conditions and commitments that provide for:

a.~~1.~~ Development or conservation of an area of at least 1,000 acres consistent with the long-term master plan. The local government may approve detailed specific area plans of less than 1,000 acres based on local circumstances if it is determined that the detailed specific area plan furthers the purposes of this part and part I of chapter 380.

b.~~2.~~ Detailed identification and analysis of the maximum and minimum densities and intensities of use and the distribution, extent, and location of future land uses.

c.~~3.~~ Detailed identification of water resource development and water supply development projects and related infrastructure and water conservation measures to address water needs of development in the detailed specific area plan.

d.~~4.~~ Detailed identification of the transportation facilities to serve the future land uses in the detailed specific area plan.

e.~~5.~~ Detailed identification of other regionally significant public facilities, including public facilities outside the jurisdiction of the host local government, impacts of future land uses on those facilities, and required improvements consistent with the long-term master plan.

f.~~6.~~ Public facilities necessary to serve development in the detailed specific area plan, including developer contributions in a 5-year capital improvement schedule of the affected local government.

g.~~7.~~ Detailed analysis and identification of specific measures to ensure the protection and, as appropriate, restoration and management of lands within the boundary of the detailed specific area plan identified for permanent preservation through recordation of conservation easements consistent with s. 704.06, which easements shall be effective before or concurrent with the effective date of the detailed specific area plan and other important resources both within and outside the host jurisdiction. Any such conservation easement may be based on digital orthophotography prepared by a surveyor and mapper licensed under chapter 472 and may include a right of adjustment authorizing the grantor to modify portions of the area protected by a conservation easement and substitute other lands in their place if the lands to be substituted contain no less gross acreage than the lands to be removed; have equivalent values in the proportion and quality of wetlands, uplands, and wildlife habitat; and are contiguous to other lands protected by

the conservation easement. Substitution is accomplished by recording an amendment to the conservation easement as accepted by and with the consent of the grantee, and which consent may not be unreasonably withheld.

h.~~8.~~ Detailed principles and guidelines addressing the urban form and the interrelationships of future land uses; achieving a more clean, healthy environment; limiting urban sprawl; providing a range of housing types; protecting wildlife and natural areas; advancing the efficient use of land and other resources; creating quality communities of a design that promotes travel by multiple transportation modes; and enhancing the prospects for the creation of jobs.

i.~~9.~~ Identification of specific procedures to facilitate intergovernmental coordination to address extrajurisdictional impacts from the detailed specific area plan.

2. A detailed specific area plan adopted by local development order pursuant to this section may be based upon a planning period longer than the generally applicable planning period of the local comprehensive plan and shall specify the projected population within the specific planning area during the chosen planning period. A detailed specific area plan adopted pursuant to this section is not required to demonstrate need based upon projected population growth or on any other basis. All lands identified in the long-term master plan for permanent preservation shall be subject to a recorded conservation easement consistent with s. 704.06 before or concurrent with the effective date of the final detailed specific area plan to be approved within the planning area. Any such conservation easement may be based on digital

orthophotography prepared by a surveyor and mapper licensed under chapter 472 and may include a right of adjustment authorizing the grantor to modify portions of the area protected by a conservation easement and substitute other lands in their place if the lands to be substituted contain no less gross acreage than the lands to be removed; have equivalent values in the proportion and quality of wetlands, uplands, and wildlife habitat; and are contiguous to other lands protected by the conservation easement. Substitution is accomplished by recording an amendment to the conservation easement as accepted by and with the consent of the grantee, and which consent may not be unreasonably withheld.

3. In adopting a detailed specific area plan or related development order, a local government may not include or impose as a development order condition a requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities, or portions thereof, unless the local government has enacted a local ordinance that requires developers of other developments not within a sector planning area to contribute a proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development. When allowed under this section, the obligation to fund or construct new facilities or add to the present system of public facilities must have an essential nexus and be roughly proportionate to the proposed development.

4. Within 30 days of receipt of an application for approval of a detailed specific area plan or related development order, a local government must review the application for completeness

and issue a letter either indicating that all required information has been submitted or specifying, with particularity, any areas that are deficient. If the application is found to be deficient, the applicant must address the deficiencies within 30 days after receiving notice of the deficiencies by submitting the required additional information. The local government must approve, approve with conditions, or deny the application for the detailed specific area plan within 90 days after receipt of the initial or supplemental submission, whichever is later, unless the deadline is waived in writing by the applicant. An approval or denial of the application for approval of a detailed specific area plan or related development order must include written findings supporting the local government decision.

(4) Upon the long-term master plan becoming legally effective:

(a) Any long-range transportation plan developed by a metropolitan planning organization pursuant to s. 339.175(7) must be consistent, to the maximum extent feasible, with the long-term master plan, including, but not limited to, the projected population and the approved uses and densities and intensities of use and their distribution within the planning area. The transportation facilities identified in adopted plans pursuant to subparagraph (3)(a)3. and sub-subparagraph (3)(b)1.d. ~~subparagraphs (3)(a)3. and (b)4.~~ must be developed in coordination with the adopted M.P.O. long-range transportation plan.

(b) The water needs, sources and water resource development, and water supply development projects identified in

adopted plans pursuant to subparagraph (3)(a)2. and sub-subparagraph (3)(b)1.d. must ~~subparagraphs (3)(a)2. and (b)3. shall~~ be incorporated into the applicable district and regional water supply plans adopted in accordance with ss. 373.036 and 373.709. Accordingly, and notwithstanding the permit durations stated in s. 373.236, an applicant may request and the applicable district may issue consumptive use permits for durations commensurate with the long-term master plan or detailed specific area plan, considering the ability of the master plan area to contribute to regional water supply availability and the need to maximize reasonable-beneficial use of the water resource. The permitting criteria in s. 373.223 shall be applied based upon the projected population and the approved densities and intensities of use and their distribution in the long-term master plan; however, the allocation of the water may be phased over the permit duration to correspond to actual projected needs. This paragraph does not supersede the public interest test set forth in s. 373.223.

Section 3. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 324
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); Community Affairs Committee; and Senator Young
SUBJECT:	Impact Fees
DATE:	March 1, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Fav/CS**
2.	Babin	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Babin	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 324 requires that the collection of an impact fee be no earlier than the issuance of the building permit for the property that is subject to the fee and provides that the statutory provisions related to impact fees do not apply to water and sewer connection fees.

The bill also codifies the dual rational nexus test. The bill requires impact fees to have a rational nexus with the need for additional capital facilities and the expenditures of the funds collected. The local government must specifically earmark funds collected by the impact fees for use in acquiring, constructing, or improving capital facilities to benefit the new users. The bill prohibits the use of impact fee revenues to pay existing debt unless certain conditions are met.

The Revenue Estimating Conference (REC) determined that the bill will reduce local revenues by an indeterminate amount.

II. Present Situation:

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.[1] Those counties operating under a county charter have all powers of self-

[1] FLA. CONST. art VIII, s. 1(f).

government not inconsistent with general law or special law approved by the vote of the electors.[2] Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide services, and exercise any power for municipal purposes, except as otherwise provided by law.[3]

The Florida Statutes enumerate the powers and duties of all county governments, unless preempted on a particular subject by general or special law.[4] Those powers include the provision of fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.[5] Article VIII, Section 2 of the State Constitution and s. 166.021, F.S., grant municipalities broad home rule powers.

Given these constitutional and statutory powers, local governments may use a variety of revenue sources to fund services and improvements without express statutory authorization.[6] Special assessments, impact fees, franchise fees, and user fees or service charges are examples of these home rule revenue sources.[7]

Impact Fees

Impact fees are enacted by local ordinance. These fees are tailored to pay the cost of additional infrastructure necessitated by new development. As a result, impact fee calculations vary from jurisdiction to jurisdiction and from fee to fee. Impact fees also vary extensively depending on local costs, capacity needs, resources, and the local government's determination to charge the full cost or only part of the cost of the infrastructure improvement through utilization of the impact fee.

In 2015, 38 counties reported impact fee revenues of approximately $504 million, and 193 cities reported impact fee revenues of approximately $225.3 million.[8] In 2016, 28 school districts reported impact fee revenues of approximately $265.3 million.[9]

[2] FLA. CONST. art VIII, s. 1(g).
[3] FLA. CONST. art VIII, s. 2(b). *See also* s. 166.021(1), F.S.
[4] Section 125.01, F.S.
[5] Section 125.01(1), F.S.
[6] The exercise of home rule powers by local governments is constrained by whether an inconsistent provision or outright prohibition exists in the constitution or a general law or special law regarding the power at issue. Article VII, s. 1 of the State Constitution prohibits counties and municipalities from levying a tax without express statutory authorization. However, local governments may levy special assessments and a variety of fees absent any general law prohibition, provided such home rule funding source meets the relevant legal sufficiency tests.
[7] For a catalogue of such revenue sources, see the most recent editions of the Florida Legislature's *Local Government Financial Information Handbook* and the *Florida Tax Handbook*.
[8] Office of Economic Demographic Research, The Florida Legislature, *Impact Fees, available at* http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm. County Revenues were updated July 25, 2017, and City Revenues were updated September 28, 2017.
[9] *Id.* School District Revenues were updated October 5, 2017.

Statutory Authority for Impact Fees

In 2006, the Legislature enacted s. 163.31801, F.S., which provides requirements and procedures to be followed by a county, municipality, or special district when it adopts an impact fee. An impact fee ordinance adopted by local government must:

- Require that the calculation of the impact fee be based on the most recent and localized data.
- Provide for accounting and reporting of impact fee collections and expenditures. If a local government imposes an impact fee to address its infrastructure needs, the entity must account for the revenues and expenditures of such impact fee in a separate accounting fund.
- Limit administrative charges for the collection of impact fees to actual costs.
- Require that notice be provided at least 90 days before the effective date of an ordinance or resolution imposing a new or increased impact fee.[10]

The Dual Rational Nexus Test

Impact fees have their roots in the common law. A number of court decisions have addressed challenges to the legality of impact fees.[11] In *Hollywood, Inc. v. Broward County*,[12] the Fourth District Court of Appeal addressed the validity of a county ordinance that required a developer, as a condition of plat approval, to dedicate land or pay a fee for the expansion of the county level park system to accommodate the new residents of the proposed development. The court found that a reasonable dedication or impact fee requirement is permissible if (1) it offsets reasonable needs that are sufficiently attributable to the new development and (2) the fees collected are adequately earmarked for the acquisition of capital assets that will benefit the residents of the new development.[13] These two requirements are called the dual rational nexus test. In order to show the impact fee meets those requirements, the local government must demonstrate a rational relationship between the need for additional capital facilities and the proposed development. In addition, the local government must show the funds are earmarked for the provision of public facilities to benefit the new residents.[14]

In *Volusia County v. Aberdeen at Ormond Beach*, the Florida Supreme Court ruled that when a residential development has no potential to increase school enrollment, public school impact fees may not be imposed.[15] The county in that case had imposed a school impact fee on a deed-restricted community for adults 55 years old and older. In *City of Zephyrhills v. Wood*, the Second District Court of Appeal upheld an impact fee on a recently purchased and renovated building, finding that structural changes had corresponding impacts on the city's water and sewer system.[16]

As developed under case law, an impact fee must have the following characteristics to be legal:

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[10] Section 163.31801, F.S. Other sections of law also address the ability of local governments or special districts to levy impact fees. *See* ss. 163.3202(3), 191.009(4), and 380.06(15) and (16), F.S.
[11] *See, e.g., Contractors & Builders Ass'n v. City of Dunedin*, 329 So.2d 314 (Fla. 1976); *Home Builders and Contractors' Association v. Board of County Commissioners of Palm Beach County*, 446 So.2d 140 (Fla. 4th DCA 1983).
[12] *Hollywood, Inc. v. Broward County*, 431 So.2d 606 (Fla. 4th DCA 1983).
[13] *Id.* at 611.
[14] *Id.* at 611-12.
[15] *Volusia County v. Aberdeen at Ormond Beach*, 760 So.2d 126, 134 (Fla. 2000).
[16] *City of Zephyrhills v. Wood*, 831 So.2d 223, 225 (Fla. 2d DCA 2002).

- The fee is levied on new development, the expansion of existing development, or a change in land use that requires additional capacity for public facilities;
- The fee represents a proportionate share of the cost of public facilities needed to serve new development;
- The fee is earmarked and expended for the benefit of those in the new development who have paid the fee;
- The fee is a one-time charge, although collection may be spread over a period of time;
- The fee is earmarked for capital outlay only and is not expended for operating costs; and
- The fee-payers receive credit for the contributions toward the cost of the increased capacity for public facilities.[17]

Time of Collection for Impact Fees

The Florida Statutes do not specify when a local government must collect impact fees. As a result, the applicable local government makes this decision, and the time of collection varies. For example, in Orange County, residential impact fees are due when the building permit is issued, although the county allows the fee to be deferred in certain circumstances.[18] In contrast, in Volusia County, impact fees are due before the issuance of a certificate of occupancy or business tax receipt.[19]

III. Effect of Proposed Changes:

The bill provides that an impact fee adopted by ordinance of a county or municipality or by resolution of a special district must, at minimum, specify that the impact fee be collected no earlier than the issuance of the building permit for the property that is subject to the fee.

The bill also codifies the dual rational nexus test. Specifically, the bill requires that an impact fee be reasonably connected to, or have a rational nexus with:

- The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
- The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

Additionally, the local government must specifically earmark funds collected pursuant to the impact fees for use in acquiring, constructing, or improving capital facilities to benefit the new users. Finally, the bill prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

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[17] The Florida Senate, Issue Brief 2010-310, 4 (Sept. 2009), *available at* http://archive.flsenate.gov/data/Publications/2010/Senate/reports/interim_reports/pdf/2010-310ca.pdf (last visited Jan. 17, 2018).

[18] Orange County, Residential Impact Fees, http://www.orangecountyfl.net/PermitsLicenses/Permits/ResidentialImpactFees.aspx#.WgnLs0kUmUl (last visited Jan. 17, 2018).

[19] Volusia County, Frequently Asked Questions on Impact Fees, https://www.volusia.org/services/growth-and-resource-management/impact-fees/faqs-impact-fees.stml (last visited Jan. 17, 2018).

The bill provides that water and sewer connection fees are excluded from the statutory provisions related to impact fees contained in s. 163.31801, F.S.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the Florida Constitution provides that the Legislature, except upon approval by a two-thirds vote, may not enact a general law if the anticipated effect of doing so would be to reduce the authority that counties or municipalities have to raise revenues in the aggregate.

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill restricts the time at which a county or municipality may collect its impact fees.

The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was $2.05 million or less.[20,21,22] If the bill is determined to reduce the authority that counties and municipalities have to raise revenues in the aggregate and exceeds the threshold for insignificant fiscal impact, the bill may qualify as a mandate and require final passage by a two-thirds vote of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that the bill will reduce local revenues by an indeterminate amount.

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[20] FLA. CONST. art. VII, s. 18(d).

[21] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Jan. 17, 2018).

[22] Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf (last visited Jan. 18, 2018).

B. Private Sector Impact:

Developers will not have to pay impact fees prior to the issuance of the building permit for a property.

C. Government Sector Impact:

Counties, municipalities, and special districts will not be able to collect impact fees prior to the issuance of the building permit for a property.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends s. 163.31801 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/CS by Appropriations on February 27, 2018:
The committee substitute:
- Provides that impact fee requirements do not apply to water or sewer connection fees.
- Provides that funds collected through impact fees must be earmarked for not only acquisition of capital facilities, but also for construction or improvement of capital facilities.

CS by Community Affairs on December 5, 2017:
- Provides that collection of impact fees may not occur before the issuance of the building permit, rather than the issuance of the certificate of occupancy, for the property that is subject to the fee.
- Requires that the impact fee be reasonably connected to, or have a rational nexus with:
  - The need for additional capital facilities and the increased impact generated by the new residential or commercial construction; and
  - The expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.
- Requires the local government to specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.
- Prohibits the use of impact fee revenues to pay existing debt or for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus

with, the increased impact generated by the new residential or commercial construction.

B. Amendments:

None.

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

By the Committee on Community Affairs; and Senator Young

578-01794-18 2018324c1

A bill to be entitled

An act relating to impact fees; amending s. 163.31801, F.S.; revising the minimum requirements for impact fees; providing an effective date.

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

Section 1. Section 163.31801, Florida Statutes, is amended to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges ~~definitions; ordinances levying impact fees~~.—

(1) This section may be cited as the "Florida Impact Fee Act."

(2) The Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction. Due to the growth of impact fee collections and local governments' reliance on impact fees, it is the intent of the Legislature to ensure that, when a county or municipality adopts an impact fee by ordinance or a special district adopts an impact fee by resolution, the governing authority complies with this section.

(3) At a minimum, impact fees ~~An impact fee~~ adopted by ordinance of a county or municipality or by resolution of a special district must~~, at minimum~~ satisfy the following conditions:

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

Florida Senate - 2018 **CS for SB 324**

578-01794-18 2018324c1

(a) ~~Require that~~ The calculation of the impact fees must ~~fee~~ be based on the most recent and localized data.

(b) The local government must provide for accounting and reporting of impact fee collections and expenditures. If a local governmental entity imposes an impact fee to address its infrastructure needs, the entity shall account for the revenues and expenditures of such impact fee in a separate accounting fund.

(c) ~~Limit~~ Administrative charges for the collection of impact fees must be limited to actual costs.

(d) ~~Require that~~ Notice must be provided no less than 90 days before the effective date of an ordinance or resolution imposing ~~a~~ new or increased impact fees ~~fee~~. A county or municipality is not required to wait 90 days to decrease, suspend, or eliminate ~~an~~ impact fees ~~fee~~.

(e) Collection of the impact fees may not occur earlier than the issuance of the building permit for the property that is subject to the fee.

(f) The impact fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the new residential or commercial construction.

(g) The impact fee must be reasonably connected to, or have a rational nexus with, the expenditures of the funds collected and the benefits accruing to the new residential or commercial construction.

(h) The local government must specifically earmark funds collected by the impact fees for use in acquiring capital facilities to benefit the new residents.

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

(i) The collection or expenditure of the impact fee revenues may not be used, in whole or part, to pay existing debt or be used for prior approved projects unless the expenditure is reasonably connected to, or has a rational nexus with, the increased impact generated by the new residential or commercial construction.

(4) Audits of financial statements of local governmental entities and district school boards which are performed by a certified public accountant pursuant to s. 218.39 and submitted to the Auditor General must include an affidavit signed by the chief financial officer of the local governmental entity or district school board stating that the local governmental entity or district school board has complied with this section.

(5) In any action challenging an impact fee, the government has the burden of proving by a preponderance of the evidence that the imposition or amount of the fee meets the requirements of state legal precedent or this section. The court may not use a deferential standard.

Section 2. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12 Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG
18th District

January 31, 2018

Senator Rob Bradley, Chair
Appropriations Committee
201 The Capitol
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Bradley,

My Senate Bill 324 relating to Impact Fees has been referred to your committee for a hearing. I respectfully request that this bill be placed on your next available agenda.

Should you have any questions, please do not hesitate to reach out to me.

Sincerely,

Dana Young
State Senator – 18th District

cc: Mike Hansen, Staff Director – Appropriations Committee

REPLY TO:
❒ 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
❒ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/24/16
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Danny Leeper, County Comissioner

Job Title Nassau County

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Nassau County BOCC

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)

2/27/16
Meeting Date

324
Bill Number (if applicable)

Topic Amendment 532634

532634
Amendment Barcode (if applicable)

Name Justin Taylor, County Commissioner

Job Title Nassau County

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

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

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

Representing Nassau County BOCC

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

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

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name George Spicer, County Commissioner

Job Title Nassau County

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

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

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

Representing Nassau County BOCC

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

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

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/16
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Justin Stankiewicz, Nassau County Commission

Job Title County Asst. Manager

Address _____ Phone _____
Street

Nassau County Email _____
City *State* *Zip*

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/16
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Pat Edwards, ~~Capt~~ County Commissioner

Job Title Board Chairman, Nassau County

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

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

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

Representing Nassau BOCC

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

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

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/16
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Mark Anderson

Job Title Lobbyist, Nassau County

Address 106 S. Monroe
Street

Phone 813 205 0858

Tallahassee FL 32301
City *State* *Zip*

Email Mark@consultanderson.com

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

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

Representing Nassau County BOCC

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

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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Taco Pope

Job Title Planning Director

Address Nassau County Commissn
Street

Phone

Email

City *State* *Zip*

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

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

Representing Nassau County BOCC

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

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

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/16
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Amendment 532634

Name Mike Mullin

Job Title Nassau County Attorney

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

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

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

Representing Nassau County BOCC

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

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

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Impact Fees

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300
Street

Tallahassee FL 32312
City *State* *Zip*

Phone 222-7502

Email garyh@hgslaw.com

Speaking: ☑ For ☑ Against ☐ Information

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

Representing Florida Chamber & Association of Florida Community Developers

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)

2/27
Meeting Date

324
Bill Number (if applicable)

532624
Amendment Barcode (if applicable)

Topic Impact Fees

Name Susan Harbin Alford

Job Title Sr. Associate Director of Public Policy

Address 100 S. Monroe St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 770-546-8845

Email sharbin@fl-counties.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Association of Counties

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

324
Bill Number (if applicable)

532634
Amendment Barcode (if applicable)

Topic Bean Amendment to SB 324

Name Chris Doolin

Job Title Consultant

Address 1118-B Thomasville Rd.
Street
Tallahassee, Fla.
City *State* *Zip*

Phone 850-528-5492

Email cdoolin@nettally.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Small County Coalition

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

324
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Impact Fees

Name Gary Hunter

Job Title Attorney

Address 119 S. Monroe St Suite 300 (*Street*)

Phone 222-7500

Tallahassee (*City*) FL (*State*) 32301 (*Zip*)

Email garyh@hgslaw.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Association of Florida Community Developers / Florida Chamber

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 324
Bill Number (if applicable)

Topic IMPACT FEES

Amendment Barcode (if applicable)

Name KARI HEBRANK

Job Title

Address 113 EAST COLLEGE AVE
Street
TALLAHASSEE FL 32301
City *State* *Zip*

Phone 850-566-7824

Email Kari@Wilsonmgt.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing FLORIDA HOME BUILDERS

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)

2/27/18
Meeting Date

324
Bill Number (if applicable)

Topic Impact Fees

Amendment Barcode (if applicable)

Name Rusty Payton

Job Title CEO

Address 2600 Centennial Place
Street

Tallahassee FL 32308
City *State* *Zip*

Phone 567-1073

Email rpayton@fhba.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Home Builders Association

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 328
INTRODUCER:	Senator Baxley
SUBJECT:	Veteran Identification
DATE:	February 21, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Miller	TR	**Favorable**
2.	Wells/Hrdlicka	Hrdlicka	ATD	**Recommend: Favorable**
3.	Wells/Hrdlicka	Hansen	AP	**Pre-meeting**

I. Summary:

SB 328 directs the Department of Highway Safety and Motor Vehicles (DHSMV) to create a state veteran identification card to be used by veterans as proof of veteran status for obtaining discounts or fee waivers. The DHSMV shall issue the card to a veteran who has been honorably discharged and who provides to the DHSMV:

- A copy of his or her DD Form 214;
- A copy of his or her valid driver license, identification card, or another form of photographic identification acceptable to the DHSMV; and
- Payment of a $10 fee.

The bill provides specifications for information that will appear on the card, and provides that the card may be used as proof of veteran status in numerous sections of the Florida Statutes that waive application fees for registration or licensure or provide for expedited review of concealed weapons applications.

The bill is expected to result in insignificant increases in revenues deposited into the Highway Safety Operating Trust Fund (HSOTF) and for local tax collectors. The DHSMV is expected to incur costs of approximately $173,715 to implement the bill.

The bill takes effect January 1, 2019.

II. Present Situation:

Veteran Identification Cards

In general, most veteran identification cards are used to obtain promotional discounts and other services, and provide a way for a veteran to prove military service without having to present

other forms of proof that might also contain personal or confidential information.[1] In 2015, Congress enacted the "Veterans Identification Card Act 2015,"[2] which directs the Secretary of the U.S. Department of Veterans Affairs (VA) to issue a veteran identification card to each veteran who requests one and presents a copy of his or her Department of Defense (DoD) DD Form 214[3] (Certificate of Release or Discharge from Active Duty) or other official document from the official military personnel file of the veteran that describes his or her service. The card will display the photograph and name of the veteran, and contain an identification number that is not a social security number. The card is not proof of any benefits to which the veteran is entitled but does serve as proof that such veteran:

- Served in the Armed Forces; and
- Has a DD Form 214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.[4]

The VA opened the application process for the cards on November 29, 2017; "[v]eterans who apply for a card should receive it within 60 days and can check delivery status of their cards at vets.gov."[5] The VA plans to provide a digital version of the identification card as well.[6] At this time, the VA has indicated that it will not charge a veteran a fee for issuance of the identification card.[7]

Currently, certain veterans may be eligible for other identification cards that may prove veteran status, including a:

- Veteran Health Identification Card (VHIC): The VHIC is issued to veterans enrolled in the VA health care system, and is used for identification and check-in at VA appointments and access to U.S. military bases.[8]
- DD Form 2 (Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the U.S. Uniformed Services[9] entitled to retired pay, members on the Temporary

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[1] *See generally*, U.S. Department of Veterans Affairs, *Veteran ID Cards: What your options are now and in the future* (Mar. 24, 2016), *available at* https://www.blogs.va.gov/VAntage/26568/veteran-id-cards-options/ (last visited Jan. 11, 2018).
[2] H.R.91, *Veterans Identification Card Act 2015* (Pub. L. No. 114-31, July 20, 2015), *available at* https://www.congress.gov/bill/114th-congress/house-bill/91 (last visited Jan. 11, 2018).
[3] The DoD issues each veteran a DD-214 upon separation from active duty service. This form identifies the veteran's condition of discharge, and contains information commonly needed to verify military service for benefits, retirement, employment, and membership in veteran organizations. Department of Defense Instruction 1336.01, *Certificate of Release or Discharge from Active Duty* (Dec. 29, 2014), *available at* http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133601p.pdf (last visited Jan. 11, 2018).
[4] 38 U.S.C. s. 5706.
[5] U.S. Department of Veterans Affairs, *VA announces rollout and application process for new Veterans ID Card* (Nov. 29, 2017), available at https://www.blogs.va.gov/VAntage/43442/va-announces-rollout-application-process-new-veterans-id-card/ (last visited Jan. 11, 2017).
[6] *Id*.
[7] See U.S. Department of Veterans Affairs, *Inquiry Routing & Information System (IRIS): Will VA charge a fee to issue the Veterans Identification Card (VIC) to Veterans?* (updated Nov. 29, 2017), *available at* https://iris.custhelp.com/app/answers/detail/a_id/3065/~/will-va-charge-a-fee-to-issue-the-veterans-identification-card-%28vic%29-to (last visited Jan. 11, 2018).
[8] U.S. Department of Veterans Affairs, *Health Benefits*: *Veterans Health Identification Card*, *available at* http://www.va.gov/healthbenefits/vhic/index.asp (last visited Jan. 11, 2018).
[9] The uniformed services include the Army, Marines, Navy, Air Force, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration. See 10 U.S.C. s. 101(a)(5).

Disability Retired List, and members on the Permanent Disability Retired List. This card is used to access military service benefits or privileges.[10]

- DD Form 2 (Reserve Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the Reserves and the National Guard who are under the age of 60. This card is used to access military service benefits or privileges.[11]
- DD Form 2765, Uniformed Services ID and Privilege Card: This card is issued by the DoD to Medal of Honor recipients, 100-percent disabled veterans, former members in receipt of retired pay, and other limited benefits-eligible categories described in DoD policy. This card is used to access military service benefits or privileges.[12]
- Paper identification card or a letter serving as proof of honorable military service that is issued free through the joint VA/DoD eBenefits web portal.[13]
- State driver license or identification card with a Veteran designation or State-issued Veteran Identification Card.

State Driver License or Identification Card Veteran Designations

Currently, 48 states as well as Puerto Rico and the District of Columbia provide the option for veterans to add a veteran designation to a state driver license or identification card.[14]

Florida provides the option for a veteran designation to be placed on a veteran's driver license or identification card upon request from the veteran, payment of a fee, and the presentation of a copy of the veteran's DD Form 214 or other acceptable form specified by the Florida Department of Veterans' Affairs (FDVA).[15] The designation is added onto a driver license or identification card for a $1 fee when the license or card is being issued or renewed, or a $2 fee solely to replace a license or card in order to add on the designation.[16] Revenue generated from the $1 and $2 fees is deposited into the Highway Safety Operating Trust Fund. Additionally, tax collectors in most counties charge a $6.25 service fee for issuing or renewing a driver license or identification card.[17]

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[10] The design of the Uniformed Services ID cards include a picture, branch affiliation, paygrade/rank, expiration date, DoD identification number, date of birth, benefits number, blood type, Geneva Convention category, and date of issue. See, DoD Common Access Card, *Uniformed Services ID Card*, *available at* http://www.cac.mil/uniformed-services-id-card/ (last visited Jan. 11, 2018).

[11] Id.

[12] Id.

[13] The webportal is available at eBenefits.va.gov. U.S. Department of Veterans Affairs, *Veteran ID Cards: What your options are now and in the future* (Mar. 24, 2016), *available at* https://www.blogs.va.gov/VAntage/26568/veteran-id-cards-options/ (last visited Jan. 11, 2018).

[14] MilitaryBenefits, *Veterans ID on Driver's License or ID Card by State,* https://militarybenefits.info/veterans-id-on-drivers-license-id-card-by-state/ (last visited Jan. 11, 2018). Virginia and Delaware offer state veteran ID cards.

[15] See ss. 322.051(8)(b) and 322.14(1)(d), F.S.

[16] *Id*. The current veteran designation is a "V" printed on the license or card; however, the designation will be changed to read "Veteran" upon implementation of new designs for the license and card by the DHSMV. The DHSMV expected the implementation of the new design to be completed by December 2017. *See* s. 4, ch. 2015-85 L.O.F. *See* also DHSMV, 2018 Agency Legislative Bill Analysis: SB 100 (Oct. 23, 2017). Also, note that SB 100 (2017), if passed by the Legislature during the 2018 Session, will eliminate all fees that a veteran will pay to have the word "Veteran" displayed on a driver license or identification card.

[17] The DHSMV performs the tax collection services for Volusia, Broward, and Miami-Dade counties, because those counties do not have a tax collector who is a constitutional officer under Art. VIII, s. 1(d) of the State Constitution, and the tax collectors of Glades, Franklin, and Gilchrist counties are exempt from providing services on behalf of the DHSMV due to their statuses as fiscally constrained counties. *See* s. 322.135(1)(c) and (7), F.S.

As of October 2017, there are 343,118 veterans that have Florida identification cards or driver licenses with a "Veteran" designation.[18]

State-Issued Veteran Identification Cards

Virginia and Delaware both offer veteran identification cards issued by the state's Division of Motor Vehicles.

To be eligible for a Virginia-issued veteran identification card, the veteran must:
- Present documentation indicating that he or she served in the U.S. Armed Forces, received an honorable discharge, and holds an unexpired Virginia driver license or identification card;
- Present documentation that displays the veteran's branch of service, discharge date, and discharge status; and
- Pay a $10 application fee.[19]

Delaware-issued veteran identification cards are available free of charge to any Delaware veteran that served in the U.S. military, was honorably discharged, has a valid Delaware driver license or identification card, and provides accepted proof of military service.[20]

Florida does not issue a veteran identification card for all veterans but does issue cards for veterans with specified 100 percent total and permanent service-connected disabilities. Section 295.17, F.S., authorizes the FDVA to issue an identification card to any veteran who is a permanent resident of Florida and has been determined by the VA to have a 100 percent service-connected permanent and total disability rating for compensation, or has a service-connected total and permanent disability rating of 100 percent and is receiving disability retirement pay from any branch of the U.S. Armed Forces.

Licensing and Registration Fee Waivers

Florida has the third largest veteran population in the nation, with over 1.5 million veterans in the state.[21] Florida offers numerous benefits available to veterans, including fee waivers for veterans, spouses of veterans, and business entities with majority ownership held by a veteran or spouse of a veteran.

Currently, Florida waives initial license and application fees for a veteran who, within 24 months of being discharged from a branch of the U.S. Armed Forces, applies for the following licenses and provides a copy of his or her DD Form 214 or another acceptable form of identification as specified by the FDVA:
- Private investigative or security agency branch office manager or firearms instructor;[22]
- Private investigator, private investigator intern, or private investigative agency manager;[23]

[18] DHSMV, *2018 Agency Legislative Bill Analysis: SB 328* (Nov. 23, 2017).
[19] Virginia Department of Veterans Services, *Veterans ID Card*, available at https://www.dvs.virginia.gov/benefits/veterans-id-card/ (last visited Jan. 12, 2018).
[20] State of Delaware, Division of Motor Vehicles, *Veteran Identification (ID) Cards*, available at https://www.dmv.de.gov/services/driver_services/drivers_license/dr_lic_vet_idcard.shtml (last visited Jan. 12, 2018).
[21] FDVA, *Fast Facts*, available at http://floridavets.org/our-veterans/profilefast-facts/ (last visited Jan. 12, 2018).
[22] Sections 493.6105(1)(c) and 493.6107(6), F.S.
[23] Sections 493.6105(1)(c) and 493.6202(4), F.S.

- Security officer, security officer instructor, or security agency manager;[24] and
- Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor.[25]

Initial license or registration fees are waived for a veteran, spouses of a veteran, and a business entity with a veteran majority owner who submits an application within 60 months after the date of the veteran's discharge from the U.S. Armed Forces for the following classes of licenses:

- Land surveyor and mapper;[26]
- Health studio;[27]
- Commercial telephone seller or entities providing substance abuse marketing services;[28]
- Telemarketing salesperson;[29]
- Mover and moving broker;[30]
- Liquefied petroleum gas related license;[31]
- Pawnbroker;[32]
- Motor vehicle repair shop;[33] and
- Sellers of travel.[34]

To be eligible for the fee waiver discussed above, the veteran must have been honorably discharged, and the applicant must provide a copy of the veteran's DD Form 214 or another acceptable form of identification as specified by the FDVA, and a valid marriage license or proof of ownership interest, where applicable.

A veteran of the U.S. Armed Forces who retired within 24 months before application for licensure is exempt from the application filing fee to be licensed as an insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary upon proof of qualifying veteran status.[35]

Finally, a veteran is eligible to receive expedited processing of an application for a license to carry concealed weapons or firearms. A veteran must submit a copy of the DD Form 214 or another acceptable form of identification as specified by the FDVA.[36]

[24] Sections 493.6105(1)(c) and 493.6302(4), F.S. Security officers are not subject to application fees.
[25] Sections 493.6105(1)(c) and 493.6402(4), F.S.
[26] Section 472.015(3), F.S.
[27] Section 501.015(2), F.S.
[28] Section 501.605(5), F.S.
[29] Section 501.607(2)(b), F.S.
[30] Section 507.03(3)(b), F.S.
[31] Section 527.02(3)(b), F.S.
[32] Section 539.001(3)(c), F.S.
[33] Section 559.904(3)(b), F.S.
[34] Section 559.928(2)(c), F.S.
[35] Section 626.171(6), F.S. Qualified individuals must provide a copy of a military identification card, service record, or personnel file, or veteran record, discharge paper, or separation document that shows that such member was honorably discharged.
[36] Section 790.06(5)(f)2., F.S.

III. Effect of Proposed Changes:

The bill directs the DHSMV to create a veteran identification card to be used as proof of veteran status for obtaining discounts or waivers offered to veterans (**Section 1**, creating s. 322.0511, F.S.). The card may not be used for the determination of any federal benefits and is not a 100 percent disabled veteran state identification card issued under s. 295.17, F.S., or state identification card with a veteran designation issued under s. 322.051, F.S.

The card must bear the colors and design approved by the DHSMV, including:
- A full-face photograph of the veteran;
- The words "Proof of veteran status" at the bottom of the card; and
- The veteran's full name, branch of service, and date of discharge.

The DHSMV shall issue the card by mail to a veteran of any branch of the U.S. Armed Forces who has been honorably discharged and who provides the DHSMV with:
- A copy of his or her DD Form 214;
- A copy of his or her valid driver license or identification card or other form of photographic identification acceptable to the DHSMV; and
- Payment of a $10 fee.[37]

The bill requires the card be terminated upon the death of the veteran. Additionally, this law authorizing issuance of the card will be repealed August 31, 2023.

The bill authorizes the veteran identification card to be used as proof of veteran status in numerous sections of the Florida Statutes. Specifically, the bill authorizes the card to be used as proof of veteran status to receive fee waivers when applying for the following licenses or registrations:
- Land surveyor and mapper (**Section 2**, amending s. 472.015, F.S.);
- Private investigative or security agency branch office manager, firearms instructor, private investigator, private investigator intern, private investigative agency manager, security officer instructor, security agency manager, recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor (**Section 3**, amending s. 493.6105, F.S.);
- Private investigative or security agency branch office manager or a firearms instructor (**Section 4**, amending s. 493.6107, F.S.);
- Private investigator, private investigator intern, or private investigative agency manager (**Section 5**, amending s. 493.6202, F.S.);
- Security officer, security officer instructor, or a security manager (**Section 6**, amending s. 493.6302, F.S.);
- Recovery agent, recovery agent intern, recovery agent manager, or recovery agent instructor (**Section 7**, amending s. 493.6402, F.S.);
- Health studio (**Section 8**, amending s. 501.015, F.S.);
- Commercial telephone seller or entity providing substance abuse marketing services (**Section 9**, amending s. 501.605, F.S.);
- Telemarketing salesperson (**Section 10**, amending s. 501.607, F.S.);

[37] The fee will be deposited into the Highway Safety Operating Trust Fund (HSOTF).

- Mover and moving broker (**Section 11**, amending s. 507.03, F.S.);
- Liquefied petroleum gas related license (**Section 12**, amending s. 527.02, F.S.);
- Pawnbroker (**Section 13**, amending s. 539.001, F.S.);
- Motor vehicle repair shop (**Section 14**, amending s. 559.904, F.S.);
- Seller of travel (**Section 15**, amending s. 559.928, F.S.); and
- Insurance agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary (**Section 16**, amending s. 626.171, F.S.).

Lastly, **section 17**, amending s. 790.06, F.S., provides that the veteran identification card may be used as proof of veteran status for expedited processing of an application to carry concealed weapons or firearms.

The bill takes effect January 1, 2019.

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:

The total cost of the state veteran identification card will be $16.25. The bill provides for a $10 fee for the card, and local tax collector offices are authorized to charge a service fee of $6.25 when providing services under ch. 322, F.S.[38] The Revenue Estimating Conference estimates that the bill will result in insignificant increases in revenues deposited into the Highway Safety Operating Trust Fund and for local governments (tax collector offices performing driver license services).[39]

B. Private Sector Impact:

A veteran will be required to pay a $10 fee if he or she chooses to apply for a state veteran identification card created by this bill. If the veteran applies for the card at a local tax collector office, they will be charged an additional $6.25 service fee.

[38] *See* s. 322.135, F.S.
[39] Office of Economic and Demographic Research, Revenue Estimating Conference, *Highway Safety Fees: HB 107 and SB 328* (Oct. 27, 2018), available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page70-74.pdf (last visited Jan. 12, 2018).

C. Government Sector Impact:

The DHSMV estimates programming and contracted resources costs will be $173,715.[40]

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 100 (2017), if passed by the Legislature during the 2018 Session, will eliminate all fees that a veteran will pay to have the word "Veteran" displayed on a driver license or identification card issued pursuant to ss. 322.14 or 322.051, F.S.

VIII. Statutes Affected:

This bill creates section 322.0511 of the Florida Statutes.

This bill substantially amends the following sections of the Florida Statutes: 472.015, 493.6105, 493.6107, 493.6202, 493.6302, 493.6402, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, 559.928, 626.171, and 790.06.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

[40] DHSMV, *2018 Agency Legislative Bill Analysis: SB 328* (Sept. 19, 2017).

939294

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Appropriations (Powell) recommended the following:

Senate Amendment (with title amendment)

Delete lines 482 - 484
and insert:
Section 17. Subsection (2) and paragraph (f) of subsection (5) of section 790.06, Florida Statutes, are amended to read:
790.06 License to carry concealed weapon or firearm.—
(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:
(a) Is a resident of the United States and a citizen of the

939294

United States or a permanent resident alien of the United States, as determined by the United States Bureau of Citizenship and Immigration Services, or is a consular security official of a foreign government that maintains diplomatic relations and treaties of commerce, friendship, and navigation with the United States and is certified as such by the foreign government and by the appropriate embassy in this country;

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity that ~~which~~ prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been:

1. Found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted; or

2. Committed for the abuse of a controlled substance under chapter 397 or under the provisions of former chapter 396 or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to be committed for the abuse of a controlled substance under this subparagraph;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages or other substances to the extent that his or her normal faculties

are impaired if the applicant has been convicted under s. 790.151 or has been deemed a habitual offender under s. 856.011(3), or has had two or more convictions under s. 316.193 or similar laws of any other state, within the 3-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;

6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state. An applicant who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the adjudication occurred is deemed not to have been adjudicated an incapacitated person under this paragraph;

(j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state. An applicant

939294

who has been granted relief from firearms disabilities pursuant to s. 790.065(2)(a)4.d. or pursuant to the law of the state in which the commitment occurred is deemed not to have been committed in a mental institution under this paragraph;

(k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or expunction has occurred;

(l) Has not had adjudication of guilt withheld or imposition of sentence suspended on any misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been expunged;

(m) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; ~~and~~

(n) Has undergone a mental health evaluation conducted by a clinical psychologist or a psychiatrist, as those terms are defined in s. 394.455, and has been determined to be competent and of sound mind; and

(o) ~~(n)~~ Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to veteran identification and gun

939294

safety; amending s. 790.06, F.S.; requiring the Department of Agriculture and Consumer Services to issue a license if, in addition to other specified criteria, the applicant has undergone a mental health evaluation conducted by certain licensed professionals and has been determined to be competent; creating s.

660814

LEGISLATIVE ACTION

Senate . House

. .

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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment (with title amendment)

Between lines 496 and 497

insert:

Section 18. For the 2018-2019 fiscal year, $173,715 in nonrecurring funds from the Highway Safety Operating Trust Fund is appropriated to the Department of Highway Safety and Motor Vehicles to implement this act.

660814

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

And the title is amended as follows:

Delete line 27

and insert:

appropriation; providing an effective date.

118946

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 496 and 497
insert:

Section 18. Section 790.30, Florida Statutes, is created to read:

790.30 Assault weapons.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Assault weapon" means:

1. A selective-fire firearm capable of fully automatic,

semiautomatic, or burst fire at the option of the user or any of the following specified semiautomatic firearms:

a. Algimec AGM1.

b. All AK series, including, but not limited to, the following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

c. All AR series, including, but not limited to, the following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70, Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson M&P15 rifles.

d. Barrett 82A1 and REC7.

e. Beretta AR-70 and Beretta Storm.

f. Bushmaster automatic rifle.

g. Calico Liberty series rifles.

h. Chartered Industries of Singapore SR-88.

i. Colt Sporter.

j. Daewoo K-1, K-2, Max-1, and Max-2.

k. FAMAS MAS .223.

l. Federal XC-900 and SC-450.

m. FN FAL (or FN LAR) and FN FNC.

n. FN FS2000, FN PS90, and FN SCAR.

o. Galil and UZI Sporter, Galil sniper rifle (Galatz), Galil Sporter, UZI, or Vector Arms UZI.

p. Goncz High-Tech carbine.

q. Hi-Point carbine.

r. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

s. Kel-Tec RFB, Sub-2000, and SU series.

118946

t. M1 carbine.
u. M2HB and TNW M230.
v. Ruger Mini-14 with folding stock.
w. SAR-8, SAR-4800, and SR9.
x. SIG 57 AMT and 500 Series.
y. Sig Sauer MCX rifle.
z. SKS capable of accepting a detachable magazine.
aa. SLG 95.
bb. SLR 95 and 96.
cc. Spectre automatic carbine.
dd. Springfield Armory BM59, G-3, and SAR-48.
ee. Sterling MK-6 and MK-7.
ff. Steyr AUG.
gg. Thompson series, including Thompson T5.
hh. Weaver Arms Nighthawk.

2. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. AK-47 pistol and Mini AK-47 pistol.
b. AR-15 pistol.
c. Australian Automatic Arms SAP pistol.
d. Bushmaster automatic pistol.
e. Calico Liberty series pistols.
f. Chiappa Firearms Mfour-22.
g. Colefire Magnum.
h. DSA SA58 PKP FAL.
i. Encom MK-IV, MP-9, and MP-45.
j. Feather AT-9 and Mini-AT.
k. German Sport 522 PK.

l. Goncz High-Tech Long pistol.

m. Holmes MP-83.

n. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.

o. I.O. Inc., PPS-43C.

p. Iver Johnson Enforcer.

q. Kel-Tec PLR-16 pistol.

r. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.

s. Scarab Skorpion.

t. Sig Sauer P556 pistol.

u. Spectre automatic pistol.

v. Thompson TA5 series pistols.

w. UZI pistol and Micro-UZI pistol.

x. Wilkinson “Linda” pistol.

3. All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. Armscor 30 BG.

b. Franchi LAW-12 and SPAS-12.

c. Kel-Tec KSG.

d. Remington TAC-2 and TACB3 FS.

e. Saiga.

f. Streetsweeper.

g. Striker 12.

h. USAS-12.

4. A part or combination of parts that converts a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

118946

5. A semiautomatic firearm not listed in this paragraph which meets the criteria of one of the following sub-subparagraphs:

a. A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand, or a thumbhole stock.

(III) A bayonet mount.

(IV) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(V) A grenade launcher.

(VI) A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.

b. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:

(I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.

(II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(III) A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.

(IV) A manufactured weight of 50 ounces or more when the pistol is unloaded.

118946

(V) A semiautomatic version of an automatic firearm.

(VI) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.

(VII) A folding, telescoping, or thumbhole stock.

c. A semiautomatic shotgun that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(III) A thumbhole stock.

(IV) A fixed-magazine capacity in excess of 5 rounds.

(V) An ability to accept a detachable magazine.

d. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

e. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(b) "Detachable magazine" means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.

(c) "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(d) "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 7 rounds, or any

118946

conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;

2. A .22 caliber tube ammunition feeding device; or

3. A tubular magazine that is contained in a lever-action firearm.

(e) "Licensed gun dealer" means a person who has a federal firearms license.

(2) SALE OR TRANSFER.—

(a) A person may not import into this state or, within this state, distribute, transport, sell, keep for sale, offer or expose for sale, or give an assault weapon or large-capacity magazine. Except as provided in paragraph (b), any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 2 years.

(b) A person may not transfer, sell, or give an assault weapon or large-capacity magazine to a person under 18 years of age. Any person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 6 years.

(c) Paragraph (a) does not apply to:

1. The sale of assault weapons or large-capacity magazines to the Department of Law Enforcement, to a law enforcement agency, as defined in s. 934.02, to the Department of

Corrections, or to the military, air, or naval forces of this state or the United States for use in the discharge of their official duties.

2. A person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4) which is disposed of as authorized by the probate court, if the disposition is otherwise authorized under this section.

3. The transfer by bequest or intestate succession of an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4).

(3) POSSESSION.—

(a) Except as provided in subsection (5) or otherwise provided in this section or authorized by any other law, a person may not, within this state, possess an assault weapon or large-capacity magazine. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year.

(b) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by a member or employee of the Department of Law Enforcement, a law enforcement agency, as defined in s. 934.02, the Department of Corrections, or the military, air, or naval forces of this state or of the United States for use in the discharge of his or her official duties; nor does this section prohibit the possession or use of an assault weapon or large-capacity magazine by a sworn member of one of these agencies when on duty and the use is within the

118946

scope of his or her duties.

(c) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by any person before July 1, 2019, if all of the following are applicable:

1. The person is eligible to apply for a certificate of possession for the assault weapon or large-capacity magazine by July 1, 2019;

2. The person lawfully possessed the assault weapon or large-capacity magazine before October 1, 2018; and

3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession of a firearm.

(d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4), if the assault weapon or large-capacity magazine is possessed at a place set forth in subparagraph (4)(c)1. or as authorized by the probate court.

(4) CERTIFICATE OF POSSESSION.—

(a) Any person who lawfully possesses an assault weapon or large-capacity magazine before October 1, 2018, shall apply by October 1, 2019, or, if such person is a member of the military or naval forces of this state or of the United States and cannot apply by October 1, 2019, because he or she is or was on official duty outside this state, shall apply within 90 days after returning to this state, to the Department of Law Enforcement for a certificate of possession with respect to such assault weapon or large-capacity magazine. The certificate must

contain a description of the assault weapon or large-capacity magazine which identifies the assault weapon or large-capacity magazine uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt rules no later than January 1, 2019, to establish procedures with respect to the application for, and issuance of, certificates of possession under this section.

(b)1. An assault weapon or large-capacity magazine lawfully possessed in accordance with this section may not be sold or transferred on or after January 1, 2019, to any person within this state other than to a licensed gun dealer, as provided in subsection (5); or by a bequest or intestate succession.

2. A person who obtains title to an assault weapon or large-capacity magazine for which a certificate of possession has been issued under this subsection shall, within 90 days after obtaining title, apply to the Department of Law Enforcement for a certificate of possession, render the assault weapon or large-capacity magazine permanently inoperable, sell the assault weapon or large-capacity magazine to a licensed gun dealer, or remove the assault weapon or large-capacity magazine from this state.

3. A person who moves into this state and who is in lawful possession of an assault weapon or large-capacity magazine, shall, within 90 days, either render the assault weapon or large-capacity magazine permanently inoperable, sell the assault weapon or large-capacity magazine to a licensed gun dealer, or remove the assault weapon or large-capacity magazine from this state, unless the person is a member of the military, air, or

118946

naval forces of this state or of the United States, is in lawful possession of an assault weapon or large-capacity magazine, and has been transferred into this state after October 1, 2019.

(c) A person who has been issued a certificate of possession for an assault weapon or large-capacity magazine under this subsection may possess it only if the person is:

1. At the residence, the place of business, or any other property owned by that person, or on a property owned by another person with the owner's express permission;

2. On the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

3. On a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range;

4. On the premises of a licensed shooting club;

5. Attending an exhibition, display, or educational project on firearms which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or

6. Transporting the assault weapon or large-capacity magazine between any of the places mentioned in this paragraph, or from or to any licensed gun dealer for servicing or repair pursuant to paragraph (7)(b), provided the assault weapon or large-capacity magazine is transported as required by subsection (7).

(5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or large-capacity magazine sells or transfers the weapon

or magazine to a licensed gun dealer, he or she shall, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate must contain:

(a) The date of sale or transfer.

(b) The name and address of the seller or transferor and the licensed gun dealer and their social security numbers or driver license numbers.

(c) The licensed gun dealer's federal firearms license number.

(d) A description of the weapon, including the caliber of the weapon and its make, model, and serial number.

(e) Any other information the Department of Law Enforcement prescribes.

The licensed gun dealer shall present his or her driver license or social security card and federal firearms license to the seller or transferor for inspection at the time of purchase or transfer. The Department of Law Enforcement shall maintain a file of all certificates of transfer at its headquarters.

(6) RELINQUISHMENT.—An individual may arrange in advance to relinquish an assault weapon or large-capacity magazine to a law enforcement agency, as defined in s. 934.02, or the Department of Law Enforcement. The assault weapon or large-capacity magazine shall be transported in accordance with subsection (7).

(7) TRANSPORTATION.—

(a) A licensed gun dealer who lawfully purchases for resale an assault weapon or large-capacity magazine pursuant to subsection (2) may transport the assault weapon or large-

118946

capacity magazine between licensed gun dealers or out of this state, but no person shall carry a loaded assault weapon concealed from public view, or knowingly have in any motor vehicle owned, operated, or occupied by him or her a loaded or unloaded assault weapon, unless such weapon is kept in the trunk of such vehicle or in a case or other container that is inaccessible to the operator of or any passenger in such vehicle. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any licensed gun dealer may display the assault weapon or large-capacity magazine at any gun show or sell it to a resident outside this state.

(b) Any licensed gun dealer may transfer possession of any assault weapon or large-capacity magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to a gunsmith who is:

1. In the licensed gun dealer’s employ; or

2. Contracted by the licensed gun dealer for gunsmithing services, provided the gunsmith holds a dealer’s license issued pursuant to chapter 44 of Title 18 the United States Code, 18 U.S.C. ss. 921 et seq., and the regulations issued pursuant thereto.

(8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION NOT PROHIBITED.—This section does not prohibit any person, firm, or corporation engaged in the business of manufacturing assault weapons or large-capacity magazines in this state from manufacturing or transporting assault weapons or large-capacity magazines in this state for sale within this state in accordance

with subparagraph (2)(c)1. or for sale outside this state.

(9) EXCEPTION.—This section does not apply to any firearm modified to render it permanently inoperable.

Section 19. Paragraph (a) of subsection (3) of section 775.087, Florida Statutes, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(3)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a firearm is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;

c. Robbery;

d. Burglary;

e. Arson;

f. Aggravated battery;

g. Kidnapping;

h. Escape;

i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;

j. Aircraft piracy;

k. Aggravated child abuse;

l. Aggravated abuse of an elderly person or disabled adult;

m. Unlawful throwing, placing, or discharging of a destructive device or bomb;

n. Carjacking;

o. Home-invasion robbery;

p. Aggravated stalking; or

q. Trafficking in cannabis, trafficking in cocaine, capital

118946

388 importation of cocaine, trafficking in illegal drugs, capital
389 importation of illegal drugs, trafficking in phencyclidine,
390 capital importation of phencyclidine, trafficking in
391 methaqualone, capital importation of methaqualone, trafficking
392 in amphetamine, capital importation of amphetamine, trafficking
393 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
394 (GHB), trafficking in 1,4-Butanediol, trafficking in
395 Phenethylamines, or other violation of s. 893.135(1);
396
397 and during the commission of the offense, such person possessed
398 a semiautomatic firearm and its high-capacity detachable box
399 magazine, an assault weapon or large-capacity magazine as
400 defined in s. 790.30, or a machine gun as defined in s. 790.001,
401 shall be sentenced to a minimum term of imprisonment of 15
402 years.
403 2. Any person who is convicted of a felony or an attempt to
404 commit a felony listed in subparagraph (a)1., regardless of
405 whether the use of a weapon is an element of the felony, and
406 during the course of the commission of the felony such person
407 discharged a semiautomatic firearm and its high-capacity box
408 magazine, an assault weapon or large-capacity magazine as
409 defined in s. 790.30, or a "machine gun" as defined in s.
410 790.001 shall be sentenced to a minimum term of imprisonment of
411 20 years.
412 3. Any person who is convicted of a felony or an attempt to
413 commit a felony listed in subparagraph (a)1., regardless of
414 whether the use of a weapon is an element of the felony, and
415 during the course of the commission of the felony such person
416 discharged a semiautomatic firearm and its high-capacity box

magazine, an assault weapon or large-capacity magazine as defined in s. 790.30, or a "machine gun" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 20. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, section 27.366, Florida Statutes, is reenacted to read:

27.366 Legislative intent and policy in cases meeting criteria of s. 775.087(2) and (3).—It is the intent of the Legislature that convicted criminal offenders who meet the criteria in s. 775.087(2) and (3) be sentenced to the minimum mandatory prison terms provided therein. It is the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life. It is also the intent of the Legislature that prosecutors should appropriately exercise their discretion in those cases in which the offenders' possession of the firearm is incidental to the commission of a crime and not used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime. For every case in which the offender meets the criteria in this act and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

Section 21. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is reenacted to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender’s legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of

felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more

prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001(6), an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing

court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender’s prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 22. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

In making control release eligibility determinations under this

subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to veteran identification and gun safety; creating s. 790.30, F.S.; defining terms; prohibiting the sale or transfer of an assault weapon or large-capacity magazine; providing exceptions; providing criminal penalties; prohibiting possession of an assault weapon or large-capacity magazine; providing exceptions; providing criminal penalties; requiring certificates of possession for assault weapons or large-capacity magazines lawfully possessed before a specified date; requiring the Department of Law Enforcement to adopt rules by a certain date; limiting transfers of assault weapons or large-capacity magazines represented by such certificates; providing conditions for continued possession of such weapons or large-capacity magazines; requiring certificates of transfer for transfers of assault weapons or large-capacity magazines; providing for relinquishment of assault weapons or large-capacity magazines; providing requirements for transportation

of assault weapons or large-capacity magazines; providing criminal penalties; specifying circumstances in which the manufacture or transportation of assault weapons or large-capacity magazines is not prohibited; exempting permanently inoperable firearms from provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when committed with an assault weapon or large-capacity magazine; reenacting ss. 27.366, 921.0024(1)(b), and 947.146(3)(b), F.S., relating to legislative intent and policy in certain cases, the Criminal Punishment Code worksheet key, and the Control Release Authority, respectively, to incorporate the amendment made to s. 775.087, F.S., in references thereto; creating s.

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LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 496 and 497

insert:

Section 18. Section 790.34, Florida Statutes, is created to read:

790.34 Prohibited device for firearm.—

(1) DEFINITION.—As used in this section, the term "bump-fire stock" means a gun conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic

896042

automatic weapon fire or which is used to increase the rate of fire of a semiautomatic firearm to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

(2) SALE OR TRANSFER.—A person may not import into this state or, within this state, transfer, distribute, transport, sell, keep for sale, offer or expose for sale, or give a bump-fire stock to another person. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3) POSSESSION.—A person may not, within this state, possess a bump-fire stock. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) RELINQUISHMENT AND DESTRUCTION.—A person who owns or is in possession of a bump-fire stock may arrange in advance to relinquish the device to a law enforcement agency, as defined in s. 934.02, or the Department of Law Enforcement or, if the bump-fire stock is not relinquished, the person must destroy and render inoperable the device. The law enforcement agency or the department must destroy any relinquished or acquired bump-fire stock within a reasonable time.

(5) APPLICABILITY.—This section does not apply to a law enforcement agency or the Department of Law Enforcement after taking possession of a bump-fire stock through relinquishment or other lawful means or while preparing to destroy the device.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to veteran identification and gun safety; creating s. 790.34, F.S.; defining the term "bump-fire stock"; prohibiting the importation, transfer, distribution, transport, sale, giving, or possession of a bump-fire stock in this state; creating penalties; authorizing a person to relinquish a bump-fire stock to a law enforcement agency or the Department of Law Enforcement; requiring a person who does not relinquish a bump-fire stock to destroy the device and render it inoperable; requiring the law enforcement agency or the department to destroy the bump-fire stock; providing applicability; creating s.

125810

LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 496 and 497

insert:

Section 18. (1) Section 790.401, Florida Statutes, is designed to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms by allowing family, household members, and law enforcement to obtain a court order when there is demonstrated evidence that the person poses a significant danger, including danger as a

125810

result of a dangerous mental health crisis or violent behavior.

(2) The purpose and intent of section 790.401, Florida Statutes, is to reduce gun deaths and injuries, while respecting constitutional rights, by providing a court procedure for family, household members, and law enforcement to obtain an order temporarily restricting a person's access to firearms. Court orders are intended to be limited to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm, and include standards and safeguards to protect the rights of respondents and due process of law.

Section 19. Section 790.401, Florida Statutes, may be cited as "The Risk Protection Order Act."

Section 20. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Family or household member" has the same meaning as provided in s. 741.28. The term includes a person who:

1. Has a biological or legal parent-child relationship with the respondent, including stepparents and stepchildren and grandparents and grandchildren.

2. Is acting or has acted as the respondent's legal guardian.

(b) "Petitioner" means the individual who petitions for an order under this section.

(c) "Respondent" means the individual who is identified as the respondent in a petition filed under this section.

(d) "Risk protection order" means an ex parte temporary

125810

order or a final order granted under this section.

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a family or household member of the respondent or a law enforcement officer or agency.

(b) An action under this section must be filed in the county where the petitioner resides or the county where the respondent resides.

(c) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to self or others by having a firearm in his or her custody or control or by potentially purchasing, possessing, or receiving a firearm, and be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of future dangerous acts by the respondent.

2. Identify the numbers, types, and locations of any firearms the petitioner believes to be in the respondent's current ownership, possession, custody, or control.

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

4. Identify whether there is a pending lawsuit, complaint, petition, or other action between the parties to the petition under the laws of this state.

(d) The clerk of court shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action

125810

between the parties or the necessity of verifying the terms of an existing order. A petition for a risk protection order may be granted whether or not there is a pending action between the parties.

(e) If the petitioner is a law enforcement officer or agency, the petitioner shall make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so, and include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice, or attest to the steps that will be taken to provide such notice.

(f) If the petition states that disclosure of the petitioner's address would risk harm to the petitioner or any member of the petitioner's family or household, the petitioner's address may be omitted from all documents filed with the court. If the petitioner has not disclosed an address under this subsection, the petitioner must designate an alternative address at which the respondent may serve notice of any motions. If the petitioner is a law enforcement officer or agency, the address of record must be that of the law enforcement agency.

(g) Within 90 days of receipt of the master copy from the Office of the State Courts Administrator, all clerks of court shall make available the standardized forms, instructions, and informational brochures required by subsection (14).

(h) Fees for filing or service of process may not be charged by a court or any public agency to petitioners seeking

125810

relief under this section. Petitioners shall be provided the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

(a) Upon receipt of the petition, the court shall order a hearing to be held not later than 14 days after the date of the order and issue a notice of hearing to the respondent for the same.

1. The court may schedule a hearing by telephone pursuant to local court rule, to reasonably accommodate a disability, or in exceptional circumstances to protect a petitioner from potential harm. The court shall require assurances of the petitioner's identity before conducting a telephonic hearing.

2. The court clerk shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent.

3. Personal service of the notice of hearing and petition shall be made upon the respondent by a law enforcement officer not less than 5 business days before the hearing. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature. If timely personal service cannot be made, the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by

125810

publication or mail as provided in subsection (6). The court may not require more than two attempts at obtaining personal service and shall permit service by publication or mail after two attempts at obtaining personal service unless the petitioner requests additional time to attempt personal service. If the court issues an order permitting service by publication or mail, the court shall set the hearing date not later than 24 days after the date the order is issued.

4. The court may, as provided in subsection (4), issue an ex parte risk protection order pending the hearing ordered under this subsection. Such ex parte order must be served concurrently with the notice of hearing and petition.

(b) Upon hearing the matter, if the court finds by a preponderance of the evidence that the respondent poses a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue a risk protection order for a period that it deems appropriate, up to and including, but not exceeding, 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against self or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against self or others.

3. A recurring mental health issue of the respondent.

125810

4. A violation by the respondent of a protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. A conviction of the respondent for a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership, access to, or intent to possess firearms.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person, or the respondent stalking another person.

11. An arrest, a plea of guilty or no contest, or a conviction of the respondent for a violent misdemeanor or felony offense.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms by the respondent.

(d) The court may:

1. Examine under oath the petitioner, the respondent, and any witnesses they may produce, or, in lieu of examination, consider sworn affidavits of the petitioner, the respondent, and any witnesses they may produce.

2. Ensure that a reasonable search has been conducted for

125810

criminal history records related to the respondent.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court shall consider whether a mental health evaluation or chemical dependency evaluation is appropriate, and may order such evaluation if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order.

2. The date and time the order was issued.

3. The date and time the order expires.

4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required.

5. The address of the court in which any responsive pleading should be filed.

6. Instructions for relinquishment of firearms under subsection (8).

7. The following statement:

"To the subject of this protection order: This order will last until the date and time noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a

125810

firearm while this order is in effect. You have the right to request one hearing to terminate this order, starting after the date of the issuance of this order and another hearing after ever renewal of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."

(h) When the court issues a risk protection order, the court shall inform the respondent that he or she is entitled to request termination of the order in the manner prescribed by subsection (7). The court shall provide the respondent with a form to request a termination hearing.

(i) If the court denies the petitioner's request for a risk protection order, the court shall state the particular reasons for the court's denial.

(4) EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that an ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm.

(b) In considering whether to issue an ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing

125810

personal injury to self or others in the near future by having in his or her custody or control, purchasing, possessing, or receiving a firearm, the court shall issue an ex parte risk protection order.

(d) The court shall hold an ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) In accordance with paragraph (3)(a), the court shall schedule a hearing within 14 days of the issuance of an ex parte risk protection order to determine if a risk protection order should be issued under this section.

(f) An ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order.

2. The date and time the order was issued.

3. The date and time the order expires.

4. The address of the court in which any responsive pleading should be filed.

5. The date and time of the scheduled hearing.

6. A description of the requirements for surrender of firearms under subsection (8).

7. The following statement:

"To the subject of this protection order: This order is valid until the date and time noted above. You are required to surrender all firearms in your custody, control, or possession. You may not have in your custody or control, purchase, possess, receive, or attempt to purchase or receive, a firearm while this

125810

order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court ruling on an order against you that is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order."

(g) An ex parte risk protection order issued expires upon the hearing on the risk protection order.

(h) An ex parte risk protection order shall be served by a law enforcement officer in the same manner as provided for in subsection (3) for service of the notice of hearing and petition and shall be served concurrently with the notice of hearing and petition.

(i) If the court denies the petitioner's request for an ex parte risk protection order, the court shall state the particular reasons for the court's denial.

(5) SERVICE OF RISK PROTECTION ORDERS.—

(a) A risk protection order issued under subsection (3) must be personally served upon the respondent, except as otherwise provided in this section.

(b) The law enforcement agency with jurisdiction in the area in which the respondent resides shall serve the respondent personally, unless the petitioner elects to have the respondent served by a private party.

125810

(c) If service by a law enforcement agency is to be used, the clerk of the court shall cause a copy of the order issued under this section to be forwarded on or before the next business day to the law enforcement agency specified in the order for service upon the respondent. Service of an order issued under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(d) If the law enforcement agency cannot complete service upon the respondent within 10 days, the law enforcement agency shall notify the petitioner. The petitioner shall provide information sufficient to permit such notification.

(e) If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service is waived and proof of service of that order is not necessary.

(f) If the court previously entered an order allowing service of the notice of hearing and petition, or an ex parte risk protection order, by publication or mail under subsection (6), or if the court finds there are now grounds to allow such alternate service, the court may permit service by publication or mail of the risk protection order issued under this section as provided in subsection (6). The court order must state whether the court permitted service by publication or service by mail.

(g) Returns of service under this section must be made in accordance with the applicable court rules.

(6) SERVICE BY PUBLICATION OR MAIL.—

(a) The court may order service by publication or service

125810

by mail under the circumstances permitted for such service in s. 741.30, s. 784.046, or s. 784.0485, except any summons must be essentially in the following form:

In the . . . . . Court of the State of Florida for the County of . . . . . .
. . . . . ., Petitioner
vs. No. . . . . .
. . . . . ., Respondent
The State of Florida to . . . . . (respondent):
You are hereby summoned to appear on the . . . . day of . . . . ., (year) . . . ., at . . . . a.m./p.m., and respond to the petition. If you fail to respond, a risk protection order may be issued against you pursuant to the Risk Protection Order Act, s. 790.401, Florida Statutes, for 1 year after the date you are required to appear. (An ex parte risk protection order has been issued against you, restraining you from having in your custody or control, purchasing, possessing, or receiving any firearms. You must surrender to the (insert name of local law enforcement agency) all firearms in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes, within 48 hours. A copy of the notice of hearing, petition, and ex parte risk protection order has been filed with the clerk of this court.) (A copy of the notice of hearing and petition has been filed with the clerk of this court.)
. . . . .
Petitioner

(b) If the court orders service by publication or mail for notice of a risk protection order hearing, it shall also reissue the ex parte risk protection order, if issued, to expire on the date of the risk protection order hearing.

(c) Following completion of service by publication or by mail for notice of a risk protection order hearing, if the respondent fails to appear at the hearing, the court may issue a risk protection order as provided in subsection (3).

(7) TERMINATION AND RENEWAL OF ORDERS.—

(a) The respondent may submit one written request for a hearing to terminate a risk protection order issued under this section, starting after the date of the issuance of the order and another hearing after ever renewal of the order, if any.

1. Upon receipt of the request for a hearing to terminate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with chapter 48. The hearing shall occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by a preponderance of the evidence that the respondent does not pose a significant danger of causing personal injury to self or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden, the court shall terminate the order.

(b) The court must notify the petitioner of the impending

expiration of a risk protection order. Notice must be received by the petitioner 105 calendar days before the date the order expires.

(c) A family or household member of a respondent or a law enforcement officer or agency may by motion request a renewal of a risk protection order at any time within 105 calendar days before the expiration of the order.

1. Upon receipt of the motion to renew, the court shall order that a hearing be held not later than 14 days after the date the order is issued.

a. The court may schedule a hearing by telephone in the manner prescribed by subparagraph (3)(a)1.

b. The respondent shall be personally served in the same manner prescribed by subparagraphs(3)(a)2. and 3.

2. In determining whether to renew a risk protection order issued under this section, the court shall consider all relevant evidence presented by the petitioner and follow the same procedure as provided in subsection (3).

3. If the court finds by a preponderance of the evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court shall renew the order. However, if, after notice, the motion for renewal is uncontested and the petitioner seeks no modification of the order, the order may be renewed on the basis of the petitioner’s motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested renewal.

4. The renewal of a risk protection order has a duration of 1 year, subject to termination as provided in paragraph (a) or

further renewal by order of the court.

(8) SURRENDER OF FIREARMS.—

(a) Upon issuance of any risk protection order under this section, including an ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms in the respondent's custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06.

(b) The law enforcement officer serving any risk protection order under this section, including an ex parte risk protection order, shall request that the respondent immediately surrender all firearms in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, and conduct any search permitted by law for such firearms. The law enforcement officer shall take possession of all firearms belonging to the respondent that are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible, or not required because the respondent was present at the risk protection order hearing, the respondent shall surrender the firearms in a safe manner to the control of the local law enforcement agency within 48 hours of being served with the order by alternate service or within 48 hours of the hearing at which the respondent was present.

(c) At the time of surrender, a law enforcement officer taking possession of a firearm or license to carry a concealed weapon or firearm shall issue a receipt identifying all firearms that have been surrendered and provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the

125810

law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Upon the sworn statement or testimony of the petitioner or of any law enforcement officer alleging that the respondent has failed to comply with the surrender of firearms as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms in his or her possession, custody, or control. If probable cause exists, the court shall issue a warrant describing the firearms and authorizing a search of the locations where the firearms are reasonably believed to be and the seizure of any firearms discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm, the firearm shall be returned to him or her, provided that:

1. The firearm is removed from the respondent’s custody, control, or possession and the lawful owner agrees to store the firearm in a manner such that the respondent does not have access to or control of the firearm.

2. The firearm is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear not later than 3 business days from the issuance of the order. The court shall require a showing that the person subject

125810

to the order has surrendered any firearms in his or her custody, control, or possession. The court may dismiss the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures by June 1, 2019, regarding the acceptance, storage, and return of firearms required to be surrendered under this section.

(9) RETURN AND DISPOSAL OF FIREARMS.—

(a) If a risk protection order is terminated or expires without renewal, a law enforcement agency holding any firearm that has been surrendered pursuant to this section shall return any surrendered firearm requested by a respondent only after confirming, through a background check, that the respondent is currently eligible to own or possess firearms under federal and state law and after confirming with the court that the risk protection order has terminated or has expired without renewal.

(b) A law enforcement agency must, if requested, provide prior notice of the return of a firearm to a respondent to family or household members of the respondent.

(c) Any firearm surrendered by a respondent pursuant to subsection (8) that remains unclaimed by the lawful owner shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(10) REPORTING OF ORDERS.—

(a) The clerk of the court shall enter any risk protection order or ex parte risk protection order issued under this section into the uniform case reporting system on the same day

125810

such order is issued.

(b) The clerk of the court shall forward a copy of an order issued under this section the same day such order is issued to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System, any other federal or state computer-based systems used by law enforcement or others to identify prohibited purchasers of firearms, and any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only expunge orders from the systems that have expired or terminated. Entry into the computer-based criminal intelligence information system constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in the state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or ex parte risk protection order, forward a copy of the respondent's driver license or identification card, or comparable information, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department shall immediately revoke the license.

(d) If a risk protection order is terminated before its

expiration date, the clerk of the court shall forward the same day a copy of the termination order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the termination order. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) Any person who files a petition under this section knowing the information in such petition to be materially false, or with the intent to harass the respondent commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b)1.a Except as provided in sub-subparagraph b., a person who has in his or her custody or control a firearm or purchases, possesses, or receives a firearm with knowledge that he or she is prohibited from doing so by an order issued under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

b. If a person has two or more previous convictions for violating an order issued under this section, the person commits a felony of the third degree punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. A person who is convicted of an offense under this paragraph is prohibited from having a firearm in his or her custody or control or purchasing, possessing, or receiving, or attempting to purchase or receive a firearm for a period of 5 years after the date the existing order under this section expires.

125810

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section does not affect the ability of a law enforcement officer to remove a firearm or license to carry a concealed weapon or firearm from any person or conduct any search and seizure for firearms pursuant to other lawful authority.

(13) LIABILITY.—Except as provided in subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or ex parte risk protection order, including, but not limited to, reporting, declining to report, investigating, declining to investigate, filing, or declining to file a petition under this section.

(14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after June 1, 2019, for all petitions filed and orders issued under this section. The instructions, brochures, forms, and handbook shall be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and available electronically online to the public.

1. The instructions must be designed to assist petitioners in completing the petition, and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's

125810

knowledge, the firearms the respondent may own, possesses, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms that the petitioner may choose from to identify the relevant firearms, or an equivalent means to allow petitioners to identify firearms without requiring specific or technical knowledge regarding the firearms.

3. The informational brochure must describe the use of and the process for obtaining, modifying, and terminating a risk protection order under this section, and provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written application."

5. The court staff handbook must allow for the addition of a community resource list by the court clerk.

(b) All court clerks may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to all court clerks. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and court

125810

clerks in the state.

(d) The Office of the State Courts Administrator shall determine the significant non-English-speaking or limited English-speaking populations in the state. The office shall then arrange for translation of the instructions and informational brochures required by this section, which shall contain a sample of the standard petition and order for protection forms, into the languages spoken by those significant non-English-speaking populations or limited English-speaking populations and shall distribute a master copy of the translated instructions and informational brochures to all court clerks by December 1, 2018.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

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

And the title is amended as follows:

Delete line 2

and insert:

An act relating to veteran identification and gun safety; providing intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for filing of such petitions;

providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing for service; providing grounds that may be considered in determining whether to grant such a petition; providing requirements for proceedings; providing requirements for such orders; providing for ex parte orders in certain circumstances; providing for service of orders; providing for termination or renewal of an order; providing for the surrender and storage of firearms after issuance of such an order; requiring law enforcement agencies to develop certain policies and procedures by a certain date; providing for return of firearms upon termination of an order; requiring the reporting of such an order to specified agencies; requiring the termination of a license to carry a concealed weapon or firearm that is held by a person subject to such an order; prohibiting a person from knowingly filing a petition for such an order which contains materially false or misleading statements; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; prohibiting persons convicted of violating such an order from possessing a firearm for a specified period; providing construction; providing that provisions do not create liability for certain acts or omissions; requiring development and distribution of certain instructional and informational material; creating s.

By Senator Baxley

12-00262B-18 2018328__

A bill to be entitled

An act relating to veteran identification; creating s. 322.0511, F.S.; requiring the Department of Highway Safety and Motor Vehicles to create a veteran identification card for certain purposes; providing for the design of the card; providing veteran eligibility requirements; providing for fee disposition; prohibiting use of the card for certain purposes; providing for termination of the card; providing for future repeal; amending ss. 472.015, 493.6105, 493.6107, 493.6202, 493.6302, 493.6402, 501.015, 501.605, 501.607, 507.03, 527.02, 539.001, 559.904, 559.928, and 626.171, F.S.; authorizing use of the card as proof of veteran status for obtaining waivers of license or registration fees relating to land surveying and mapping, private investigation services, private security services, repossession services, health studios, commercial telephone sellers or entities providing substance abuse marketing services, salespersons, movers and moving brokers, the sale of liquefied petroleum gas, pawnbrokers, motor vehicle repair shops, sellers of travel, and insurance representatives; amending s. 790.06, F.S.; authorizing use of the card as proof of veteran status for expedited processing of an application for a license to carry a concealed weapon or firearm; providing an effective date.

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

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

12-00262B-18 2018328__

Section 1. Section 322.0511, Florida Statutes, is created to read:

322.0511 Veteran identification cards.—

(1) The department, in cooperation with the Department of Veterans' Affairs, shall create a veteran identification card to be used as proof of veteran status for the purpose of obtaining discounts or waivers offered to veterans for the exchange of goods and services and for other purposes authorized by law, except as provided in subsection (3). The veteran identification card must bear the colors and design approved by the department, including, but not limited to, a full-face photograph of the veteran and his or her full name, branch of service, and date of discharge. The words "Proof of veteran status" must appear at the bottom of the card.

(2) The department shall issue a veteran identification card by mail to a veteran of any branch of the United States Armed Forces who has been honorably discharged and who provides to the department all of the following:

(a) A copy of the veteran's DD Form 214, as issued by the United States Department of Defense.

(b) A copy of the veteran's valid, unexpired driver license or identification card issued under this chapter or another form of photographic identification acceptable to the department.

(c) Payment of a $10 fee, which shall be deposited into the Highway Safety Operating Trust Fund.

(3) A veteran identification card issued pursuant to this section is not considered an identification card for the purposes of s. 295.17 or s. 322.051 and may not be used for the

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

determination of any federal benefit.

(4) A veteran identification card issued pursuant to this section shall be terminated upon the death of the veteran.

(5) This section is repealed August 31, 2023.

Section 2. Paragraph (b) of subsection (3) of section 472.015, Florida Statutes, is amended to read:

472.015 Licensure.—

(3)

(b) The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 3. Paragraph (c) of subsection (1) of section 493.6105, Florida Statutes, is amended to read:

493.6105 Initial application for license.—

(1) Each individual, partner, or principal officer in a corporation, shall file with the department a complete application accompanied by an application fee not to exceed $60, except that the applicant for a Class "D" or Class "G" license is not required to submit an application fee. The application fee is not refundable.

(c) The initial application fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," Class "DI," Class "E," Class "EE," Class "K," Class "M," Class "MA," Class "MB," Class "MR," or Class "RI" license within 24 months after being discharged from a branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans'

Affairs with his or her application in order to obtain a waiver.

Section 4. Subsection (6) of section 493.6107, Florida Statutes, is amended to read:

493.6107 Fees.—

(6) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "M" or Class "K" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 5. Subsection (4) of section 493.6202, Florida Statutes, is amended to read:

493.6202 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "C," Class "CC," or Class "MA" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 6. Subsection (4) of section 493.6302, Florida Statutes, is amended to read:

493.6302 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "D," Class "DI," or Class "MB" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 7. Subsection (4) of section 493.6402, Florida Statutes, is amended to read:

493.6402 Fees.—

(4) The initial license fee for a veteran, as defined in s. 1.01, shall be waived if he or she applies for a Class "E," Class "EE," Class "MR," or Class "RI" license within 24 months after being discharged from any branch of the United States Armed Forces. An eligible veteran must include a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs with his or her application in order to obtain a waiver.

Section 8. Subsection (2) of section 501.015, Florida Statutes, is amended to read:

501.015 Health studios; registration requirements and fees.—Each health studio shall:

(2) Remit an annual registration fee of $300 to the

department at the time of registration for each of the health studio's business locations. The department shall waive the initial registration fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

(a) A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

(b) The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

(c) A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if

applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 9. Paragraph (b) of subsection (5) of section 501.605, Florida Statutes, is amended to read:

501.605 Licensure of commercial telephone sellers and entities providing substance abuse marketing services.—

(5) An application filed pursuant to this part must be verified and accompanied by:

(b) A fee for licensing in the amount of $1,500. The fee shall be deposited into the General Inspection Trust Fund. The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department

of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 10. Paragraph (b) of subsection (2) of section 501.607, Florida Statutes, is amended to read:

501.607 Licensure of salespersons.—

(2) An application filed pursuant to this section must be verified and be accompanied by:

(b) A fee for licensing in the amount of $50 per salesperson. The fee shall be deposited into the General Inspection Trust Fund. The fee for licensing may be paid after the application is filed, but must be paid within 14 days after the applicant begins work as a salesperson. The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch

of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 11. Paragraph (b) of subsection (3) of section 507.03, Florida Statutes, is amended to read:

507.03 Registration.—

(3)

(b) The department shall waive the initial registration fee

for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to

the veteran at the time of discharge.

Section 12. Paragraph (b) of subsection (3) of section 527.02, Florida Statutes, is amended to read:

527.02 License; penalty; fees.—

(3)

(b) The department shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214,

as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 13. Paragraph (c) of subsection (3) of section 539.001, Florida Statutes, is amended to read:

539.001 The Florida Pawnbroking Act.—

(3) LICENSE REQUIRED.—

(c) Each license is valid for a period of 1 year unless it is earlier relinquished, suspended, or revoked. Each license shall be renewed annually, and each licensee shall, initially and annually thereafter, pay to the agency a license fee of $300 for each license held. The agency shall waive the initial license fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the agency receives an application, in a format prescribed by the agency, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the agency a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the agency a

copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the agency proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 14. Paragraph (b) of subsection (3) of section 559.904, Florida Statutes, is amended to read:

559.904 Motor vehicle repair shop registration; application; exemption.—

(3)

(b) The department shall waive the initial registration fee for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To

qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to the veteran at the time of discharge.

Section 15. Paragraph (c) of subsection (2) of section 559.928, Florida Statutes, is amended to read:

559.928 Registration.—

(2)

(c) The department shall waive the initial registration fee

for an honorably discharged veteran of the United States Armed Forces, the spouse of such a veteran, or a business entity that has a majority ownership held by such a veteran or spouse if the department receives an application, in a format prescribed by the department, within 60 months after the date of the veteran's discharge from any branch of the United States Armed Forces. To qualify for the waiver:~~,~~

1. A veteran must provide to the department a copy of his or her DD Form 214, as issued by the United States Department of Defense, his or her veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs;

2. The spouse of a veteran must provide to the department a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and a copy of a valid marriage license or certificate verifying that he or she was lawfully married to the veteran at the time of discharge; or

3. A business entity must provide to the department proof that a veteran or the spouse of a veteran holds a majority ownership in the business, a copy of the veteran's DD Form 214, as issued by the United States Department of Defense, the veteran's veteran identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs, and, if applicable, a copy of a valid marriage license or certificate verifying that the spouse of the veteran was lawfully married to

the veteran at the time of discharge.

Section 16. Subsection (6) of section 626.171, Florida Statutes, is amended to read:

626.171 Application for license as an agent, customer representative, adjuster, service representative, managing general agent, or reinsurance intermediary.—

(6) Members of the United States Armed Forces and their spouses, and veterans of the United States Armed Forces who have retired within 24 months before application for licensure, are exempt from the application filing fee prescribed in s. 624.501. Qualified individuals must provide a copy of a military identification card, military dependent identification card, military service record, military personnel file, veteran identification card, veteran record, discharge paper, or separation document, or a separation document that indicates such members of the United States Armed Forces are currently in good standing or were honorably discharged.

Section 17. Paragraph (f) of subsection (5) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(5) The applicant shall submit to the Department of Agriculture and Consumer Services or an approved tax collector pursuant to s. 790.0625:

(f) For expedited processing of an application:

1. A servicemember shall submit a copy of the Common Access Card, United States Uniformed Services Identification Card, or current deployment orders.

2. A veteran shall submit a copy of the DD Form 214, issued by the United States Department of Defense, the veteran

identification card issued pursuant to s. 322.0511, or another acceptable form of identification as specified by the Department of Veterans' Affairs.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 354
INTRODUCER:	Appropriations Committee; Community Affairs Committee; and Senator Stargel
SUBJECT:	Government Accountability
DATE:	March 6, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Davis	Hansen	AP	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 354 amends various statutes to enhance government accountability and auditing, based on recommendations noted in recent reports by the Auditor General. The bill:

- Specifies that the Governor or Commissioner of Education, or designee, may notify the Joint Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements;
- Provides definitions for the terms "abuse," "fraud," and "waste;"
- Adds tourist development council and county tourism promotion agency to the definition of "local government entity;"
- States that local government entities do not include water management districts for the purposes of s. 11.45(2), F.S.;
- Includes tourist development councils and county tourism promotion agencies in the list of entities that the Auditor General may audit;
- Requires the Florida Clerks of Court Operations Corporation to notify quarterly the Legislature of any clerk not meeting workload performance standards;
- Requires each agency, the judicial branch, the Justice Administrative Commission, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Guardian Ad Litem program, local governmental entities, charter schools, school districts, Florida College System institutions, and state universities to establish and maintain internal controls designed to prevent and detect fraud, waste, and abuse;

- Requires counties, municipalities, special districts, and water management districts to maintain certain budget documents on their websites for specified timeframes;
- Requires counties, municipalities, and special districts, water management districts and school districts to:
  - Provide an electronic copy of their respective budgets to the Office of Economic and Demographic Research (EDR), on forms prescribed by the EDR; and
  - Provide a copy of their budgets and a certification of timely filing to the clerk of the court. However, these requirements do not apply to a charter county in which the clerk of the court is not the county auditor.
- Provides that the clerk of court must notify the appropriate fiscal officer to withhold salary payments from the head of the local government entity or the superintendent of the school district until the reports are filed if a local government entity or school district fails to file required reports with the clerk of the court;
- Revises the monthly financial statement requirements for water management districts;
- Provides that the Department of Financial Services may request additional information from local government entities when preparing its annual verified report;
- Requires a local governmental entity, district school board, charter school, or charter technical career center, Florida College System board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances;
- Begins the process of creating the Florida Open Financial Statement System to allow better access to financial reports filed by local governments;
- Requires school districts receiving annual federal, state, and local funds in excess of $500 million to employ an internal auditor. The duties of the internal auditor must include oversight of every functional and program area of the school system;
- Requires the internal auditor to perform a comprehensive risk assessment of all areas of the school system every five years, and conduct other audits and reviews as the district school board directs to make a determination;
- Requires the internal auditor to prepare audit reports of his or her findings and establishes penalties for failure to produce financial records to the internal auditor;
- Establishes the Statewide Travel Management System (system) in law;
- Requires all executive branch state government agencies and the judicial branch to report public officer and employee travel information in the system;
- Additionally requires that all executive branch state government agencies and the judicial branch use the system for purposes of travel authorization and reimbursement;
- Requires reporting entities, to report monthly, all public officer and employee travel information resulting from an overnight stay in the system;
- Establishes a timeline for the Department of Management Services (DMS) to make travel reports for executive branch state government agencies, the judicial branch, and certain reporting entities available for public view;
- Requires reporting entities to redact confidential and exempt information from travel reports prior to posting them to the system and provides a process for reporting entities to follow when a travel report has been posted prior to proper redaction;
- Provides rulemaking authority to the DMS to administer provisions of the section pertaining to the system;
- Makes the requirements to implement the system for reporting entities contingent upon the Legislature appropriating at least $5.4 million to the DMS for Fiscal Year 2018-2019;

- Requires an independent certified public accountant conducting an audit of a local governmental entity to determine, as part of the audit, whether the entity's annual financial report is in agreement with the entity's audited financial statements;
- Revises the composition of auditor selection committees;
- Requires completion of an annual financial audit of the Florida Virtual School; and
- Prohibits a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard.

In addition, the bill limits the amount that may be reimbursed per day for state agency and judicial branch employee lodging expenses for travel under certain circumstances to $150, and requires all governmental entities to use the statewide travel management system.

Executive branch state government agencies and the judicial branch may incur indeterminate additional costs associated with using the Statewide Travel Management System for travel authorization and reimbursement. The bill specifies the requirements to implement the system for reporting entities are contingent upon the Legislature appropriating at least $5.4 million to the DMS for Fiscal Year 2018-2019.

Costs for the development of the Florida Open Financial Statement System are estimated to be $500,000. There will be additional costs in future years to create the software tool needed to implement the system. The additional future needs are indeterminate.

II. Present Situation:

Various statutes ensure government accountability of state and local governments. For example, the Auditor General conducts audits of accounts and records of state agencies, state universities, state colleges, district school boards, and others as directed by the Joint Legislative Auditing Committee. The Auditor General conducts operational and performance audits on public records and information technology systems. The Auditor General also reviews all audit reports of local governmental entities, charter schools, and charter technical career centers. Other statutes require publishing of government budgets and other information online and require government entities to follow certain practices to promote efficiency and compliance within the entity.

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Auditing

Present Situation

The position of Auditor General is established by Art. III, s. 2 of the State Constitution. The Auditor General is appointed to office to serve at the pleasure of the Legislature, by a majority vote of the members of the Joint Legislative Auditing Committee, subject to confirmation by

both houses of the Legislature.[1] The appointment of the Auditor General may be terminated at any time by a majority vote of both houses of the Legislature.[2] At the time of appointment, the Auditor General must have been certified under the Public Accountancy Law in Florida for a period of at least 10 years and may not have less than 10 years' experience in an accounting or auditing related field.[3]

The Auditor General must conduct audits, examinations, or reviews of government programs[4] as well as audit the accounts and records of state agencies, state universities, state colleges, district school boards, and others as directed by the Joint Legislative Auditing Committee.[5] The Auditor General conducts operational and performance audits on public records and information technology systems and reviews all audit reports of local governmental entities, charter schools, and charter technical career centers.[6]

Various provisions require the Auditor General to compile and submit reports. For example, the Auditor General must annually compile and transmit to the President of the Senate, the Speaker of the House of Representatives, and the Joint Legislative Auditing Committee a summary of significant findings and financial trends identified in audit reports.[7] The Auditor General also must compile and transmit to the President of the Senate, Speaker of the House of Representatives, and Joint Legislative Auditing Committee an annual report by December 1. The report must include a two-year work plan identifying the audit and other accountability activities to be undertaken and a list of statutory and fiscal changes recommended by the Auditor General.[8] In addition, the Auditor General must transmit recommendations at other times during the year when the information would be timely and useful to the Legislature.[9]

The annual report for the Auditor General for November 1, 2015, through October 31, 2016, contained the following recommendation:[10]

> The Legislature should consider amending applicable Florida Statutes to establish in law the responsibility of each state and local government for the establishment and maintenance of management systems and internal controls designed to prevent and detect fraud, waste, and abuse; promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices; support economical and efficient operations; ensure reliability of financial records and reports; and safeguard assets.

[1] Section 11.42(2), F.S.
[2] Section 11.42(5), F.S.
[3] Section 11.42(2), F.S.
[4] Section 11.45(7), F.S.
[5] Section 11.45(2)(d)-(f), F.S.
[6] Section 11.45(7)(b), F.S.
[7] Section 11.45(7)(f), F.S.
[8] Section 11.45(7)(h), F.S.
[9] *Id.*
[10] A copy of the report can be found online at: https://flauditor.gov/pages/pdf_files/annual%20report%202016.pdf (last visited November 1, 2017).

Section 11.45, F.S., defines the types of audits the Auditor General may conduct, requires certain state and local governmental audits to be conducted, and specifies the frequency with which the audits must occur. The Auditor General also may conduct other audits he or she determines to be appropriate.

Following notification by the Auditor General, the Department of Financial Services (DFS), or the Division of Bond Finance of the State Board of Administration of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with applicable auditing, financial reporting, bond issuance notification, or bond verification provisions or the failure to disclose a financial emergency or provide information required during a financial emergency,[11] the Joint Legislative Auditing Committee may schedule a hearing to determine whether the entity should be subject to further state action. For purposes of s. 11.45, F.S., the term "local governmental entity" means a county agency, municipality, or special district as defined in s. 189.012, F.S.,[12] but does not include any housing authority established under ch. 421, F.S.

The Auditor General is also required to annually transmit, by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the DFS a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and water management districts (WMDs) that have failed to comply with certain transparency requirements.

Effect of the Bill

Section 1 amends s. 11.40, F.S., to authorize the Governor or his or her designee, and the Commissioner of Education or his or her designee, to notify the Joint Legislative Auditing Committee that a local governmental entity, district school board, charter school, or charter technical career center has failed to comply with applicable auditing, financial reporting, bond issuance notification, or bond verification provisions or failed to disclose a financial emergency or provide information required during a financial emergency.

Section 2 amends s. 11.45, F.S., to define the terms abuse, fraud, and waste. These terms are related to the internal controls various government agencies must establish and maintain to prevent and detect fraud, waste, and abuse.

This section expands the definition of "local governmental entity" to include tourist development council and county tourism promotion agency. With this expanded definition, the Auditor

[11] Section 11.45, F.S., governs certain audits to be conducted by the Auditor General. Section 218.32(1), F.S., requires annual financial reports from local governmental entities. Section 218.38, F.S., requires notice of bond issuance and contains verification requirements. Section 218.503(3), F.S., requires certain entities to disclose a financial emergency and provide certain information concerning a financial emergency.

[12] Section 189.012(6), F.S., defines a "special district" to mean a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

General is authorized to conduct audits or other engagements of tourist development councils and county tourism promotion agencies.

This section exempts WMDs from being subject to audits of local governmental entities conducted pursuant to s. 11.45(2)(j), F.S. With this change, the WMDs will be subject only to the periodic audits authorized by s. 11.45(2)(f), F.S.,[13] rather than audits requested by the Joint Legislative Auditing Committee or when deemed necessary by the Auditor General.

This section expands the list of entities that must be included in the Auditor General report concerning entities that fail to comply with transparency requirements in s. 11.45, F.S., to include all local governmental entities rather than just the WMDs.

Florida Clerks of Court Operations Corporation

Present Situation

Currently, s. 28.35, F.S., requires the Florida Clerks of Court Operations Corporation (corporation) to develop and certify a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards must be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation must develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation must identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. The corporation must notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans.

Effect of the Bill

Section 3 amends s. 28.35, F.S., to require the corporation to notify the Legislature of any clerk not meeting the workload performance standards and provide a copy of any corrective action plans within 45 days after the end of each quarter. For purposes of s. 28.35, F.S., the quarters end on the last day of March, June, September, and December of each year.

Public Employee Travel Expenses

Present Situation

Section 112.061, F.S., establishes the rates of per diem and subsistence allowance for travel by public officers and employees. When traveling to a convention or conference or to conduct bona fide state business, a traveler is authorized to receive $80 per diem. However, if actual expenses exceed $80, the traveler may receive $6 for breakfast, $11 for lunch, $19 for dinner, and the actual expenses for lodging at a single-occupancy rate.

[13] Section 11.45(2)(f), F.S., states in part that at least every three years, the Auditor General shall conduct operational audits of the accounts and records of water management districts.

The 2017-18 implementing bill created a limit on the amount of actual expenses for lodging that may be reimbursed under certain circumstances. The bill provided that when an employee of a state agency or the judicial branch is attending a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch, the reimbursement for lodging expenses may not exceed $150 per day. However, an employee may expend his or her own funds for any lodging expenses in excess of the limit. This limit is in effect until July 1, 2018.

Section 112.061(2)(a), F.S., defines the term "agency or public agency" to mean any office, department, agency, division, subdivision, political subdivision, board, bureau, commission, authority, district, public body, body politic, county, city, town, village, municipality, or any other separate unit of government created pursuant to law.

The Fiscal Year 2016-2017 General Appropriations Act (GAA) appropriated $1,800,000 in recurring General Revenue funding to the Executive Office of the Governor (EOG) to acquire a Statewide Travel Management System (system). The EOG was required to undertake a competitive procurement for the system pursuant to s. 287.057, F.S. In addition, $2,800,000 in nonrecurring General Revenue funding was provided to executive branch state agencies and the judicial branch for their portion relating to implementation of the system.[14]

The system was required to be able to electronically: interface with the Florida Accounting Information Resource Subsystem (FLAIR) and the Personnel Information System; generate uniform travel authorization request and travel voucher forms pursuant to s. 112.061, F.S.; and receive approvals for travel. The system was also required to include search features that query travel information by specific criteria. Proviso also required the EOG and the Legislature to have access to the system for purposes of generating reports on all travel completed by executive branch state agencies and the judicial branch.

The system was also required to include search features that query travel information by specific criteria. Additionally, proviso in the Fiscal Year 2016-2017 GAA required the EOG and the Legislature to have access to the system for purposes of generating reports on all travel completed by executive branch state agencies and the judicial branch.

The EOG directed the Department of Management Services (DMS) to become the lead agency on procuring and establishing the system. Proviso in Specific Appropriation 2718A of ch. 2017-70, L.O.F., provided $1,800,000 in recurring General Revenue funding to the DMS to operate and maintain a statewide travel management system (system).

Effect of the Bill

Section 5 amends s. 112.061, F.S., to limit the reimbursement of lodging expenses associated with the attendance at a meeting, conference, or convention organized or sponsored by a state agency or judicial branch. Such reimbursement cannot exceed $150 per day for executive and judicial branch employees. The section clarifies that a "meeting" does not include the travel

[14] Specific Appropriation 1965A, Ch. 2016-66, L.O.F.

activities associated with an audit, examination, or inspection or the travel activities relating to litigation or an emergency response.

This section also:

- Establishes the "Statewide Travel Management System" (system) as the system used by the DMS to:
  - Collect and store information relating to public officer or employee travel information;
  - Standardize and automate agency travel management;
  - Allow for travel planning and approval, expense reporting, and reimbursement; and
  - Allow travel information queries.
- Requires that each executive branch state government agency and the judicial branch must use the system for:
  - Travel authorization;
  - Travel reimbursement; and
  - Reporting all public officer and employee travel information, including, but not limited to:
    - Name and position title;
    - Purpose of travel;
    - Dates and location of travel;
    - Mode of travel;
    - Confirmation from the head of the agency or designee authorization, if required; and
    - Total travel cost.
- Requires that by November 1, 2018, the DMS shall make available to the public, all travel reports posted on the system for executive branch state agencies and the judicial branch.
- Requires that each "reporting entity" must report into the system, information relating to all travel resulting in an overnight stay by a public officer or employee, including:
  - Name and position title;
  - Purpose of travel;
  - Dates and location of travel;
  - Mode of travel; and
  - Total travel cost.
- Specifies the term "reporting entity" includes each municipality, county, local constitutional officer, county school district, state college, state university, and water management district.
- Specifies that each reporting entity shall post one travel report per entity; however, a "local constitutional officer" may post a separate travel report from the respective county travel report.
- Defines the term "local constitutional officer" to include sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.
- Requires that on a monthly basis, each reporting entity shall post on the system, a report for the previous month's travel, which resulted in an overnight stay.
- Requires the DMS to provide a format and method for reporting entities to post travel reports on the system.
- Requires that no later than November 1, 2019, each reporting entity shall post monthly travel reports relating to all travel resulting in an overnight stay for public officers and employees into the statewide travel management system.

- Requires that beginning December 1, 2019, the DMS shall make available to the public all travel reports posted on the system for each reporting entity.
- Makes the requirements to implement the system for reporting entities contingent upon the Legislature appropriating at least $5.4 million to the DMS for Fiscal Year 2018-2019.
- Provides that travel reports made available on the system may not reveal information made confidential or exempt by law. Specifying that each reporting entity must redact confidential or exempt information from a travel report before posting the report on the system. If the posting reporting entity becomes aware that an improperly redacted travel report has been posted to the system, the reporting entity must notify the DMS and immediately request removal of the travel report from the system. The reporting entity must then republish a properly redacted version of the travel report within seven business days on the system.
- Provides that the Secretary of the DMS, and any officer, employee or contractor of the DMS is not responsible for redacting confidential or exempt information from a travel report posted on the system.
- Provides that the posting of travel reports on the system does not supersede the duty of a reporting entity to respond to a public records request or subpoena for the information.
- Amends s. 112.061(9), F.S., providing that the DMS may adopt rules to administer the provisions of this section relating to the Statewide Travel Management System.

Florida Single Audit Act

Present Situation

The Florida Single Audit Act, codified in s. 215.97, F.S., is designed to:
- Establish uniform state audit requirements for state financial assistance provided by state agencies to nonstate entities to carry out state projects;
- Promote sound financial management, including effective internal controls, with respect to state financial assistance administered by nonstate entities;
- Promote audit economy and efficiency by relying to the extent possible on already required audits of federal financial assistance provided to nonstate entities;
- Provide for identification of state financial assistance transactions in the state accounting records and recipient organization records;
- Promote improved coordination and cooperation within and between affected state agencies providing state financial assistance and nonstate entities receiving state assistance; and
- Ensure, to the maximum extent possible, that state agencies monitor, use, and follow-up on audits of state financial assistance provided to nonstate entities.

Pursuant to the Florida Single Audit Act, certain entities that meet the "audit threshold" requirements are subject to a state single audit or a project-specific audit. Currently, the "audit threshold" requires each nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity to have a state single audit, or a project-specific audit, for such fiscal year. Every two years, the Auditor General, after consulting with the Executive Office of the Governor, the DFS, and all state awarding agencies, is required to review the threshold amount for requiring audits and may adjust the threshold amount.[15]

[15] Section 215.97(2)(a), F.S.

Effect of the Bill

Section 11 amends s. 215.97, F.S., to change the requirement that the Auditor General review the threshold amount for requiring audits from every two years to "periodically;" however, the term "periodically" is not defined. This section also authorizes the Auditor General to recommend to the Legislature a statutory change to revise the threshold amount in its annual report.

Annual Financial Audit Reports

Present Situation

Counties, school districts, municipalities with revenues or expenditures of more than $250,000 per year, special districts with revenues or expenditures of more than $100,000 per year, school districts, charter schools, and charter technical career centers are required to conduct an annual audit, unless informed by the first day of the fiscal year that a financial audit by the Auditor General will be performed for that fiscal year.[16] Municipalities with revenues or expenditures between $100,000 and $250,000 and special districts with revenues or expenditures between $50,000 and $100,000 are required to conduct audits on a triennial basis.[17]

The auditor meets with the chair of the entity to discuss comments that will be included in the report and informs the entity's governing body if deteriorating financial conditions exist that may cause a financial emergency in the absence of corrective actions being taken or a deficit exists for which there are insufficient funds to cover.[18] The officer's explanation or rebuttal of the auditor's findings, including corrective actions to be taken, must be filed with the entity's governing body within 30 days after the delivery of the auditor's findings.[19]

The audit report must be filed with the Auditor General within 45 days of delivery to the governing body of the audited entity, but no later than nine months after the end of the audited entity's fiscal year.[20] The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the report. If an audited entity fails to take full corrective action in response to a recommendation that was included in the two preceding financial audit reports, the Auditor General must notify the Joint Legislative Auditing Committee.[21]

Effect of the Bill

Section 15 amends s. 218.39, F.S., to require all municipalities and special districts to complete an annual financial audit starting in Fiscal Year 2018-2019. Local government entities required to submit an annual financial audit report to the Auditor General must do so no later than six

[16] Section 218.39(1), F.S.
[17] Section 218.39(1)(g)-(h), F.S. In fiscal year 2016, 17 municipalities reported revenue or expenditures of less than $250,000. *See* Local Government Financial Reporting, Department of Financial Services, https://apps.fldfs.com/localgov/reports/default.aspx (last visited Feb. 22, 2018).
[18] Section 218.39(5), F.S.
[19] Section 218.39(6), F.S.
[20] Section 218.39(7), F.S.
[21] Section 218.39(8), F.S.

months after the end of the fiscal year. The Auditor General may extend the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

This section also provides that if an audit report contains a recommendation that was included in the preceding financial audit report but remains unaddressed, the governing body of the audited entity, within 60 days after delivery of the audit report to the governing body, must indicate during a regularly scheduled public meeting whether it intends to take a corrective action, the corrective action to be taken, and when the corrective action will occur. If the governing body does not intend to take any corrective action, it must explain its decision at the public meeting.

Section 25 amends s. 1011.60, F.S., to require each school district required to file an annual financial report to submit an electronic copy to the Department of Education certifying the report was timely filed to maintain eligibility for the Florida Education Finance Program.

Auditor Selection Procedures

Present Situation

Section 218.391, F.S., outlines the process that each local governmental entity, district school board, charter school, or charter technical career center must follow in selecting an auditor to conduct the annual financial audit of the entity required by s. 218.39, F.S. Each entity is required to establish an audit committee to assist the governing body in selecting the auditor. Each noncharter county's audit committee must consist of each of its officers elected pursuant to the State Constitution and one member of the board of county commissioners or its designee. The audit committees must publicly announce requests for proposals for the audit services. The law specifies the factors that must be considered in selecting the auditor and the procedures for negotiating for compensation.

Effect of the Bill

Section 16 amends s. 218.391, F.S., to require every county's audit committee to consist of each county officer elected pursuant to the State Constitution or the county charter, or their respective designees, and one member of the board of county commissioners or its designee. The section requires the audit committee for a municipality, special district, district school board, charter school, or charter technical career center to consist of at least three members, one of whom must be a member of the governing body of the entity. That member must serve as the audit committee's chair. An employee, chief executive officer, or chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an audit committee but may serve in a nonvoting advisory capacity. At least one member of the audit committee should have experience in finance, business, or government operations.

For each of the annual financial audits, certain information relating to the selection of the auditor and the contract for such services must be included in the management letter. If an entity fails to select an auditor in compliance with the new process, the Joint Legislative Auditing Committee must determine whether the entity should be subject to state action pursuant to 11.40(2), F.S.

The Florida Virtual School

Present Situation

The Florida Virtual School was created to develop and deliver online and distance learning education.[22] The Commissioner of Education is charged with monitoring the Florida Virtual School. In pertinent part, the law requires the board of trustees to submit an annual report to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education (SBE) that must address:

- The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global;
- The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology;
- The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year;
- A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General;
- Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global; and
- Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.[23]

The Auditor General must conduct an operational audit of the Florida Virtual School, including Florida Virtual School Global.[24] The scope of the audit must include, but is not limited to, the administration of responsibilities relating to personnel; procurement and contracting; revenue production; school funds, including internal funds; student enrollment records; franchise agreements; information technology utilization, assets, and security; performance measures and standards; and accountability. The law specifies that the final report on the audit must be submitted to the President of the Senate and the Speaker of the House of Representatives no later than January 31, 2014.[25]

Effect of the Bill

Section 21 amends s. 1002.37, F.S., to require the Florida Virtual School to have an annual financial audit of its accounts and records conducted by an independent auditor who is a licensed certified public accountant. The independent auditor must conduct the audit in accordance with rules adopted by the Auditor General and must prepare an audit report in accordance with such rules. The audit report must include a written statement by the board of trustees describing corrective action to be taken in response to each of the independent auditor's recommendations. The independent auditor must submit the audit report to the board of trustees and the Auditor General no later than nine months after the end of the preceding fiscal year.

[22] Section 1002.37(1)(a), F.S.
[23] Section 1002.37(6), F.S.
[24] Section 1002.37(11), F.S.
[25] *Id.*

Local Governmental Entity Annual Financial Reports

Present Situation

Section 218.32, F.S., requires local governmental entities that are required to provide for an audit under s. 218.39, F.S., to submit an audit report and annual financial report to the DFS within 45 days after completion of the audit report, but no later than nine months after the end of the fiscal year. The annual financial report must be signed by the chair of the governing body and the chief financial officer of the local governmental entity. The law also specifies the information that must be included in the report.

In addition, the DFS is required to file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report.[26]

Effect of the Bill

Section 13 amends s. 218.32, F.S., to provide that the Legislature intends to create the Florida Open Financial Statement System. The system will be an interactive repository for governmental financial statements. The Chief Financial Officer (CFO) may consult with stakeholders, including the department, the Auditor General, a representative of a municipality or county, a representative of a special district, a municipal bond investor, and an information technology professional employed in the private sector for input on the design and implementation of the system.

This section permits the CFO to choose contractors to build one or more eXtensible Business Reporting Language (XBRL) taxonomies suitable for state, county, municipal, and special district financial filings and to create a software tool that enables financial statement filers to create XBRL documents consistent with the taxonomy or taxonomies. XBRL is a global standard for exchanging business information. The CFO must recruit and select contractors through an open request for proposals process pursuant to ch. 287, F.S., and all work must be completed by December 31, 2021. If the CFO deems the work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after September 1, 2022, must be filed in XBRL format and must meet the validation requirements of the relevant taxonomy.

Local government entities required to submit an audit report and annual financial report to the DFS must do so no later than six months after the end of the fiscal year. An extension of the deadline is allowed for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

Each local government entity must submit an electronic copy of the annual financial report and a statement certifying the document was timely filed with the DFS to the clerk of the court.

[26] Section 218.32(2), F.S.

However, these requirements do not apply to a charter county in which the clerk of the court is not the county auditor. Starting in Fiscal Year 2018-2019, the bill provides that if a local government entity fails to submit information to the clerk of the court, the clerk must notify the appropriate fiscal officer of the local government to suspend salary payments to the head of the local government entity until such time as the information is provided to the clerk. The clerk must notify the appropriate local fiscal officer to resume payments when the clerk receives the information.

This section requires an independent certified public accountant conducting an audit of a local governmental entity pursuant to s. 218.39, F.S., to determine, as part of the audit, whether the entity's annual financial report is in agreement with the entity's audited financial statements. If the audited financial statements are not in agreement with the annual financial report, the section requires the accountant to specify in the audit report the significant differences that exist between the audited financial statements and the annual financial report.

This section also authorizes the DFS, in preparing the verified report, to request additional information from the local governmental entity. Any additional information requested must be provided to the DFS within 45 days after the request. If the local governmental entity does not comply with the request, the DFS must notify the Joint Legislative Auditing Committee, which may take action pursuant to s. 11.40(2), F.S.

This section requires the DFS to post a copy of each local government entity's annual financial report to its website within 12 months of the conclusion of the fiscal year for which the report was compiled.

Required Audits of Certain Educational Institutions

Present Situation

School districts, Florida College System institutions, and other institutions and agencies under the supervision of the State Board of Education (SBE) and state universities under the supervision of the Board of Governors (BOG) are subject to the audit provisions of ss. 11.45 and 218.39, F.S. If an audit contains a significant finding, the district school board, the Florida College System institution board of trustees, or the university board of trustees is required to conduct an audit overview during a public meeting.[27]

Effect of the Bill

Section 23 amends s. 1010.30, F.S., to provide that if an audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed, the district school board, the Florida College System institution board of trustees, or the university board of trustees must indicate during a regularly scheduled public meeting whether it intends to take corrective action, the corrective action to be taken, and when the corrective action will occur within 60 days after the delivery of the audit report. If the district school board, Florida College System institution board of trustees, or university board of trustees does not intend to take corrective action, it must explain its decision at the public meeting.

[27] Section 1010.30(2), F.S.

Internal Controls to Prevent and Detect Fraud, Waste, and Abuse

Present Situation

State Agencies and the Judicial Branch

Section 215.86, F.S., requires each state agency and the judicial branch as defined in s. 216.011, F.S., to establish and maintain management systems and controls that promote and encourage compliance; economic, efficient, and effective operations; reliability of records and reports; and safeguarding of assets. It requires accounting systems and procedures to be designed to fulfill the requirements of generally accepted accounting principles.

Local Governmental Entities

Section 218.33, F.S., requires each local governmental entity to begin its fiscal year on October 1 and end it on September 30. Section 218.33(2), F.S., requires each local governmental entity to follow uniform accounting practices and procedures as provided by rule of DFS to assure the use of proper accounting and fiscal management by such units. Such rules must include a uniform classification of accounts.

Charter Schools

Section 1002.33, F.S., authorizes charter schools as part of Florida's state program of education. In addition to creating charter schools, that section also imposes certain requirements on charter schools. In pertinent part, the law provides that the governing body of a charter school is responsible for:

- Ensuring that the charter school has retained a certified public accountant or auditor to perform its annual audit;
- Reviewing and approving the audit report;
- Establishing a corrective plan, if necessary;
- Monitoring a financial recovery plan to ensure compliance; and
- Participating in governance training approved by the Department of Education, which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.[28]

School Districts, Florida College System Institutions, and State Universities

Current law requires the financial records and accounts of each school district, Florida College System institution, and other institution or agency under the supervision of the SBE to be prepared and maintained as prescribed by law and rules of the SBE. The financial records and accounts of each state university under the supervision of the BOG must be prepared and maintained as prescribed by law and rules of the BOG. Rules of the SBE and rules of the BOG must incorporate the requirements of law and accounting principles generally accepted in the United States and must include a uniform classification of accounts. Each state university must annually file with the BOG financial statements prepared in conformity with these requirements. The BOG's rules must prescribe the filing deadline for the financial statements. The required

[28] Section 1002.33(9)(j), F.S.

financial accounts and reports must include provisions that are unique to K-12 school districts, Florida College System institutions, and state universities.[29]

Justice Administrative Commission

The Justice Administrative Commission (Commission) is created in s. 43.16, F.S. As one of its duties, the Commission is charged with maintaining a central state office for administrative services and assistance on behalf of state attorneys and public defenders, the capital collateral regional counsel, the criminal conflict and civil regional counsel, and the Guardian Ad Litem Program.[30] Additionally, the Commission records and submits certain documents prepared by a state attorney, public defender, or criminal conflict and civil regional counsel or the Guardian Ad Litem Program, including necessary budgets, vouchers that represent valid claims for reimbursement by the state for authorized expenses, and other things incidental to the proper administrative operation of the office, such as revenue transmittals to the Chief Financial Officer and automated systems plans.[31]

Effect of the Bill

Sections 4, 10, 14, 20 and 22 amend ss. 43.16, 215.86, 218.33, 1002.33, and 1010.01, F.S., respectively, to require state agencies, the judicial branch, local governmental entities, charter schools, school districts, Florida College System institutions, state universities, the Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program to establish and maintain internal controls designed to:

- Prevent and detect fraud, waste, and abuse, as defined in s. 11.45(1), F.S.;
- Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices;
- Support economical and efficient operations;
- Ensure reliability of financial records and reports; and
- Safeguard assets.

Section 19 amends s. 1001.42, F.S., to require school districts receiving annual federal, state, and local funds in excess of $500 million to employ an internal auditor. The duties of the internal auditor must include oversight of every functional and program area of the school system.

Additionally, this section requires the internal auditor to perform a comprehensive risk assessment of all areas of the school system every five years, and conduct other audits and reviews as the district school board directs to determine:

- The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.
- Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.
- The efficiency of operations.
- The reliability of financial records and reports.
- The safeguarding of assets.

[29] Section 1010.01, F.S.
[30] Section 43.16(5)(a), F.S.
[31] Section 43.16(5)(b), F.S.

- Financial solvency.
- Projected revenues and expenditures.
- The rate of change in the general fund balance.

This section requires the internal auditor to prepare audit reports of his or her findings and establishes penalties for failure to produce financial records to the internal auditor.[32]

Online Posting of Governmental Budgets

Present Situation

Counties and Municipalities

Counties[33] and municipalities[34] are required to post their tentative budgets on their websites two days prior to consideration of the budget at a public hearing. The final budget of a county or municipality must be posted on its website within 30 days after adoption. An amendment to a budget must be posted to the website within five days of adoption.[35] Current law does not specify how long these documents must remain available on the website.

Effect of the Bill

Sections 6, 7 and 8 amend ss. 129.03, 129.06, and 166.241, F.S., respectively, to require a tentative budget to remain on a county or municipality's website for at least 45 days. The sections also requires a final budget to remain on the entity's website for at least two years. Finally, the sections requires an adopted amendment to a budget to remain on the website for at least two years.

The bill also requires the county or municipality to submit an electronic copy of the final budget to the Office of Economic and Demographic Research (EDR) within 30 days after the budget is adopted. The bill allows for an extension of the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

The county or municipality must also submit to the clerk of the court a copy of the information that was submitted to the EDR, a copy of the final budget that was posted on the county's website, and a statement certifying both of these items were submitted and posted in a timely manner. However, these requirements do not apply to a charter county in which the clerk of the court is not the county auditor.

[32] Section 11.47(3), F.S. Any person who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit or examination which the Auditor General or the Office of Program Policy Analysis and Government Accountability is by law authorized to perform is guilty of a misdemeanor of the first degree. Section 11.47(4), F.S.
[33] Section 129.03, F.S.
[34] Section 166.241, F.S.
[35] Sections 129.06(2)(f)2., 166.241(5), and 189.016(7), F.S.

Present Situation

Special Districts

A "special district" is defined as a unit of local government created for a special purpose, as opposed to a general purpose, which has jurisdiction to operate within a limited geographic boundary and is created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.[36] Special districts are required to post their tentative budgets on their websites two days prior to consideration of the budget at a public hearing and must remain on the website for at least 45 days. The final budget of a special district must be posted on its website within 30 days after adoption and must remain on the website for at least two years.[37]

Effect of the Bill

Section 9 amends s. 189.016, F.S., to require a special district to submit an electronic copy of the final budget to the EDR within 30 days after the budget is adopted. The bill allows for an extension of the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

The special district must also submit to the clerk of the court a copy of the information that was submitted to the EDR, a copy of the final budget that was posted on the county's website, and a statement certifying both of these items were submitted and posted in a timely manner.

Present Situation

Water Management Districts (WMD)

Chapter 373, F.S., governs Florida's water resource management and authorizes the creation of WMDs, which are given taxing authority. A WMD is defined as "any flood control, resource management, or water management district" operating under the authority of ch. 373, F.S.[38] There are five WMDs in Florida: Northwest Florida, Suwanee River, St. Johns River, Southwest Florida, and South Florida.[39] Section 373.536, F.S., governs the budget process for WMDs and requires a WMD's tentative budget to be posted on the WMD's website at least two days before budget hearings are conducted. The law requires a WMD's final adopted budget to be posted on the WMD's official website within 30 days after adoption.

Effect of the Bill

Section 18 amends s. 373.536, F.S., to require a WMD's tentative budget to remain on the WMD's website for at least 45 days and requires the final adopted budget to remain on the website for at least two years.

[36] Section 189.012(6), F.S.
[37] Section 189.016(4), F.S.
[38] Section 373.019(23), F.S.
[39] Section 373.069(1), F.S.

The bill also requires the WMD to submit an electronic copy of the final budget to the EDR within 30 days after the budget is adopted. The bill allows for an extension of the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

The WMD must also submit to the clerk of the court a copy of the information that was submitted to the EDR, a copy of the final budget that was posted on the county's website, and a statement certifying both of these items were submitted and posted in a timely manner.

Beginning in Fiscal Year 2018-2019, the bill provides that if a WMD fails to submit information to the clerk of the court, the clerk must notify the appropriate fiscal officer to suspend future salary payments for the executive director of that WMD until such time as the information is provided to the clerk.

Present Situation

School Districts

Section 1011.03, F.S., requires each district school board to post its tentative budget on the district's official website at least two days prior to consideration of the budget at a public hearing. The final budget of a county or municipality must be posted on its website within 30 days after adoption. The district school superintendent is required to transmit two copies of the adopted budget to the Department of Education.

Effect of the Bill

Section 24 amends s. 1011.03, F.S., to require the district school board budget officer to submit an electronic copy of the final budget to the EDR within 30 days after the budget is adopted. The bill allows for an extension of the deadline for up to 90 days if the Governor declares a state of emergency within 30 days of the submission deadline.

The district school board budget officer must also submit to the clerk of the court a copy of the information that was submitted to the EDR, a copy of the final budget that was posted on the district school's website, and a statement certifying both of these items were submitted and posted in a timely manner.

Beginning in Fiscal Year 2018-2019, the bill provides that if a district school board budget officer fails to submit information to the clerk of the court, the clerk must notify the appropriate fiscal officer to suspend future salary payments for the superintendent of that district until such time as the information is provided to the clerk.

Transparency in Government Spending

Present Situation

The Transparency Florida Act (Act), codified in s. 215.985, F.S., requires the Governor, in consultation with the appropriations committees of the House and Senate, to maintain a central website providing access to all other websites required to be linked under the Act. It also requires certain budget information, certain contract information, and minimum functionality standards to

be readily available online. In pertinent part, s. 215.985(11), F.S., requires each WMD to provide a monthly financial statement to its governing board and make the statement available for public access on its website.

Effect of the Bill

Section 12 amends s. 215.985, F.S., to require a WMD's monthly financial statement to be in the form and manner prescribed by the DFS and requires each WMD to make the monthly financial statement available to the public on its website.

Office of Economic and Demographic Research (EDR)

Effect of the Bill

Section 26 requires the EDR to develop forms by July 15, 2018, for the purpose of submitting budget data. The forms must provide "broad, but meaningful" categories for organizing expenditures. By December 1, 2018, the EDR is required to submit a report to the President of the Senate and Speaker of the House of Representatives that:

- Identifies a structure to create unique area profiles for the counties, municipalities, special districts, water management districts, and school districts that would assist the public to make simple, direct comparisons between governmental entities of the same type;
- Provides recommendations for metrics for ranking the reporting entities based on the final budget information submitted to the EDR. The metrics must allow the public to make direct comparisons between different local governments; and
- Provides recommendations to provide this information in a cost-effective manner.

Reasonable Opportunity to Be Heard at Public Meetings

Present Situation

Section 286.0114, F.S., requires, with certain exceptions, that members of the public be provided a reasonable opportunity to be heard before a board or commission. The law describes a general public comment process and allows entities to prescribe how public comment is made and create certain reasonable limitations.

Effect of the Bill

Section 17 amends s. 286.0114, F.S., to prohibit a board or commission from requiring a member of the public to provide an advance written copy of his or her testimony or comments as a precondition of being given the opportunity to be heard at a meeting.

Statement of Legislative Findings

Section 32 specifies that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. In addition, a proper and legitimate state purpose is served when the travel records of state and local employees are transparent to members of the public. The Legislature further finds that a proper and legitimate state purpose is served when local

governments ensure the budgets, annual financial report, and associated data for various governmental entities are available to, and usable by, the public.

Sections 27, 28, 29, 30 and 31 amend ss. 165.0615, 189.066, 189.069, 189.074 and 218.503, F.S., to correct cross-references.

Section 33 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides, in pertinent part, that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments.

Article VII, s. 18(d) of the Florida Constitution provides, in pertinent part, that laws having insignificant fiscal impact are exempt from the mandates requirements.

This bill requires county and municipal governments to establish and maintain specified internal controls, to post government budgets online, and to use the statewide travel management system. Section 32 of the bill specifies that the bill serves an important state interest. An exception may apply because the bill applies to similarly situated persons (municipalities, counties, water management districts, school districts, state agencies and other governmental entities).

In addition, the bill may be exempt from the mandates requirements if the costs incurred by the municipalities and counties to comply are $2.05 million or less (the threshold for "insignificant"[40] fiscal impact for Fiscal Year 2017-2018).[41]

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[40] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Nov. 9, 2017).

[41] Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf (last visited Dec. 22, 2017).

D. Other Constitutional Issues:

Section 13 requires the salary of the head of the local entity to be withheld if a local government fails to submit specified information to the clerk of the court. If that head of the local entity is a constitutional officer, such as a county commissioner, school board member or a school superintendent, that officer has legal right to receive salary as long as he or she holds the office and performs the requisite duties.[42, 43]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

State agency and judicial branch personnel may incur additional costs to the extent lodging costs exceed $150 per day when such personnel are required to travel for official business.

C. Government Sector Impact:

Executive branch state government agencies and the judicial branch may incur indeterminate additional costs associated with using the Statewide Travel Management System (system). The bill makes the requirements to implement the system for reporting entities contingent upon the Legislature appropriating at least $5.4 million to the Department of Management Services (DMS) for Fiscal Year 2018-2019.

State agencies, the court system, court-related entities, local governments, district school boards, charter schools, and state colleges and universities may incur minimal costs associated with establishing and maintaining the specified internal controls.

State agencies and the judicial branch may avoid some travel costs associated with the limitations of lodging expenses.

The Department of Financial Services estimates the costs for the development of the Florida Open Financial Statement System to be $500,000. There will be additional costs in future years to create the software tool needed to implement the system. The additional future needs are indeterminate.

The bill has an indeterminate, but likely insignificant negative fiscal impact to expenditures and staff time of the Office of Economic and Demographic Research (EDR). The bill requires that the EDR, by July 15, 2018, develop forms for the submittal of budget data from certain specified entities. Additionally, the bill requires the EDR to compile and submit a report to the President of the Senate and Speaker of the House of

[42] Section 111.045, F.S.
[43] see Flack v. Graham, 453 So. 2d 819 (Fla. 1984).

Representatives by December 1, 2018. In the report, the EDR is required to identify a structure to allow the public to make simple, direct comparisons between governmental entities of the same type; enable the public to rank entities of the same type based on submitted budget data; and, offer recommendations to provide this information in a cost-effective manner. According to the EDR, current resources are adequate to absorb these costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.40, 11.45, 28.35, 43.16, 112.061, 129.03, 129.06, 165.0615, 166.241, 189.016, 189.066, 189.069, 189.074, 215.86, 215.97, 215.985, 218.32, 218.33, 218.39, 218.391, 218.503, 286.0114, 373.536, 1001.42, 1002.33, 1002.37, 1010.01, 1010.30, 1011.03, and 1011.60.

This bill also creates two undesignated sections of Florida law.

IX. Additional Information:

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

CS/CS by Appropriations on March 2, 2018:
The committee substitute:

- Requires counties, municipalities, special districts, water management districts, and school districts to:
  - Post annual budgets to their respective websites for two years;
  - Post tentative budgets to their websites for 45 days;
  - Provide an electronic copy of their budgets to the Office of Economic and Demographic Research (EDR), on forms prescribed by the EDR; and
  - Provide a copy of their budgets and certification of timely filing to the clerk of the court. However, a charter county in which the clerk of the court is not the county auditor is excluded.
- Provides that if a local government entity or school district fails to file required reports with the clerk of the court, the clerk must notify the appropriate fiscal officer to withhold salary payments from the head of the local government entity or the superintendent of the school district until the reports are filed.
- Requires all municipalities and special districts to conduct an annual audit.
- Requires the Joint Legislative Auditing Committee to conduct a hearing upon receiving notification from the Auditor General, the Department of Financial Services, the Division of Bond Finance of the State Board of Administration, the

Governor, or the Commissioner of Education that a local government entity has failed to file required reports.
- Begins the process of creating the Florida Open Financial Statement System to allow better access to financial reports filed by local governments.
- Requires school districts receiving annual federal, state, and local funds in excess of $500 million to employ an internal auditor. The duties of the internal auditor must include oversight of every functional and program area of the school system.
- Requires the internal auditor to perform a comprehensive risk assessment of all areas of the school system every five years, and conduct other audits and reviews as the district school board directs to make a determination.
- Requires the internal auditor to prepare audit reports of his or her findings and establishes penalties for failure to produce financial records to the internal auditor.
- Establishes the Statewide Travel Management System (system) in law.
- Requires all executive branch state government agencies and the judicial branch to report public officer and employee travel information in the system.
- Additionally requires that all executive branch state government agencies and the judicial branch use the system for purposes of travel authorization and reimbursement.
- Requires "reporting entities", which are defined in the bill to include municipalities, counties, local constitutional officers, county school districts, state colleges, state universities, and water management districts, to report monthly, all public officer and employee travel information resulting from an overnight stay in the system.
- Establishes a timeline for the Department of Management Services (DMS) to make travel reports for executive branch state government agencies, the judicial branch, and certain reporting entities available for public view.
- Requires reporting entities to redact confidential and exempt information from travel reports prior to posting them to the system and provides a process for reporting entities to follow when a travel report has been posted prior to proper redaction.
- Provides rulemaking authority to the DMS to administer provisions of the section pertaining to the system.
- Makes the requirements to implement the system for reporting entities contingent upon the Legislature appropriating at least $5.4 million to the DMS for Fiscal Year 2018-2019.
- Clarifies the finding of an important state interest.

CS by Community Affairs on November 7, 2017:
Identifies the Department of Management Services as the body that acquired the statewide travel management system, not the Executive Office of the Governor.

B. Amendments:

None.

522564

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/02/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, ~~or~~ the Division of Bond Finance of the State Board of Administration, the Governor or

522564

his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee shall ~~may~~ schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(a) In the case of a local governmental entity or district school board, direct the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee shall specify the date that such action must ~~shall~~ begin, and the directive must be received by the Department of Revenue and the Department of Financial Services 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Financial Services may implement ~~the provisions of~~ this paragraph.

(b) In the case of a special district created by:

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district, and the Department of Economic Opportunity that the special district has failed to comply with the law.

522564

Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

2. A local ordinance, notify the chair or equivalent of the local general-purpose government pursuant to s. 189.0652 and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0652, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

3. Any manner other than a special act or local ordinance, notify the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067(3).

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.

Section 2. Subsection (1), paragraph (j) of subsection (2), paragraph (u) of subsection (3), and paragraph (i) of subsection (7) of section 11.45, Florida Statutes, are amended, and paragraph (y) is added to subsection (3) of that section, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

(a) "Abuse" means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.

(b) ~~(a)~~ "Audit" means a financial audit, operational audit, or performance audit.

(c) ~~(b)~~ "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of a body or officer expressly stated in this paragraph are ~~the above are under law~~ separately placed by law.

(d) ~~(c)~~ "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits must ~~shall~~ encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other

522564

applicable federal law.

(e) "Fraud" means obtaining something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.

(f) ~~(d)~~ "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(g) ~~(e)~~ "Local governmental entity" means a county agency, municipality, tourist development council, county tourism promotion agency, or special district as defined in s. 189.012. The term~~, but~~ does not include any housing authority established under chapter 421.

(h) ~~(f)~~ "Management letter" means a statement of the auditor's comments and recommendations.

(i) ~~(g)~~ "Operational audit" means an audit whose purpose is to evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management's control objectives

522564

in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls.

(j) ~~(h)~~ "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.

2. Structure or design of the program to accomplish its goals and objectives.

3. Adequacy of the program to meet the needs identified by the Legislature or governing body.

4. Alternative methods of providing program services or products.

5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.

6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.

7. Compliance of the program with appropriate policies, rules, or laws.

8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(k) ~~(i)~~ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission,

522564

consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(l) ~~(j)~~ "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(m) "Waste" means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

(2) DUTIES.—The Auditor General shall:

(j) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall notify each member of the audited entity's governing body and the Legislative Auditing Committee of the results of his or her determination. For purposes of this paragraph, local governmental entities do not include water management districts.

522564

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(u) The Florida Virtual School ~~pursuant to s. 1002.37~~.

(y) Tourist development councils and county tourism promotion agencies.

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(i) The Auditor General shall annually transmit by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and local governmental entities ~~water management districts~~ that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to subsection (2).

Section 3. Paragraph (d) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the

following:

(d) Developing and certifying a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. For quarterly periods ending on the last day of March, June, September, and December of each year, the corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans. Such notifications shall be submitted no later than 45 days after the end of the preceding quarterly period. As used in this subsection, the term:

1. "Workload measures" means the measurement of the activities and frequency of the work required for the clerk to adequately perform the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

2. "Workload performance standards" means the standards

522564

developed to measure the timeliness and effectiveness of the activities that are accomplished by the clerk in the performance of the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

Section 4. Present subsections (6) and (7) of section 43.16, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(6) The commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 5. Subsection (6) of section 112.061, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For

522564

purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or

2. If actual expenses exceed $80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate, except as provided in paragraph (c), to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast.....$6
2. Lunch.....$11
3. Dinner.....$19

(c) Actual expenses for lodging associated with the attendance of an employee of a state agency or the judicial branch at a meeting, conference, or convention organized or

522564

sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. However, an employee may expend his or her own funds for any lodging expenses that exceed $150 per day. For purposes of this paragraph, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response.

(d) ~~(c)~~ No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.—

(a) For purposes of this subsection, the term "statewide travel management system" means the system acquired by the Department of Management Services to:

1. Standardize and automate agency travel management;

2. Allow for travel planning and approval, expense reporting, and reimbursement; and

3. Allow a person to query travel information by public employee or officer name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost.

(b) All agencies and the judicial branch must report public officer and employee travel information in the statewide travel management system, including, but not limited to, officer or employee name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost. At a minimum, such information must be reported in the statewide

522564

travel management system on a monthly basis.

(c) All executive branch state agencies and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

Section 6. Paragraph (c) of subsection (3) of section 129.03, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 2 days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 2 years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and

522564

figures to identify the particular transactions must ~~shall~~ be made in the minutes of the board to record its actions with reference to the budgets.

(d) Beginning in the 2018-2019 fiscal year, the county budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The county budget officer shall also electronically submit to the clerk of the court:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the county's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

Section 7. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners

adopted following a public hearing.

1. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's official website within 5 days after adoption and must remain on the website for at least 2 years.

Section 8. Present subsections (4) and (5) of section 166.241, Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (3) and present subsection (5) are amended, and a new subsection (4) is added to that section, to read:

166.241 Fiscal years, budgets, and budget amendments.—

(3) The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality

is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(4) Beginning in the 2018-2019 fiscal year, the municipality budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The municipality budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the municipality's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(6) ~~(5)~~ If the governing body of a municipality amends the budget pursuant to paragraph (5)(c) ~~(4)(c)~~, the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's

522564

website.

Section 9. Present subsections (5) through (10) of section 189.016, Florida Statutes, are renumbered as subsections (6) through (11), respectively, present subsections (7) and (10) are amended, and a new subsection (5) is added to that section, to read:

189.016 Reports; budgets; audits.—

(5) Beginning in the 2018-2019 fiscal year, the special district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the final budget, the office may extend the deadline up to an additional 90 days. The special district budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the special district's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(8)~~(7)~~ If the governing body of a special district amends the budget pursuant to paragraph (7)(c) ~~(6)(c)~~, the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.

(11)~~(10)~~ All reports or information required to be filed

522564

with a local general-purpose government or governing authority under ss. 189.014, 189.015, and 189.08 and subsection (9) ~~(8)~~ must:

(a) If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) If the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 10. Section 215.86, Florida Statutes, is amended to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and internal controls designed to:

(1) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1). ~~that~~

(2) Promote and encourage compliance with applicable laws, rules, contracts, and grant agreements.~~;~~

(3) Support economical and ~~economic,~~ efficient~~, and effective~~ operations.~~;~~

(4) Ensure reliability of financial records and reports.~~;~~

(5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.~~

Section 11. Paragraph (a) of subsection (2) of section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(2) As used in this section, the term:

(a) "Audit threshold" means the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit~~,~~ or a project-specific audit~~,~~ for such fiscal year in accordance with the requirements of this section. ~~Every 2 years the Auditor General,~~ After consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, the Auditor General shall periodically review the threshold amount for requiring audits under this section and may recommend any appropriate statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(h) to the Legislature ~~adjust such threshold amount consistent with the purposes of this section~~.

Section 12. Subsection (11) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(11) Each water management district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's ~~its~~ governing board and make such monthly financial statement available for public access on its website.

Section 13. Section 218.32, Florida Statutes, is amended to read:

522564

218.32 Annual financial reports; local governmental entities; Florida Open Financial Statement System.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

(b) Each component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with the reporting requirements contained in this section.

(c) Each regional planning council created under s. 186.504, each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous

522564

fiscal year in a format prescribed by the department.

(d) Each local governmental entity that is required to provide for an audit under s. 218.39(1) must submit a copy of the audit report and annual financial report to the department within 45 days after the completion of the audit report but no later than 6 ~~9~~ months after the end of the fiscal year. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the audit report and annual financial report, the department may extend the deadline up to an additional 90 days. The local governmental entity must electronically submit to the clerk of the court a copy of its annual financial report and a statement certifying that the report was timely filed with the department.

(e) In conducting an audit of a local governmental entity pursuant to s. 218.39, an independent certified public accountant shall determine whether the entity's annual financial report is in agreement with the audited financial statements. If the audited financial statements are not in agreement with the annual financial report, the accountant shall specify and explain the significant differences that exist between the audited financial statements and the annual financial report.

(f) Each local governmental entity that is not required to provide for an audit under s. 218.39 must submit the annual financial report to the department no later than 9 months after the end of the fiscal year. The department shall consult with the Auditor General in the development of the format of annual financial reports submitted pursuant to this paragraph. The format must include balance sheet information used by the Auditor General pursuant to s. 11.45(7)(f). The department must

522564

forward the financial information contained within the annual financial reports to the Auditor General in electronic form. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline, the department may extend the deadline up to an additional 90 days. This paragraph does not apply to housing authorities created under chapter 421.

(g) ~~(f)~~ If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee and the Special District Accountability Program of the Department of Economic Opportunity by April 30 of the entity's failure to comply with the reporting requirements.

(h) ~~(g)~~ Each local governmental entity's website must provide a link to the department's website to view the entity's annual financial report submitted to the department pursuant to this section. If the local governmental entity does not have an official website, the county government's website must provide the required link for the local governmental entity.

(i) It is the intent of the Legislature to create the Florida Open Financial Statement System, an interactive repository for governmental financial statements.

1. The Chief Financial Officer may consult with stakeholders, including the department, the Auditor General, a representative of a municipality or county, a representative of a special district, a municipal bond investor, and an information technology professional employed in the private sector, for input on the design and implementation of the Florida Open Financial Statement System.

2. The Chief Financial Officer may choose contractors to

522564

build one or more extensible Business Reporting Language (XBRL) taxonomies suitable for state, county, municipal, and special district financial filings and to create a software tool that enables financial statement filers to easily create XBRL documents consistent with the taxonomy or taxonomies. The Chief Financial Officer shall recruit and select contractors through an open request for proposals process pursuant to chapter 287.

3. The Chief Financial Officer shall require all work to be completed no later than December 31, 2021.

4. If the Chief Financial Officer deems the work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after September 1, 2022, must be filed in XBRL format and must meet the validation requirements of the relevant taxonomy.

5. A local government that commences filing in XBRL format may not be required to make filings in portable document format.

(j) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy provided by law, if a local governmental entity fails to submit information to the clerk of the court as required under paragraph (d), s. 129.03(3)(d), s. 166.241(4), or s. 189.016(5), as applicable, the clerk of the court shall notify the appropriate local fiscal officer to suspend future salary payments to the head of that local governmental entity. The clerk shall notify the appropriate local fiscal officer to resume payments when the clerk receives the information.

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the

522564

Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. In preparing the verified report, the department may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

(3) No later than 12 months after the end of the most recently completed fiscal year, the department shall post on its website the annual financial report for each local governmental entity and independent special district that is required to submit an annual financial report pursuant to subsection (1).

(4) ~~(3)~~ The department shall notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not reported any financial activity for

522564

the last 4 fiscal years. Such notice must be sufficient to initiate dissolution procedures as described in s. 165.051(1)(a). Any special law authorizing the incorporation or creation of the municipality must be included within the notification.

Section 14. Present subsection (3) of section 218.33, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

218.33 Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.—

(3) Each local governmental entity shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 15. Present subsections (8) through (12) of section 218.39, Florida Statutes, are renumbered as subsections (9) through (13), respectively, paragraphs (b), (c), (g), and (h) of subsection (1) and subsection (7) of that section are amended, and a new subsection (8) is added to that section, to read:

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the

522564

Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(b) Any municipality with revenues or the total of expenditures and expenses in excess of $250,000, as reported on the fund financial statements, and each municipality beginning with the 2018-2019 fiscal year.

(c) Any special district with revenues or the total of expenditures and expenses in excess of $100,000, as reported on the fund financial statements, and each special district beginning with the 2018-2019 fiscal year.

~~(g) Each municipality with revenues or the total of expenditures and expenses between $100,000 and $250,000, as reported on the fund financial statements, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.~~

~~(h) Each special district with revenues or the total of expenditures and expenses between $50,000 and $100,000, as reported on the fund financial statement, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.~~

(7) All audits conducted pursuant to this section must be conducted in accordance with the rules of the Auditor General adopted pursuant to s. 11.45. Upon completion of the audit, the auditor shall prepare an audit report in accordance with the rules of the Auditor General. The audit report shall be filed with the Auditor General within 45 days after delivery of the

522564

audit report to the governing body of the audited entity, but no later than 6 ~~9~~ months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the audit report, the Auditor General may extend the deadline up to an additional 90 days.

(8) If the audit report includes a recommendation that was included in the preceding financial audit report and remains unaddressed, the governing body of the audited entity, within 60 days after the delivery of the audit report to the governing body, shall indicate during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the governing body indicates that it does not intend to take corrective action, it must explain its decision at the public meeting.

Section 16. Subsection (2) of section 218.391, Florida Statutes, is amended, and subsections (9) through (13) are added to that section, to read:

218.391 Auditor selection procedures.—

(2) The governing body of a ~~charter~~ county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee.

(a) At a minimum, the audit committee for a county must ~~Each noncharter county shall establish an audit committee that,~~

522564

~~at a minimum, shall~~ consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution, or their respective designees ~~a designee~~, and one member of the board of county commissioners or its designee.

(b) The audit committee for a municipality, special district, district school board, charter school, or charter technical career center shall consist of at least three members. One member of the audit committee must be a member of the governing body of an entity specified in this paragraph, who shall also serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an audit committee established under this subsection.

(d) The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public may ~~shall~~ not be excluded from the proceedings under this section.

(9) For each audit required by s. 218.39, the auditor shall include the following information in the management letter prepared pursuant to s. 218.39(4):

(a) The date the entity's governing body approved the selection of the auditor and the date the entity and the auditor executed the most recent contract pursuant to subsection (7);

(b) The first fiscal year for which the auditor conducted

522564

the audit under the most recently executed contract pursuant to subsection (7); and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(10) On each occasion that an entity contracts with an auditor to conduct an audit pursuant to s. 218.39, an affidavit shall be executed by the chair of the entity's governing body in a format prescribed in accordance with rules adopted by the Auditor General, affirming that the auditor was selected in compliance with the requirements of subsections (3)-(6). The affidavit must accompany the entity's first audit report prepared by the auditor under the most recently executed contract pursuant to subsection (7). The affidavit shall include the following information:

(a) The date the entity's governing body approved the selection of the auditor;

(b) The first fiscal year for which the auditor conducted the audit; and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(11) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity shall again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years if the original audit was performed under a multiyear contract.

(a) If performing the auditor selection process again in accordance with this section would preclude the entity from timely completing the annual financial audit required by s.

522564

218.39, the entity shall again perform the auditor selection process in accordance with this section for the subsequent annual financial audit. A multiyear contract entered into between an entity and an auditor after the effective date of this act may not prohibit or restrict an entity from complying with the section.

(b) If the entity fails to perform the auditor selection process again, pursuant to this subsection, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(12) If the entity fails to provide the Auditor General with the affidavit required by subsection (10), the Auditor General shall request that the entity provide the affidavit. The affidavit must be provided within 45 days after the date of the request. If the entity does not comply with the Auditor General's request, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(13) If the entity provides the Auditor General with the affidavit required in subsection (10) but failed to select the auditor in accordance with the requirements of subsections (3)-(6), the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

Section 17. Subsection (2) of section 286.0114, Florida Statutes, is amended to read:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(2) Members of the public shall be given a reasonable

522564

opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. A board or commission may not require a member of the public to provide an advance written copy of his or her testimony or comments as a condition of being given the opportunity to be heard at a meeting. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

Section 18. Paragraph (e) of subsection (4), paragraph (d) of subsection (5), and paragraph (d) of subsection (6) of section 373.536, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (6) of that section, to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(e) ~~By September 1, 2012,~~ Each district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district’s governing board and make such monthly financial statement available for public access on its website.

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

522564

(d) Each district shall, by August 1 of each year, submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the Legislature pursuant to s. 373.535 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget must be posted on the district's official website at least 2 days before budget hearings held pursuant to s. 200.065 or other law and must remain on the website for at least 45 days.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(d) The final adopted budget must be posted on the water management district's official website within 30 days after adoption and must remain on the website for at least 2 years.

(e) Beginning in the 2018-2019 fiscal year, the water management district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The water management

522564

district budget officer shall also electronically submit to the clerk of the court in each county in which the district operates:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the water management district's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

(f) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy that may be authorized by law, if a water management district budget officer fails to submit information to the clerk of the court as required in paragraph (e), the clerk of the court shall notify the appropriate fiscal officer to suspend future salary payments for the executive director of that district. The clerk shall notify the fiscal officer to resume payments when the clerk receives the information.

Section 19. Paragraph (l) of subsection (12) 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:

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(l) *Internal auditor.*—May employ an internal auditor to perform ongoing financial verification of the financial records of the school district and such other audits and reviews as the

522564

district school board directs for the purpose of determining:

1. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

2. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

3. The efficiency of operations.

4. The reliability of financial records and reports.

5. The safeguarding of assets.

The internal auditor shall report directly to the district school board or its designee.

Section 20. Paragraph (j) of subsection (9) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(j) The governing body of the charter school shall be responsible for:

1. Establishing and maintaining internal controls designed to:

a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

c. Support economical and efficient operations.

d. Ensure reliability of financial records and reports.

e. Safeguard assets.

2.~~1.~~ Ensuring that the charter school has retained the services of a certified public accountant or auditor for the

522564

annual financial audit, pursuant to s. 1002.345(2), who shall submit the report to the governing body.

3.~~2.~~ Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

4.a.~~3.a.~~ Performing the duties in s. 1002.345, including monitoring a corrective action plan.

b. Monitoring a financial recovery plan in order to ensure compliance.

5.~~4.~~ Participating in governance training approved by the department which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

Section 21. Present subsections (6) through (10) of section 1002.37, Florida Statutes, are renumbered as subsections (7) through (11), respectively, present subsection (6) is amended, and a new subsection (6) is added to that section, to read:

1002.37 The Florida Virtual School.—

(6) The Florida Virtual School shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General pursuant to s. 11.45 and, upon completion of the audit, shall prepare an audit report in accordance with such rules. The audit report must include a written statement by the board of trustees describing corrective action to be taken in response to each of the recommendations of the independent auditor included in the audit report. The independent auditor shall submit the audit report to the board of trustees and the

522564

Auditor General no later than 9 months after the end of the preceding fiscal year.

(7) ~~(6)~~ The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global.

(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.

~~(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.~~

(d) ~~(e)~~ Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the

522564

program must be based on reliable data.

(e)~~(f)~~ Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.

Section 22. Subsection (5) is added to section 1010.01, Florida Statutes, to read:

1010.01 Uniform records and accounts.—

(5) Each school district, Florida College System institution, and state university shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 23. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(2) If a school district, Florida College System institution, or university audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed ~~an audit contains a significant finding~~, the district school board, the Florida College System institution board of trustees, or the university board of trustees, within 60 days after the delivery of the audit report to the school district, Florida College System institution, or university, shall indicate ~~conduct an audit~~

522564

~~overview~~ during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the district school board, Florida College System institution board of trustees, or university board of trustees indicates that it does not intend to take corrective action, it shall explain its decision at the public meeting.

Section 24. Section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget submissions; penalties ~~to be submitted to Department of Education~~.—

(1) Each district school board shall cause a summary of its tentative budget, including the proposed millage levies as provided for by law, to be posted on the district's official website and advertised once in a newspaper of general circulation published in the district or to be posted at the courthouse if there be no such newspaper.

(2) The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement:

"This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom

522564

expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)....”

(3) The advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065. The State Board of Education may adopt rules necessary to provide specific requirements for the format of the advertisement.

(4) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The tentative budget must be posted on the district’s official website at least 2 days before the budget hearing held pursuant to s. 200.065 or other law. The final adopted budget must be posted on the district’s official website within 30 days after adoption. The board shall require the superintendent to transmit two copies of the adopted budget to the Department of Education as prescribed by law and rules of the State Board of Education.

(5)(a) Beginning in the 2018-2019 fiscal year, the district school board budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the

522564

Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the final budget, the office may extend the deadline up to an additional 90 days. The district school board budget officer shall also electronically submit to the clerk of the court:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the district school board's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

(b) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy that may be authorized by law, if the district school board budget officer fails to submit information to the clerk of the court as required in paragraph (a), the clerk of the court shall notify the appropriate fiscal officer to suspend future salary payments for the superintendent of that district. The clerk shall notify the appropriate fiscal officer to resume payments when the clerk receives the information.

(6)~~(5)~~ If the governing body of a district amends the budget, the adopted amendment must be posted on the official website of the district within 5 days after adoption.

Section 25. Subsection (1) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school

522564

program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or rule, each annual or periodic report that is required by rules of the State Board of Education. A district school board that submits an annual financial report to the department must also electronically submit to the clerk of the court a copy of the report with a statement certifying that the report was timely filed with the department.

Section 26. (1) By July 15, 2018, the Office of Economic and Demographic Research shall prepare forms for use by counties, municipalities, special districts, water management districts, and school districts when submitting information regarding their final budgets to the office. The forms must group existing fiscal information in broad yet meaningful categories, but should not create new reporting requirements.

(2) By December 1, 2018, the office shall submit a report to the President of the Senate and the Speaker of the House of Representatives that:

(a) Identifies a structure to create unique area profiles for the counties, municipalities, special districts, water management districts, and school districts which would assist the public in making simple direct comparisons between the distinct entities.

(b) Provides recommendations for metrics for ranking the reporting entities based on the final budget information

522564

submitted to the office. The metrics must allow the public to make direct comparisons between the different local governments.

(c) Provides recommendations for mechanisms to submit the information in this subsection to the public in a cost-effective manner.

Section 27. Subsection (16) of section 165.0615, Florida Statutes, is amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(16) If the incorporation plan is approved by a majority of the votes cast in the independent special district, the district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the independent special district is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

Section 28. Subsections (1) and (2) of section 189.066, Florida Statutes, are amended to read:

189.066 Effect of failure to file certain reports or information.—

(1) If an independent special district fails to file the reports or information required under s. 189.014, s. 189.015, s. 189.016(10) ~~s. 189.016(9)~~, or s. 189.08 with the local general-purpose government or governments in which it is located, the person authorized to receive and read the reports or information or the local general-purpose government shall notify the district's registered agent. If requested by the district, the local general-purpose government shall grant an extension of up to 30 days for filing the required reports or information. If the governing body of the local general-purpose government or

522564

governments determines that there has been an unjustified failure to file these reports or information, it shall notify the department, and the department may proceed pursuant to s. 189.067(1).

(2) If a dependent special district fails to file the reports or information required under s. 189.014, s. 189.015, or s. 189.016(10) ~~s. 189.016(9)~~ with the local governing authority to which it is dependent, the local governing authority shall take whatever steps it deems necessary to enforce the special district's accountability. Such steps may include, as authorized, withholding funds, removing governing body members at will, vetoing the special district's budget, conducting the oversight review process set forth in s. 189.068, or amending, merging, or dissolving the special district in accordance with the provisions contained in the ordinance that created the dependent special district.

Section 29. Paragraph (e) of subsection (2) and paragraph (g) of subsection (3) of section 189.074, Florida Statutes, are amended to read:

189.074 Voluntary merger of independent special districts.—Two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies may elect to merge into a single independent district through the act of merging the component independent special districts.

(2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies of two or more contiguous independent special districts may, by joint resolution, endorse a proposed joint merger plan to commence proceedings to merge the districts pursuant to this

section.

(e) After the final public hearing, the governing bodies shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a separate referendum for each component independent special district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1. Notice of a referendum on the merger of independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

a. A brief summary of the resolution and joint merger plan;

b. A statement as to where a copy of the resolution and joint merger plan may be examined;

c. The names of the component independent special districts to be merged and a description of their territory;

d. The times and places at which the referendum will be held; and

e. Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

2. The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

3. The ballot question in such referendum placed before the qualified electors of each component independent special

522564

district to be merged must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?

....YES
....NO"

4. If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?

....YES
....NO"

5. In any referendum held pursuant to this section, the ballots shall be counted, returns made and canvassed, and

results certified in the same manner as other elections or referenda for the component independent special districts.

6. The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

7. If the merger is approved by a majority of the votes cast in each component independent special district, the merged independent district is created. Upon approval, the merged independent district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

8. If the referendum fails, the merger process under this subsection may not be initiated for the same purpose within 2 years after the date of the referendum.

(3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified electors of two or more contiguous independent special districts may commence a merger proceeding by each filing a petition with the governing body of their respective independent special district proposing to be merged. The petition must contain the signatures of at least 40 percent of the qualified electors of each component independent special district and must be submitted to the appropriate component independent special district governing body no later than 1 year after the start of the qualified elector-initiated merger process.

(g) After the final public hearing, the governing bodies

522564

shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a date for the separate referenda for each district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1. Notice of a referendum on the merger of the component independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

a. A brief summary of the resolution and elector-initiated merger plan;

b. A statement as to where a copy of the resolution and petition for merger may be examined;

c. The names of the component independent special districts to be merged and a description of their territory;

d. The times and places at which the referendum will be held; and

e. Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

2. The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

3. The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged must be in substantially the following form:

522564

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?

....YES
....NO"

4. If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?

....YES
....NO"

5. In any referendum held pursuant to this section, the ballots shall be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the component independent special districts.

522564

6. The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component independent special districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

7. If the merger is approved by a majority of the votes cast in each component independent special district, the merged district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

8. If the referendum fails, the merger process under this subsection may not be initiated for the same purpose within 2 years after the date of the referendum.

Section 30. Subsection (3) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board, the Governor or his or her designee shall contact the local governmental entity or the Commissioner of Education or his or her designee shall contact the district school board, as appropriate, to determine what actions have been taken by the local governmental entity or the district school board to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not

522564

comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify ~~the members of~~ the Legislative Auditing Committee, which ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate, has the authority to implement measures as set forth in ss. 218.50-218.504 to assist the local governmental entity or district school board in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor or approval of the district school board's budget by the Commissioner of Education.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity or district school board from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity or district school board as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local

governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity or the district school board.

(g)1. Establishing a financial emergency board to oversee the activities of the local governmental entity or the district school board. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity or the district school board as are needed.

b. Consult with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity or the district school board into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity or the district school board.

d. Consult with other governmental entities for the consolidation of all administrative direction and support

services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities or to the Commissioner of Education and the State Board of Education for district school boards for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity or the district school board in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity or district school board to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and

522564

construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

Section 31. The Legislature finds that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 32. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to government accountability; amending s. 11.40, F.S.; requiring, rather than authorizing, the Legislative Auditing Committee to schedule hearings concerning certain governmental entities for failure to comply with certain financial audit requirements; amending s. 11.45, F.S.; defining the terms "abuse," "fraud," and "waste"; revising definitions; excluding water management districts from certain audit requirements; removing a cross-reference; authorizing the Auditor General to conduct audits of tourist development councils and county tourism promotion agencies; revising reporting requirements applicable to the Auditor General; amending s. 28.35, F.S.; revising reporting

522564

requirements applicable to the Florida Clerks of Court Operations Corporation; amending s. 43.16, F.S.; revising the responsibilities of the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program, to include the establishment and maintenance of certain internal controls; amending s. 112.061, F.S.; revising certain lodging rates for the purpose of reimbursement to specified employees; authorizing an employee to expend his or her funds for certain lodging expenses; defining the term "statewide travel management system"; requiring agencies and the judicial branch to report certain travel information of public officers and employees in the statewide travel management system; requiring executive branch state agencies and the judicial branch to use the statewide travel management system for certain purposes; amending ss. 129.03, 129.06, and 166.241, F.S.; requiring counties and municipalities to maintain certain budget documents on the entities' websites for a specified period; requiring county and municipality budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 189.016, F.S.; requiring special district budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 215.86, F.S.; revising the purposes for

522564

which management systems and internal controls must be established and maintained by each state agency and the judicial branch; amending s. 215.97, F.S.; revising certain audit threshold requirements; amending s. 215.985, F.S.; revising the requirements for a monthly financial statement provided by a water management district; amending s. 218.32, F.S.; revising certain reporting deadlines for an audit report and annual financial report of certain local governmental entities; providing an exception; prescribing duties of an independent certified public accountant in conducting an audit; providing legislative intent regarding the establishment of the Florida Open Financial Statement System; authorizing the Chief Financial Officer to consult with certain stakeholders for input on the design and implementation of the system; specifying requirements and procedures for the Chief Financial Officer in selecting and recruiting contractors for certain purposes; requiring the Chief Financial Officer to require completion of all work by a specified date; providing that if the Chief Financial Officer deems work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after a specified date must meet certain requirements; providing for the suspension of salary payments to the head of a local governmental entity that does not submit certain financial information; authorizing the Department of Financial Services to

request additional information from a local governmental entity under certain circumstances; requiring a local governmental entity to comply with such requests within a specified timeframe; requiring the department to notify the Legislative Auditing Committee of noncompliance; authorizing the committee to take certain action; requiring the department to post annual financial reports for certain governmental entities on its website within a specified timeframe; amending s. 218.33, F.S.; requiring local governmental entities to establish and maintain internal controls to achieve specified purposes; amending s. 218.39, F.S.; requiring certain municipalities and special districts to have a certain audit performed beginning with a specified fiscal year; revising the deadline for an audit report; providing an exception; requiring the governing body of an audited entity to respond to audit recommendations under specified circumstances; amending s. 218.391, F.S.; revising membership for audit committees; prohibiting an audit committee member from being an employee, a chief executive officer, or a chief financial officer of the respective governmental entity; requiring an auditor to include certain information in a management letter; requiring the chair of a governmental entity's governing body to submit an affidavit containing certain information when the entity contracts with an auditor to conduct an audit; providing requirements and procedures for selecting an auditor; requiring the

522564

Legislative Auditing Committee to determine whether a governmental entity should be subject to state action under certain circumstances; amending s. 286.0114, F.S.; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting; amending s. 373.536, F.S.; deleting obsolete language; requiring water management districts to maintain certain budget documents on the districts' websites for a specified period; requiring district budget officers to submit certain budget information to specified entities within a certain timeframe; providing for the suspension of salary payments of a district executive director if the district does not submit such information; amending s. 1001.42, F.S.; authorizing additional internal audits as directed by the district school board; amending s. 1002.33, F.S.; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls; amending s. 1002.37, F.S.; requiring completion of an annual financial audit of the Florida Virtual School; specifying audit requirements; requiring an audit report to be submitted to the board of trustees of the Florida Virtual School and the Auditor General; deleting obsolete provisions; amending s. 1010.01, F.S.; requiring each school district, Florida College System institution, and state university to establish and

522564

maintain certain internal controls; amending s. 1010.30, F.S.; requiring a district school board, Florida College System institution board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; amending s. 1011.03, F.S.; requiring a district school board's budget officer to submit certain budget information to specified entities within a certain timeframe; providing for suspension of salary payments for a superintendent of a district that does not submit such information; amending s. 1011.60, F.S.; requiring district school boards that submit an annual financial report to the Department of Education to also electronically submit a copy to the clerk of the court; requiring the Office of Economic and Demographic Research to develop, by a specified date, certain forms for use by local governmental entities in reporting certain budget information; requiring the office to submit a report to the Legislature by a specified date; providing requirements for the report; amending ss. 165.0615, 189.066, 189.074, and 218.503, F.S.; conforming provisions and cross-references to changes made by the act; declaring that the act fulfills an important state interest; providing an effective date.

104016

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Bradley) recommended the following:

Senate Amendment to Amendment (522564)

Delete lines 362 - 574
and insert:
(d)1. Beginning in the 2018-2019 fiscal year, the county budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after

104016

the submission deadline, the office may extend the deadline up to an additional 90 days.

2. The county budget officer shall also electronically submit to the clerk of the court:

a. A copy of the information that was submitted to the office.

b. A copy of the final budget that was posted on the county's website.

c. A statement certifying that the items in sub-subparagraphs a. and b. were timely submitted and posted.

3. Subparagraph 2. does not apply to a charter county in which the clerk of the court is not the county auditor.

Section 7. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the

hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's official website within 5 days after adoption and must remain on the website for at least 2 years.

Section 8. Present subsections (4) and (5) of section 166.241, Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (3) and present subsection (5) are amended, and a new subsection (4) is added to that section, to read:

166.241 Fiscal years, budgets, and budget amendments.—

(3) The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(4) Beginning in the 2018-2019 fiscal year, the municipality budget officer shall electronically submit information regarding the final budget to the Office of Economic

104016

and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The municipality budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the municipality's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(6) ~~(5)~~ If the governing body of a municipality amends the budget pursuant to paragraph (5)(c) ~~(4)(c)~~, the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website.

Section 9. Present subsections (5) through (10) of section 189.016, Florida Statutes, are renumbered as subsections (6) through (11), respectively, present subsections (7) and (10) are amended, and a new subsection (5) is added to that section, to read:

189.016 Reports; budgets; audits.—

(5) Beginning in the 2018-2019 fiscal year, the special district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the final budget, the office may extend the deadline up to an additional 90 days. The special district budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the special district's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(8)~~(7)~~ If the governing body of a special district amends the budget pursuant to paragraph (7)(c) ~~(6)(c)~~, the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.

(11)~~(10)~~ All reports or information required to be filed with a local general-purpose government or governing authority under ss. 189.014, 189.015, and 189.08 and subsection (9) ~~(8)~~ must:

(a) If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.

104016

(b) If the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 10. Section 215.86, Florida Statutes, is amended to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and internal controls designed to:

(1) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1). ~~that~~

(2) Promote and encourage compliance with applicable laws, rules, contracts, and grant agreements.~~;~~

(3) Support economical and ~~economic,~~ efficient~~, and effective~~ operations.~~;~~

(4) Ensure reliability of financial records and reports.~~;~~

(5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.~~

Section 11. Paragraph (a) of subsection (2) of section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(2) As used in this section, the term:

(a) "Audit threshold" means the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of

104016

state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit~~,~~ or a project-specific audit~~,~~ for such fiscal year in accordance with the requirements of this section. ~~Every 2 years the Auditor General,~~ After consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, the Auditor General shall periodically review the threshold amount for requiring audits under this section and may recommend any appropriate statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(h) to the Legislature ~~adjust such threshold amount consistent with the purposes of this section~~.

Section 12. Subsection (11) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(11) Each water management district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's ~~its~~ governing board and make such monthly financial statement available for public access on its website.

Section 13. Section 218.32, Florida Statutes, is amended to read:

218.32 Annual financial reports; local governmental entities; Florida Open Financial Statement System.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012, shall submit to the department a copy of

104016

its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

(b) Each component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with the reporting requirements contained in this section.

(c) Each regional planning council created under s. 186.504, each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous fiscal year in a format prescribed by the department.

(d)1. Each local governmental entity that is required to provide for an audit under s. 218.39(1) must submit a copy of the audit report and annual financial report to the department within 45 days after the completion of the audit report but no later than 6 ~~9~~ months after the end of the fiscal year. If the

104016

Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the audit report and annual financial report, the department may extend the deadline up to an additional 90 days.

2. The local governmental entity must electronically submit to the clerk of the court a copy of its annual financial report and a statement certifying that the report was timely filed with the department.

3. Subparagraph 2. does not apply to a charter county in which the clerk of the court is not the county auditor.

110202

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment to Amendment (522564) (with title amendment)

Delete lines 779 - 947
and insert:
career center may not serve as a voting member of an audit committee established under this subsection but may serve in a nonvoting advisory capacity.

(d) At least one member of the audit committee should have experience in finance, business, or government operations.

(e) The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public may ~~shall~~ not be excluded from the proceedings under this section.

(9) For each audit required by s. 218.39, the auditor shall include the following information in the management letter prepared pursuant to s. 218.39(4):

(a) The date the entity's governing body approved the selection of the auditor and the date the entity and the auditor executed the most recent contract pursuant to subsection (7);

(b) The first fiscal year for which the auditor conducted the audit under the most recently executed contract pursuant to subsection (7); and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(10) On each occasion that an entity contracts with an auditor to conduct an audit pursuant to s. 218.39, an affidavit shall be executed by the chair of the entity's governing body in a format prescribed in accordance with rules adopted by the Auditor General, affirming that the auditor was selected in compliance with the requirements of subsections (3)-(6). The affidavit must, as a separate document, accompany the entity's first audit report prepared by the auditor under the most recently executed contract pursuant to subsection (7). The affidavit shall include the following information:

(a) The date the entity's governing body approved the selection of the auditor;

(b) The first fiscal year for which the auditor conducted the audit; and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(11) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity shall again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years if the original audit was performed under a multiyear contract.

(a) If performing the auditor selection process again in accordance with this section would preclude the entity from timely completing the annual financial audit required by s. 218.39, the entity shall again perform the auditor selection process in accordance with this section for the subsequent annual financial audit. A multiyear contract entered into between an entity and an auditor after the effective date of this act may not prohibit or restrict an entity from complying with the section.

(b) If the entity fails to perform the auditor selection process again, pursuant to this subsection, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(12) If the entity fails to provide the Auditor General with the affidavit required by subsection (10), the Auditor General shall request that the entity provide the affidavit. The affidavit must be provided within 45 days after the date of the request. If the entity does not comply with the Auditor General’s request, the Legislative Auditing Committee shall

determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(13) If the entity provides the Auditor General with the affidavit required in subsection (10) but failed to select the auditor in accordance with the requirements of subsections (3)-(6), the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

Section 17. Subsection (2) of section 286.0114, Florida Statutes, is amended to read:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. A board or commission may not require a member of the public to provide an advance written copy of his or her testimony or comments as a condition of being given the opportunity to be heard at a meeting. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

Section 18. Paragraph (e) of subsection (4), paragraph (d)

of subsection (5), and paragraph (d) of subsection (6) of section 373.536, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (6) of that section, to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(e) ~~By September 1, 2012,~~ Each district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's governing board and make such monthly financial statement available for public access on its website.

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(d) Each district shall, by August 1 of each year, submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the Legislature pursuant to s. 373.535 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget must be posted on the district's official website at least 2 days before budget hearings held pursuant to s. 200.065 or other law and must remain on the website for at least 45 days.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(d) The final adopted budget must be posted on the water management district's official website within 30 days after adoption and must remain on the website for at least 2 years.

(e) Beginning in the 2018-2019 fiscal year, the water management district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The water management district budget officer shall also electronically submit to the clerk of the court in each county in which the district operates:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the water management district's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

(f) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy that may be authorized by law, if a water management district budget officer fails to submit information to the clerk of the court as required in paragraph (e), the clerk of the court shall notify the appropriate fiscal officer to suspend future salary payments for the executive director of that district. The clerk shall

110202

notify the fiscal officer to resume payments when the clerk receives the information.

Section 19. Paragraphs (b) and (l) of subsection (12) of section 1001.42, Florida Statutes, are 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:

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(b) *Annual budget.*—

1. Cause to be prepared, adopt, and have submitted to the Department of Education as required by law and rules of the State Board of Education, the annual school budget, such budget to be so prepared and executed as to promote the improvement of the district school system.

2. An individual school board member may request and shall receive any proposed, tentative, and official budget documents, including all supporting and background information.

(l) *Internal auditor.*—May or, in the case of a school district receiving annual federal, state, and local funds in excess of $500 million, shall employ an internal auditor. The scope of the internal auditor may not be restricted and must include every functional and program area of the school system.

1. The internal auditor shall ~~to~~ perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining:

110202

a. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.

b. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

c. The efficiency of operations.

d. The reliability of financial records and reports.

e. The safeguarding of assets.

f. Financial solvency.

g. Projected revenues and expenditures.

h. The rate of change in the general fund balance.

2. The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.

3. Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to the provisions of s. 11.47(3) and (4).

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

And the title is amended as follows:

Delete lines 1596 - 1623

and insert:

audit committees; prohibiting an employee, a chief executive officer, or a chief financial officer of the respective governmental entity from serving as a voting member of an audit committee; requiring an auditor to include certain information in a management

110202

letter; requiring the chair of a governmental entity's governing body to submit an affidavit containing certain information when the entity contracts with an auditor to conduct an audit; providing requirements and procedures for selecting an auditor; requiring the Legislative Auditing Committee to determine whether a governmental entity should be subject to state action under certain circumstances; amending s. 286.0114, F.S.; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting; amending s. 373.536, F.S.; deleting obsolete language; requiring water management districts to maintain certain budget documents on the districts' websites for a specified period; requiring district budget officers to submit certain budget information to specified entities within a certain timeframe; providing for the suspension of salary payments of a district executive director if the district does not submit such information; amending s. 1001.42, F.S.; authorizing district school board members to request and receive specified budget information; requiring employment of internal auditors in certain school districts; revising provisions relating to the scope of such internal auditors; amending s. 1002.33, F.S.;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment to Amendment (522564)

Between lines 1495 and 1496
insert:
The Legislature also finds that a proper and legitimate state purpose is served when local governments ensure that the budgets, annual financial reports, and associated data for various governmental entities are available to, and usable by, the public.

703092

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment to Amendment (522564) (with directory and title amendments)

Delete lines 311 - 333
and insert:
(9) RULES.—
(c) The Department of Management Services may adopt rules to administer the provisions of this section relating to the statewide travel management system.
(16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.—

703092

(a) For purposes of this subsection, the term:

1. "Local constitutional officer" includes sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

2. "Reporting entity" includes each municipality, county, local constitutional officer, county school district, state college, state university, and water management district.

3. "Statewide travel management system" means the system used by the Department of Management Services to:

a. Collect and store information relating to public officer or employee travel information.

b. Standardize and automate agency travel management.

c. Allow for travel planning and approval, expense reporting, and reimbursement.

d. Allow travel information queries.

(b) Each executive branch state government agency and the judicial branch must report on the statewide travel management system all public officer and employee travel information, including, but not limited to, name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation from the head of the agency or designee authorization if required, and total travel cost.

1. Each executive branch state government agency and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

2. By November 1, 2018, the Department of Management Services shall make available to the public all travel reports posted on the statewide travel management system for executive

703092

branch state government agencies and the judicial branch.

(c) Each reporting entity must post on the statewide travel management system information relating to all travel resulting in an overnight stay for public officers and employees, including, but not limited to, name and position title, purpose of travel, dates and location of travel, mode of travel, and total travel costs.

1. Each reporting entity shall post one travel report per entity. A local constitutional officer may post a separate travel report from the respective county travel report.

2. Every month, each reporting entity shall post a travel report for the previous month.

3. The Department of Management Services shall provide a format and method for reporting entities to post travel reports.

4. No later than November 1, 2019, each reporting entity shall post monthly travel reports relating to all travel resulting in an overnight stay for public officers and employees.

5. Beginning December 1, 2019, the Department of Management Services shall make available to the public all travel reports for reporting entities which are in the statewide travel management system.

6. The requirements of this paragraph are contingent upon the Legislature appropriating at least $5.4 million to the Department of Management Services for the 2018-2019 fiscal year to implement the system for the reporting entities.

(d) Travel reports made available on the statewide travel management system may not reveal information made confidential and exempt or exempt by law.

703092

1. A reporting entity must redact confidential and exempt or exempt information from a travel report before posting the report on the statewide travel management system. If the reporting entity becomes aware that an improperly redacted travel report has been posted, the entity must notify the Department of Management Services and immediately request removal of the travel report from the statewide travel management system. Within 7 business days of becoming aware that an improperly redacted travel report has been posted, the entity must post a properly redacted travel report on the statewide travel management system.

2. The Secretary of Management Services or an officer, an employee, or a contractor of the department is not responsible for redacting confidential and exempt or exempt information from a travel report posted on the statewide travel management system.

3. The posting of travel reports on the statewide travel management system or the provision of information on a website for public viewing and downloading does not supersede the duty of a reporting entity to respond to a public records request or subpoena for the information.

Section 6. The Legislature finds that a proper and legitimate state purpose is served when the travel records of state and local employees are transparent to members of the public. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

====== 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:

703092

Delete line 267

and insert:

Statutes, is amended, paragraph (c) is added to subsection (9) of that section, and subsection (16) is added to that

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

And the title is amended as follows:

Delete lines 1531 - 1537

and insert:

authorizing the Department of Management Services to adopt rules for specified purposes; providing definitions; requiring executive branch state government agencies and the judicial branch to report certain travel information of public officers and employees in the statewide travel management system; requiring executive branch state government agencies and the judicial branch to use the statewide travel management system for certain purposes; requiring the Department of Management Services to make certain travel reports available to the public by a specified date; prescribing reporting requirements for the statewide travel management system for certain reporting entities; specifying that certain reporting requirements are contingent upon funding by the Legislature; specifying that travel reports may not reveal information confidential and exempt or exempt from public records requirements; providing for the redaction of such information from travel reports; specifying that the Secretary of Management Services

703092

or the Department of Management Services is not responsible for redacting such portions of travel reports; providing for construction; providing a declaration of important state interest; amending ss.

By the Committee on Community Affairs; and Senator Stargel

578-01099-18 2018354c1

A bill to be entitled

An act relating to government accountability; amending s. 11.40, F.S.; specifying that the Governor, the Commissioner of Education, or the designee of the Governor or of the commissioner, may notify the Legislative Auditing Committee of an entity's failure to comply with certain auditing and financial reporting requirements; amending s. 11.45, F.S.; defining the terms "abuse," "fraud," and "waste"; revising definitions; excluding water management districts from certain audit requirements; removing a cross-reference; authorizing the Auditor General to conduct audits of tourist development councils and county tourism promotion agencies; revising reporting requirements applicable to the Auditor General; amending s. 28.35, F.S.; revising reporting requirements applicable to the Florida Clerks of Court Operations Corporation; amending s. 43.16, F.S.; revising the responsibilities of the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program, to include the establishment and maintenance of certain internal controls; amending s. 112.061, F.S.; revising certain lodging rates for the purpose of reimbursement to specified employees; authorizing an employee to expend his or her funds for certain lodging expenses; defining the term "statewide travel management

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

578-01099-18 2018354c1

system"; requiring agencies and the judicial branch to report certain travel information of public officers and employees in the statewide travel management system; requiring executive branch state agencies and the judicial branch to use the statewide travel management system for certain purposes; amending ss. 129.03, 129.06, and 166.241, F.S.; requiring counties and municipalities to maintain certain budget documents on the entities' websites for a specified period; amending s. 215.86, F.S.; revising the purposes for which management systems and internal controls must be established and maintained by each state agency and the judicial branch; amending s. 215.97, F.S.; revising certain audit threshold requirements; amending s. 215.985, F.S.; revising the requirements for a monthly financial statement provided by a water management district; amending s. 218.32, F.S.; revising the requirements of the annual financial audit report of a local governmental entity; authorizing the Department of Financial Services to request additional information from a local governmental entity; requiring a local governmental entity to respond to such requests within a specified timeframe; requiring the department to notify the Legislative Auditing Committee of noncompliance; amending s. 218.33, F.S.; requiring local governmental entities to establish and maintain internal controls to achieve specified purposes; amending s. 218.39, F.S.; requiring an audited entity to respond to audit

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recommendations under specified circumstances; amending s. 218.391, F.S.; revising membership for the audit committee; prohibiting an audit committee member from being an employee, a chief executive officer, or a chief financial officer of the respective governmental entity; requiring an auditor to include certain information in a management letter; requiring the chair of a governmental entity's governing body to submit an affidavit containing certain information when the entity contracts with an auditor to conduct an audit; providing requirements and procedures for selecting an auditor; requiring the Legislative Auditing Committee to determine whether a governmental entity should be subject to state action under certain circumstances; amending s. 286.0114, F.S.; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting; amending s. 373.536, F.S.; deleting obsolete language; requiring water management districts to maintain certain budget documents on the districts' websites for a specified period; amending s. 1001.42, F.S.; authorizing additional internal audits as directed by the district school board; amending s. 1002.33, F.S.; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls; amending s. 1002.37, F.S.; requiring completion of an annual financial audit of

the Florida Virtual School; specifying audit requirements; requiring an audit report to be submitted to the board of trustees of the Florida Virtual School and the Auditor General; deleting obsolete provisions; amending s. 1010.01, F.S.; requiring each school district, Florida College System institution, and state university to establish and maintain certain internal controls; amending s. 1010.30, F.S.; requiring a district school board, Florida College System institution board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; amending s. 218.503, F.S.; conforming provisions and cross-references to changes made by the act; declaring that the act fulfills an important state interest; providing an effective date.

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

Section 1. Subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, ~~or~~ the Division of Bond Finance of the State Board of Administration, the Governor or his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s.

11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee may schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(a) In the case of a local governmental entity or district school board, direct the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee shall specify the date that such action must ~~shall~~ begin, and the directive must be received by the Department of Revenue and the Department of Financial Services 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Financial Services may implement ~~the provisions of~~ this paragraph.

(b) In the case of a special district created by:

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district, and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651, or if a public hearing is not

held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

2. A local ordinance, notify the chair or equivalent of the local general-purpose government pursuant to s. 189.0652 and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0652, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

3. Any manner other than a special act or local ordinance, notify the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067(3).

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.

Section 2. Subsection (1), paragraph (j) of subsection (2), paragraph (u) of subsection (3), and paragraph (i) of subsection (7) of section 11.45, Florida Statutes, are amended, and paragraph (x) is added to subsection (3) of that section, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

(a) "Abuse" means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts

and circumstances. The term includes the misuse of authority or position for personal gain.

(b) ~~(a)~~ "Audit" means a financial audit, operational audit, or performance audit.

(c) ~~(b)~~ "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of a body or officer expressly stated in this paragraph are ~~the above are under law~~ separately placed by law.

(d) ~~(c)~~ "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits must ~~shall~~ encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other applicable federal law.

(e) "Fraud" means obtaining something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or intentional omissions of amounts or

disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.

(f) ~~(d)~~ "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(g) ~~(e)~~ "Local governmental entity" means a county agency, municipality, tourist development council, county tourism promotion agency, or special district as defined in s. 189.012. The term~~, but~~ does not include any housing authority established under chapter 421.

(h) ~~(f)~~ "Management letter" means a statement of the auditor's comments and recommendations.

(i) ~~(g)~~ "Operational audit" means an audit whose purpose is to evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls.

(j) ~~(h)~~ "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.

2. Structure or design of the program to accomplish its goals and objectives.

3. Adequacy of the program to meet the needs identified by the Legislature or governing body.

4. Alternative methods of providing program services or products.

5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.

6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.

7. Compliance of the program with appropriate policies, rules, or laws.

8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(k) ~~(i)~~ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(l) ~~(j)~~ "State agency" means a separate agency or unit of

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state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(m) "Waste" means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

(2) DUTIES.—The Auditor General shall:

(j) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall notify each member of the audited entity's governing body and the Legislative Auditing Committee of the results of his or her determination. For purposes of this paragraph, local governmental entities do not include water management districts.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other

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audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(u) The Florida Virtual School ~~pursuant to s. 1002.37~~.

(x) Tourist development councils and county tourism promotion agencies.

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(i) The Auditor General shall annually transmit by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and local governmental entities ~~water management districts~~ that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to subsection (2).

Section 3. Paragraph (d) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the following:

(d) Developing and certifying a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload

performance in meeting the workload performance standards. These workload measures and workload performance standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. For quarterly periods ending on the last day of March, June, September, and December of each year, the corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans. Such notifications shall be submitted no later than 45 days after the end of the preceding quarterly period. As used in this subsection, the term:

1. "Workload measures" means the measurement of the activities and frequency of the work required for the clerk to adequately perform the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

2. "Workload performance standards" means the standards developed to measure the timeliness and effectiveness of the activities that are accomplished by the clerk in the performance of the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations

Corporation.

Section 4. Present subsections (6) and (7) of section 43.16, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(6) The commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 5. Subsection (6) of section 112.061, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within

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or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or

2. If actual expenses exceed $80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate, except as provided in paragraph (c), to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast.....$6

2. Lunch.....$11

3. Dinner.....$19

(c) Actual expenses for lodging associated with the attendance of an employee of a state agency or the judicial branch at a meeting, conference, or convention organized or sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. However, an employee may expend his or her own funds for any lodging expenses that exceed $150 per day. For purposes of this paragraph, a meeting does not

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include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response.

(d) ~~(c)~~ No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.—

(a) For purposes of this subsection, the term "statewide travel management system" means the system acquired by the Department of Management Services to:

1. Standardize and automate agency travel management;

2. Allow for travel planning and approval, expense reporting, and reimbursement; and

3. Allow a person to query travel information by public employee or officer name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost.

(b) All agencies and the judicial branch must report public officer and employee travel information in the statewide travel management system, including, but not limited to, officer or employee name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost. At a minimum, such information must be reported in the statewide travel management system on a monthly basis.

(c) All executive branch state agencies and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

Section 6. Paragraph (c) of subsection (3) of section 129.03, Florida Statutes, is amended to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 2 days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 2 years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and figures to identify the particular transactions must ~~shall~~ be made in the minutes of the board to record its actions with reference to the budgets.

Section 7. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners adopted following a public hearing.

1. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's official website within 5 days after adoption and must remain on the website for at least 2 years.

Section 8. Subsections (3) and (5) of section 166.241, Florida Statutes, are amended to read:

166.241 Fiscal years, budgets, and budget amendments.—

(3) The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least

45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(5) If the governing body of a municipality amends the budget pursuant to paragraph (4)(c), the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's website.

Section 9. Section 215.86, Florida Statutes, is amended to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and internal controls designed to:

(1) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1). ~~that~~

(2) Promote and encourage compliance with applicable laws, rules, contracts, and grant agreements.~~;~~

(3) Support economical and ~~economic,~~ efficient~~, and effective~~ operations.~~.~~

(4) Ensure reliability of financial records and reports.~~.~~

(5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.~~

Section 10. Paragraph (a) of subsection (2) of section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(2) As used in this section, the term:

(a) "Audit threshold" means the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit~~,~~ or a project-specific audit~~,~~ for such fiscal year in accordance with the requirements of this section. ~~Every 2 years the Auditor General,~~ After consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, the Auditor General shall periodically review the threshold amount for requiring audits under this section and may recommend any appropriate statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(h) to the Legislature ~~adjust such threshold amount consistent with the purposes of this section~~.

Section 11. Subsection (11) of section 215.985, Florida Statutes, is amended to read:

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215.985 Transparency in government spending.—

(11) Each water management district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's ~~its~~ governing board and make such monthly financial statement available for public access on its website.

Section 12. Paragraph (d) of subsection (1) and subsection (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Annual financial reports; local governmental entities.—

(1)

(d) Each local governmental entity that is required to provide for an audit under s. 218.39(1) must submit a copy of the audit report and annual financial report to the department within 45 days after the completion of the audit report but no later than 9 months after the end of the fiscal year. In conducting an audit of a local governmental entity pursuant to s. 218.39, an independent certified public accountant shall determine whether the entity's annual financial report is in agreement with the audited financial statements. If the audited financial statements are not in agreement with the annual financial report, the accountant shall specify and explain the significant differences that exist between the audited financial statements and the annual financial report.

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers,

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and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. In preparing the verified report, the department may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

Section 13. Present subsection (3) of section 218.33, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

218.33 Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.—

(3) Each local governmental entity shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws,

rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 14. Present subsections (8) through (12) of section 218.39, Florida Statutes, are renumbered as subsections (9) through (13), respectively, and a new subsection (8) is added to that section, to read:

218.39 Annual financial audit reports.—

(8) If the audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed, the governing body of the audited entity, within 60 days after the delivery of the audit report to the governing body, shall indicate during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the governing body indicates that it does not intend to take corrective action, it must explain its decision at the public meeting.

Section 15. Subsection (2) of section 218.391, Florida Statutes, is amended, and subsections (9) through (13) are added to that section, to read:

218.391 Auditor selection procedures.—

(2) The governing body of a ~~charter~~ county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee.

(a) The audit committee for a county ~~Each noncharter county shall establish an audit committee that~~, at a minimum, shall

consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution~~,~~ or their respective designees ~~a designee,~~ and one member of the board of county commissioners or its designee.

(b) The audit committee for a municipality, special district, district school board, charter school, or charter technical career center shall consist of at least three members. One member of the audit committee must be a member of the governing body of an entity specified in this paragraph, who shall also serve as the chair of the committee.

(c) An employee, chief executive officer, or chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an audit committee established under this subsection.

(d) The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public may ~~shall~~ not be excluded from the proceedings under this section.

(9) For each audit required by s. 218.39, the auditor shall include the following information in the management letter prepared pursuant to s. 218.39(4):

(a) The date the entity's governing body approved the selection of the auditor and the date the entity and the auditor executed the most recent contract pursuant to subsection (7);

(b) The first fiscal year for the auditor conducted the audit under the most recently executed contract pursuant to

subsection (7); and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(10) On each occasion that an entity contracts with an auditor to conduct an audit pursuant to s. 218.39, an affidavit shall be executed by the chair of the entity's governing body in a format prescribed in accordance with rules adopted by the Auditor General, affirming that the auditor was selected in compliance with the requirements of subsections (3)-(6). The affidavit must accompany the entity's first audit report prepared by the auditor under the most recently executed contract pursuant to subsection (7). The affidavit shall include the following information:

(a) The date the entity's governing body approved the selection of the auditor;

(b) The first fiscal year for which the auditor conducted the audit; and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(11) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity shall again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years if the original audit was performed under a multiyear contract.

(a) If performing the auditor selection process again in accordance with this section would preclude the entity from timely completing the annual financial audit required by s. 218.39, the entity shall again perform the auditor selection

process in accordance with this section for the subsequent annual financial audit. A multiyear contract entered into between an entity and an auditor after the effective date of this act may not prohibit or restrict an entity from complying with the section.

(b) If the entity fails to perform the auditor selection process again, pursuant to this subsection, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(12) If the entity fails to provide the Auditor General with the affidavit required by subsection (10), the Auditor General shall request that the entity provide the affidavit. The affidavit must be provided within 45 days after the date of the request. If the entity does not comply with the Auditor General's request, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(13) If the entity provides the Auditor General with the affidavit required in subsection (10) but failed to select the auditor in accordance with the requirements of subsections (3)-(6), the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

Section 16. Subsection (2) of section 286.0114, Florida Statutes, is amended to read:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or

commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. A board or commission may not require a member of the public to provide an advance written copy of his or her testimony or comments as a condition of being given the opportunity to be heard at a meeting. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

Section 17. Paragraph (e) of subsection (4), paragraph (d) of subsection (5), and paragraph (d) of subsection (6) of section 373.536, Florida Statutes, are amended to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(e) ~~By September 1, 2012,~~ Each district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's governing board and make such monthly financial statement available for public access on its website.

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

(d) Each district shall, by August 1 of each year, submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the

Legislature pursuant to s. 373.535 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget must be posted on the district's official website at least 2 days before budget hearings held pursuant to s. 200.065 or other law and must remain on the website for at least 45 days.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(d) The final adopted budget must be posted on the water management district's official website within 30 days after adoption and must remain on the website for at least 2 years.

Section 18. Paragraph (l) of subsection (12) 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:

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(l) *Internal auditor.*—May employ an internal auditor to perform ongoing financial verification of the financial records of the school district and such other audits and reviews as the

district school board directs for the purpose of determining:

1. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

2. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

3. The efficiency of operations.

4. The reliability of financial records and reports.

5. The safeguarding of assets.

The internal auditor shall report directly to the district school board or its designee.

Section 19. Paragraph (j) of subsection (9) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(j) The governing body of the charter school shall be responsible for:

1. Establishing and maintaining internal controls designed to:

a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

c. Support economical and efficient operations.

d. Ensure reliability of financial records and reports.

e. Safeguard assets.

2.~~1.~~ Ensuring that the charter school has retained the services of a certified public accountant or auditor for the

annual financial audit, pursuant to s. 1002.345(2), who shall submit the report to the governing body.

3.~~2.~~ Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

4.a.~~3.a.~~ Performing the duties in s. 1002.345, including monitoring a corrective action plan.

b. Monitoring a financial recovery plan in order to ensure compliance.

5.~~4.~~ Participating in governance training approved by the department which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

Section 20. Present subsections (6) through (10) of section 1002.37, Florida Statutes, are renumbered as subsections (7) through (11), respectively, present subsection (6) is amended, and a new subsection (6) is added to that section, to read:

1002.37 The Florida Virtual School.—

(6) The Florida Virtual School shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General pursuant to s. 11.45 and, upon completion of the audit, shall prepare an audit report in accordance with such rules. The audit report must include a written statement by the board of trustees describing corrective action to be taken in response to each of the recommendations of the independent auditor included in the audit report. The independent auditor shall submit the audit report to the board of trustees and the

Auditor General no later than 9 months after the end of the preceding fiscal year.

(7)~~(6)~~ The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global.

(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.

~~(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.~~

(d)~~(c)~~ Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the

program must be based on reliable data.

(e)~~(f)~~ Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.

Section 21. Subsection (5) is added to section 1010.01, Florida Statutes, to read:

1010.01 Uniform records and accounts.—

(5) Each school district, Florida College System institution, and state university shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 22. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(2) If a school district, Florida College System institution, or university audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed ~~an audit contains a significant finding~~, the district school board, the Florida College System institution board of trustees, or the university board of trustees, within 60 days after the delivery of the audit report to the school district, Florida College System institution, or university, shall indicate ~~conduct an audit~~

~~overview~~ during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the district school board, Florida College System institution board of trustees, or university board of trustees indicates that it does not intend to take corrective action, it shall explain its decision at the public meeting.

Section 23. Subsection (3) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board, the Governor or his or her designee shall contact the local governmental entity or the Commissioner of Education or his or her designee shall contact the district school board, as appropriate, to determine what actions have been taken by the local governmental entity or the district school board to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify ~~the members of~~ the Legislative Auditing Committee, which ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental

entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate, has the authority to implement measures as set forth in ss. 218.50-218.504 to assist the local governmental entity or district school board in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor or approval of the district school board's budget by the Commissioner of Education.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity or district school board from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity or district school board as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity or the district school board.

(g)1. Establishing a financial emergency board to oversee the activities of the local governmental entity or the district

school board. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity or the district school board as are needed.

b. Consult with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity or the district school board into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity or the district school board.

d. Consult with other governmental entities for the consolidation of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities or to the Commissioner of Education and

the State Board of Education for district school boards for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity or the district school board in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity or district school board to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

Section 24. The Legislature finds that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

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

Section 25. This act shall take effect July 1, 2018.

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

522564

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/02/2018	.	
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	.	

The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsection (2) of section 11.40, Florida Statutes, is amended to read:

11.40 Legislative Auditing Committee.—

(2) Following notification by the Auditor General, the Department of Financial Services, ~~or~~ the Division of Bond Finance of the State Board of Administration, the Governor or

522564

his or her designee, or the Commissioner of Education or his or her designee of the failure of a local governmental entity, district school board, charter school, or charter technical career center to comply with the applicable provisions within s. 11.45(5)-(7), s. 218.32(1), s. 218.38, or s. 218.503(3), the Legislative Auditing Committee shall ~~may~~ schedule a hearing to determine if the entity should be subject to further state action. If the committee determines that the entity should be subject to further state action, the committee shall:

(a) In the case of a local governmental entity or district school board, direct the Department of Revenue and the Department of Financial Services to withhold any funds not pledged for bond debt service satisfaction which are payable to such entity until the entity complies with the law. The committee shall specify the date that such action must ~~shall~~ begin, and the directive must be received by the Department of Revenue and the Department of Financial Services 30 days before the date of the distribution mandated by law. The Department of Revenue and the Department of Financial Services may implement ~~the provisions of~~ this paragraph.

(b) In the case of a special district created by:

1. A special act, notify the President of the Senate, the Speaker of the House of Representatives, the standing committees of the Senate and the House of Representatives charged with special district oversight as determined by the presiding officers of each respective chamber, the legislators who represent a portion of the geographical jurisdiction of the special district, and the Department of Economic Opportunity that the special district has failed to comply with the law.

522564

Upon receipt of notification, the Department of Economic Opportunity shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0651, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

2. A local ordinance, notify the chair or equivalent of the local general-purpose government pursuant to s. 189.0652 and the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067. If the special district remains in noncompliance after the process set forth in s. 189.0652, or if a public hearing is not held, the Legislative Auditing Committee may request the department to proceed pursuant to s. 189.067(3).

3. Any manner other than a special act or local ordinance, notify the Department of Economic Opportunity that the special district has failed to comply with the law. Upon receipt of notification, the department shall proceed pursuant to s. 189.062 or s. 189.067(3).

(c) In the case of a charter school or charter technical career center, notify the appropriate sponsoring entity, which may terminate the charter pursuant to ss. 1002.33 and 1002.34.

Section 2. Subsection (1), paragraph (j) of subsection (2), paragraph (u) of subsection (3), and paragraph (i) of subsection (7) of section 11.45, Florida Statutes, are amended, and paragraph (y) is added to subsection (3) of that section, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(1) DEFINITIONS.—As used in ss. 11.40-11.51, the term:

(a) "Abuse" means behavior that is deficient or improper when compared with behavior that a prudent person would consider a reasonable and necessary operational practice given the facts and circumstances. The term includes the misuse of authority or position for personal gain.

(b) ~~(a)~~ "Audit" means a financial audit, operational audit, or performance audit.

(c) ~~(b)~~ "County agency" means a board of county commissioners or other legislative and governing body of a county, however styled, including that of a consolidated or metropolitan government, a clerk of the circuit court, a separate or ex officio clerk of the county court, a sheriff, a property appraiser, a tax collector, a supervisor of elections, or any other officer in whom any portion of the fiscal duties of a body or officer expressly stated in this paragraph are ~~the above are under law~~ separately placed by law.

(d) ~~(c)~~ "Financial audit" means an examination of financial statements in order to express an opinion on the fairness with which they are presented in conformity with generally accepted accounting principles and an examination to determine whether operations are properly conducted in accordance with legal and regulatory requirements. Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards as adopted by the Board of Accountancy. When applicable, the scope of financial audits must ~~shall~~ encompass the additional activities necessary to establish compliance with the Single Audit Act Amendments of 1996, 31 U.S.C. ss. 7501-7507, and other

522564

applicable federal law.

(e) "Fraud" means obtaining something of value through willful misrepresentation, including, but not limited to, the intentional misstatements or intentional omissions of amounts or disclosures in financial statements to deceive users of financial statements, theft of an entity's assets, bribery, or the use of one's position for personal enrichment through the deliberate misuse or misapplication of an organization's resources.

(f) ~~(d)~~ "Governmental entity" means a state agency, a county agency, or any other entity, however styled, that independently exercises any type of state or local governmental function.

(g) ~~(e)~~ "Local governmental entity" means a county agency, municipality, tourist development council, county tourism promotion agency, or special district as defined in s. 189.012. The term~~, but~~ does not include any housing authority established under chapter 421.

(h) ~~(f)~~ "Management letter" means a statement of the auditor's comments and recommendations.

(i) ~~(g)~~ "Operational audit" means an audit whose purpose is to evaluate management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities in accordance with applicable laws, administrative rules, contracts, grant agreements, and other guidelines. Operational audits must be conducted in accordance with government auditing standards. Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management's control objectives

522564

in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls.

(j) ~~(h)~~ "Performance audit" means an examination of a program, activity, or function of a governmental entity, conducted in accordance with applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. The term includes an examination of issues related to:

1. Economy, efficiency, or effectiveness of the program.

2. Structure or design of the program to accomplish its goals and objectives.

3. Adequacy of the program to meet the needs identified by the Legislature or governing body.

4. Alternative methods of providing program services or products.

5. Goals, objectives, and performance measures used by the agency to monitor and report program accomplishments.

6. The accuracy or adequacy of public documents, reports, or requests prepared under the program by state agencies.

7. Compliance of the program with appropriate policies, rules, or laws.

8. Any other issues related to governmental entities as directed by the Legislative Auditing Committee.

(k) ~~(i)~~ "Political subdivision" means a separate agency or unit of local government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, city, commission,

522564

consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public corporation, town, or village.

(l) ~~(j)~~ "State agency" means a separate agency or unit of state government created or established by law and includes, but is not limited to, the following and the officers thereof: authority, board, branch, bureau, commission, department, division, institution, office, officer, or public corporation, as the case may be, except any such agency or unit within the legislative branch of state government other than the Florida Public Service Commission.

(m) "Waste" means the act of using or expending resources unreasonably, carelessly, extravagantly, or for no useful purpose.

(2) DUTIES.—The Auditor General shall:

(j) Conduct audits of local governmental entities when determined to be necessary by the Auditor General, when directed by the Legislative Auditing Committee, or when otherwise required by law. No later than 18 months after the release of the audit report, the Auditor General shall perform such appropriate followup procedures as he or she deems necessary to determine the audited entity's progress in addressing the findings and recommendations contained within the Auditor General's previous report. The Auditor General shall notify each member of the audited entity's governing body and the Legislative Auditing Committee of the results of his or her determination. For purposes of this paragraph, local governmental entities do not include water management districts.

522564

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

(3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

(u) The Florida Virtual School ~~pursuant to s. 1002.37~~.

(y) Tourist development councils and county tourism promotion agencies.

(7) AUDITOR GENERAL REPORTING REQUIREMENTS.—

(i) The Auditor General shall annually transmit by July 15, to the President of the Senate, the Speaker of the House of Representatives, and the Department of Financial Services, a list of all school districts, charter schools, charter technical career centers, Florida College System institutions, state universities, and local governmental entities ~~water management districts~~ that have failed to comply with the transparency requirements as identified in the audit reports reviewed pursuant to paragraph (b) and those conducted pursuant to subsection (2).

Section 3. Paragraph (d) of subsection (2) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.—

(2) The duties of the corporation shall include the

following:

(d) Developing and certifying a uniform system of workload measures and applicable workload standards for court-related functions as developed by the corporation and clerk workload performance in meeting the workload performance standards. These workload measures and workload performance standards shall be designed to facilitate an objective determination of the performance of each clerk in accordance with minimum standards for fiscal management, operational efficiency, and effective collection of fines, fees, service charges, and court costs. The corporation shall develop the workload measures and workload performance standards in consultation with the Legislature. When the corporation finds a clerk has not met the workload performance standards, the corporation shall identify the nature of each deficiency and any corrective action recommended and taken by the affected clerk of the court. For quarterly periods ending on the last day of March, June, September, and December of each year, the corporation shall notify the Legislature of any clerk not meeting workload performance standards and provide a copy of any corrective action plans. Such notifications shall be submitted no later than 45 days after the end of the preceding quarterly period. As used in this subsection, the term:

1. "Workload measures" means the measurement of the activities and frequency of the work required for the clerk to adequately perform the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

2. "Workload performance standards" means the standards

522564

developed to measure the timeliness and effectiveness of the activities that are accomplished by the clerk in the performance of the court-related duties of the office as defined by the membership of the Florida Clerks of Court Operations Corporation.

Section 4. Present subsections (6) and (7) of section 43.16, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

43.16 Justice Administrative Commission; membership, powers and duties.—

(6) The commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 5. Subsection (6) of section 112.061, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

112.061 Per diem and travel expenses of public officers, employees, and authorized persons.—

(6) RATES OF PER DIEM AND SUBSISTENCE ALLOWANCE.—For

522564

purposes of reimbursement rates and methods of calculation, per diem and subsistence allowances are provided as follows:

(a) All travelers shall be allowed for subsistence when traveling to a convention or conference or when traveling within or outside the state in order to conduct bona fide state business, which convention, conference, or business serves a direct and lawful public purpose with relation to the public agency served by the person attending such meeting or conducting such business, either of the following for each day of such travel at the option of the traveler:

1. Eighty dollars per diem; or

2. If actual expenses exceed $80, the amounts permitted in paragraph (b) for subsistence, plus actual expenses for lodging at a single-occupancy rate, except as provided in paragraph (c), to be substantiated by paid bills therefor.

When lodging or meals are provided at a state institution, the traveler shall be reimbursed only for the actual expenses of such lodging or meals, not to exceed the maximum provided for in this subsection.

(b) All travelers shall be allowed the following amounts for subsistence while on Class C travel on official business as provided in paragraph (5)(b):

1. Breakfast.....$6
2. Lunch.....$11
3. Dinner.....$19

(c) Actual expenses for lodging associated with the attendance of an employee of a state agency or the judicial branch at a meeting, conference, or convention organized or

522564

sponsored in whole or in part by a state agency or the judicial branch may not exceed $150 per day. However, an employee may expend his or her own funds for any lodging expenses that exceed $150 per day. For purposes of this paragraph, a meeting does not include travel activities for conducting an audit, examination, inspection, or investigation or travel activities related to a litigation or emergency response.

(d) ~~(c)~~ No one, whether traveling out of state or in state, shall be reimbursed for any meal or lodging included in a convention or conference registration fee paid by the state.

(16) STATEWIDE TRAVEL MANAGEMENT SYSTEM.—

(a) For purposes of this subsection, the term "statewide travel management system" means the system acquired by the Department of Management Services to:

1. Standardize and automate agency travel management;

2. Allow for travel planning and approval, expense reporting, and reimbursement; and

3. Allow a person to query travel information by public employee or officer name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost.

(b) All agencies and the judicial branch must report public officer and employee travel information in the statewide travel management system, including, but not limited to, officer or employee name and position title, purpose of travel, dates and location of travel, mode of travel, confirmation of agency head or designee authorization if required, and total travel cost. At a minimum, such information must be reported in the statewide

522564

travel management system on a monthly basis.

(c) All executive branch state agencies and the judicial branch must use the statewide travel management system for purposes of travel authorization and reimbursement.

Section 6. Paragraph (c) of subsection (3) of section 129.03, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(c) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and any proposed or adopted amendments. The tentative budget must be posted on the county's official website at least 2 days before the public hearing to consider such budget and must remain on the website for at least 45 days. The final budget must be posted on the website within 30 days after adoption and must remain on the website for at least 2 years. The tentative budgets, adopted tentative budgets, and final budgets shall be filed in the office of the county auditor as a public record. Sufficient reference in words and

522564

figures to identify the particular transactions must ~~shall~~ be made in the minutes of the board to record its actions with reference to the budgets.

(d) Beginning in the 2018-2019 fiscal year, the county budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The county budget officer shall also electronically submit to the clerk of the court:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the county's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

Section 7. Paragraph (f) of subsection (2) of section 129.06, Florida Statutes, is amended to read:

129.06 Execution and amendment of budget.—

(2) The board at any time within a fiscal year may amend a budget for that year, and may within the first 60 days of a fiscal year amend the budget for the prior fiscal year, as follows:

(f) Unless otherwise prohibited by law, if an amendment to a budget is required for a purpose not specifically authorized in paragraphs (a)-(e), the amendment may be authorized by resolution or ordinance of the board of county commissioners

adopted following a public hearing.

1. The public hearing must be advertised at least 2 days, but not more than 5 days, before the date of the hearing. The advertisement must appear in a newspaper of paid general circulation and must identify the name of the taxing authority, the date, place, and time of the hearing, and the purpose of the hearing. The advertisement must also identify each budgetary fund to be amended, the source of the funds, the use of the funds, and the total amount of each fund's appropriations.

2. If the board amends the budget pursuant to this paragraph, the adopted amendment must be posted on the county's official website within 5 days after adoption and must remain on the website for at least 2 years.

Section 8. Present subsections (4) and (5) of section 166.241, Florida Statutes, are renumbered as subsections (5) and (6), respectively, subsection (3) and present subsection (5) are amended, and a new subsection (4) is added to that section, to read:

166.241 Fiscal years, budgets, and budget amendments.—

(3) The tentative budget must be posted on the municipality's official website at least 2 days before the budget hearing, held pursuant to s. 200.065 or other law, to consider such budget and must remain on the website for at least 45 days. The final adopted budget must be posted on the municipality's official website within 30 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality

is located, transmit the tentative budget and final budget to the manager or administrator of such county or counties who shall post the budgets on the county's website.

(4) Beginning in the 2018-2019 fiscal year, the municipality budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency pursuant to s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The municipality budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the municipality's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(6) ~~(5)~~ If the governing body of a municipality amends the budget pursuant to paragraph (5)(c) ~~(4)(c)~~, the adopted amendment must be posted on the official website of the municipality within 5 days after adoption and must remain on the website for at least 2 years. If the municipality does not operate an official website, the municipality must, within a reasonable period of time as established by the county or counties in which the municipality is located, transmit the adopted amendment to the manager or administrator of such county or counties who shall post the adopted amendment on the county's

522564

website.

Section 9. Present subsections (5) through (10) of section 189.016, Florida Statutes, are renumbered as subsections (6) through (11), respectively, present subsections (7) and (10) are amended, and a new subsection (5) is added to that section, to read:

189.016 Reports; budgets; audits.—

(5) Beginning in the 2018-2019 fiscal year, the special district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the final budget, the office may extend the deadline up to an additional 90 days. The special district budget officer shall also electronically submit to the clerk of the court:

(a) A copy of the information that was submitted to the office.

(b) A copy of the final budget that was posted on the special district's website.

(c) A statement certifying that the items in paragraphs (a) and (b) were timely submitted and posted.

(8)~~(7)~~ If the governing body of a special district amends the budget pursuant to paragraph (7)(c) ~~(6)(c)~~, the adopted amendment must be posted on the official website of the special district within 5 days after adoption and must remain on the website for at least 2 years.

(11)~~(10)~~ All reports or information required to be filed

522564

with a local general-purpose government or governing authority under ss. 189.014, 189.015, and 189.08 and subsection (9) ~~(8)~~ must:

(a) If the local general-purpose government or governing authority is a county, be filed with the clerk of the board of county commissioners.

(b) If the district is a multicounty district, be filed with the clerk of the county commission in each county.

(c) If the local general-purpose government or governing authority is a municipality, be filed at the place designated by the municipal governing body.

Section 10. Section 215.86, Florida Statutes, is amended to read:

215.86 Management systems and controls.—Each state agency and the judicial branch as defined in s. 216.011 shall establish and maintain management systems and internal controls designed to:

(1) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1). ~~that~~

(2) Promote and encourage compliance with applicable laws, rules, contracts, and grant agreements.~~;~~

(3) Support economical and ~~economic,~~ efficient~~, and effective~~ operations.~~;~~

(4) Ensure reliability of financial records and reports.~~;~~

(5) Safeguard ~~and safeguarding of~~ assets. ~~Accounting systems and procedures shall be designed to fulfill the requirements of generally accepted accounting principles.~~

Section 11. Paragraph (a) of subsection (2) of section 215.97, Florida Statutes, is amended to read:

215.97 Florida Single Audit Act.—

(2) As used in this section, the term:

(a) "Audit threshold" means the threshold amount used to determine when a state single audit or project-specific audit of a nonstate entity shall be conducted in accordance with this section. Each nonstate entity that expends a total amount of state financial assistance equal to or in excess of $750,000 in any fiscal year of such nonstate entity shall be required to have a state single audit~~,~~ or a project-specific audit~~,~~ for such fiscal year in accordance with the requirements of this section. ~~Every 2 years the Auditor General,~~ After consulting with the Executive Office of the Governor, the Department of Financial Services, and all state awarding agencies, the Auditor General shall periodically review the threshold amount for requiring audits under this section and may recommend any appropriate statutory change to revise the threshold amount in the annual report submitted pursuant to s. 11.45(7)(h) to the Legislature ~~adjust such threshold amount consistent with the purposes of this section~~.

Section 12. Subsection (11) of section 215.985, Florida Statutes, is amended to read:

215.985 Transparency in government spending.—

(11) Each water management district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district's ~~its~~ governing board and make such monthly financial statement available for public access on its website.

Section 13. Section 218.32, Florida Statutes, is amended to read:

522564

218.32 Annual financial reports; local governmental entities; Florida Open Financial Statement System.—

(1)(a) Each local governmental entity that is determined to be a reporting entity, as defined by generally accepted accounting principles, and each independent special district as defined in s. 189.012, shall submit to the department a copy of its annual financial report for the previous fiscal year in a format prescribed by the department. The annual financial report must include a list of each local governmental entity included in the report and each local governmental entity that failed to provide financial information as required by paragraph (b). The chair of the governing body and the chief financial officer of each local governmental entity shall sign the annual financial report submitted pursuant to this subsection attesting to the accuracy of the information included in the report. The county annual financial report must be a single document that covers each county agency.

(b) Each component unit, as defined by generally accepted accounting principles, of a local governmental entity shall provide the local governmental entity, within a reasonable time period as established by the local governmental entity, with financial information necessary to comply with the reporting requirements contained in this section.

(c) Each regional planning council created under s. 186.504, each local government finance commission, board, or council, and each municipal power corporation created as a separate legal or administrative entity by interlocal agreement under s. 163.01(7) shall submit to the department a copy of its audit report and an annual financial report for the previous

522564

fiscal year in a format prescribed by the department.

(d) Each local governmental entity that is required to provide for an audit under s. 218.39(1) must submit a copy of the audit report and annual financial report to the department within 45 days after the completion of the audit report but no later than 6 ~~9~~ months after the end of the fiscal year. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the audit report and annual financial report, the department may extend the deadline up to an additional 90 days. The local governmental entity must electronically submit to the clerk of the court a copy of its annual financial report and a statement certifying that the report was timely filed with the department.

(e) In conducting an audit of a local governmental entity pursuant to s. 218.39, an independent certified public accountant shall determine whether the entity's annual financial report is in agreement with the audited financial statements. If the audited financial statements are not in agreement with the annual financial report, the accountant shall specify and explain the significant differences that exist between the audited financial statements and the annual financial report.

(f) Each local governmental entity that is not required to provide for an audit under s. 218.39 must submit the annual financial report to the department no later than 9 months after the end of the fiscal year. The department shall consult with the Auditor General in the development of the format of annual financial reports submitted pursuant to this paragraph. The format must include balance sheet information used by the Auditor General pursuant to s. 11.45(7)(f). The department must

522564

forward the financial information contained within the annual financial reports to the Auditor General in electronic form. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline, the department may extend the deadline up to an additional 90 days. This paragraph does not apply to housing authorities created under chapter 421.

(g) ~~(f)~~ If the department does not receive a completed annual financial report from a local governmental entity within the required period, it shall notify the Legislative Auditing Committee and the Special District Accountability Program of the Department of Economic Opportunity by April 30 of the entity's failure to comply with the reporting requirements.

(h) ~~(g)~~ Each local governmental entity's website must provide a link to the department's website to view the entity's annual financial report submitted to the department pursuant to this section. If the local governmental entity does not have an official website, the county government's website must provide the required link for the local governmental entity.

(i) It is the intent of the Legislature to create the Florida Open Financial Statement System, an interactive repository for governmental financial statements.

1. The Chief Financial Officer may consult with stakeholders, including the department, the Auditor General, a representative of a municipality or county, a representative of a special district, a municipal bond investor, and an information technology professional employed in the private sector, for input on the design and implementation of the Florida Open Financial Statement System.

2. The Chief Financial Officer may choose contractors to

522564

build one or more extensible Business Reporting Language (XBRL) taxonomies suitable for state, county, municipal, and special district financial filings and to create a software tool that enables financial statement filers to easily create XBRL documents consistent with the taxonomy or taxonomies. The Chief Financial Officer shall recruit and select contractors through an open request for proposals process pursuant to chapter 287.

3. The Chief Financial Officer shall require all work to be completed no later than December 31, 2021.

4. If the Chief Financial Officer deems the work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after September 1, 2022, must be filed in XBRL format and must meet the validation requirements of the relevant taxonomy.

5. A local government that commences filing in XBRL format may not be required to make filings in portable document format.

(j) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy provided by law, if a local governmental entity fails to submit information to the clerk of the court as required under paragraph (d), s. 129.03(3)(d), s. 166.241(4), or s. 189.016(5), as applicable, the clerk of the court shall notify the appropriate local fiscal officer to suspend future salary payments to the head of that local governmental entity. The clerk shall notify the appropriate local fiscal officer to resume payments when the clerk receives the information.

(2) The department shall annually by December 1 file a verified report with the Governor, the Legislature, the Auditor General, and the Special District Accountability Program of the

522564

Department of Economic Opportunity showing the revenues, both locally derived and derived from intergovernmental transfers, and the expenditures of each local governmental entity, regional planning council, local government finance commission, and municipal power corporation that is required to submit an annual financial report. In preparing the verified report, the department may request additional information from the local governmental entity. The information requested must be provided to the department within 45 days after the request. If the local governmental entity does not comply with the request, the department shall notify the Legislative Auditing Committee, which may take action pursuant to s. 11.40(2). The report must include, but is not limited to:

(a) The total revenues and expenditures of each local governmental entity that is a component unit included in the annual financial report of the reporting entity.

(b) The amount of outstanding long-term debt by each local governmental entity. For purposes of this paragraph, the term "long-term debt" means any agreement or series of agreements to pay money, which, at inception, contemplate terms of payment exceeding 1 year in duration.

(3) No later than 12 months after the end of the most recently completed fiscal year, the department shall post on its website the annual financial report for each local governmental entity and independent special district that is required to submit an annual financial report pursuant to subsection (1).

(4) ~~(3)~~ The department shall notify the President of the Senate and the Speaker of the House of Representatives of any municipality that has not reported any financial activity for

522564

the last 4 fiscal years. Such notice must be sufficient to initiate dissolution procedures as described in s. 165.051(1)(a). Any special law authorizing the incorporation or creation of the municipality must be included within the notification.

Section 14. Present subsection (3) of section 218.33, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to that section, to read:

218.33 Local governmental entities; establishment of uniform fiscal years and accounting practices and procedures.—

(3) Each local governmental entity shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 15. Present subsections (8) through (12) of section 218.39, Florida Statutes, are renumbered as subsections (9) through (13), respectively, paragraphs (b), (c), (g), and (h) of subsection (1) and subsection (7) of that section are amended, and a new subsection (8) is added to that section, to read:

218.39 Annual financial audit reports.—

(1) If, by the first day in any fiscal year, a local governmental entity, district school board, charter school, or charter technical career center has not been notified that a financial audit for that fiscal year will be performed by the

522564

Auditor General, each of the following entities shall have an annual financial audit of its accounts and records completed within 9 months after the end of its fiscal year by an independent certified public accountant retained by it and paid from its public funds:

(b) Any municipality with revenues or the total of expenditures and expenses in excess of $250,000, as reported on the fund financial statements, and each municipality beginning with the 2018-2019 fiscal year.

(c) Any special district with revenues or the total of expenditures and expenses in excess of $100,000, as reported on the fund financial statements, and each special district beginning with the 2018-2019 fiscal year.

~~(g) Each municipality with revenues or the total of expenditures and expenses between $100,000 and $250,000, as reported on the fund financial statements, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.~~

~~(h) Each special district with revenues or the total of expenditures and expenses between $50,000 and $100,000, as reported on the fund financial statement, which has not been subject to a financial audit pursuant to this subsection for the 2 preceding fiscal years.~~

(7) All audits conducted pursuant to this section must be conducted in accordance with the rules of the Auditor General adopted pursuant to s. 11.45. Upon completion of the audit, the auditor shall prepare an audit report in accordance with the rules of the Auditor General. The audit report shall be filed with the Auditor General within 45 days after delivery of the

522564

audit report to the governing body of the audited entity, but no later than 6 ~~9~~ months after the end of the audited entity's fiscal year. The audit report must include a written statement describing corrective actions to be taken in response to each of the auditor's recommendations included in the audit report. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the audit report, the Auditor General may extend the deadline up to an additional 90 days.

(8) If the audit report includes a recommendation that was included in the preceding financial audit report and remains unaddressed, the governing body of the audited entity, within 60 days after the delivery of the audit report to the governing body, shall indicate during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the governing body indicates that it does not intend to take corrective action, it must explain its decision at the public meeting.

Section 16. Subsection (2) of section 218.391, Florida Statutes, is amended, and subsections (9) through (13) are added to that section, to read:

218.391 Auditor selection procedures.—

(2) The governing body of a ~~charter~~ county, municipality, special district, district school board, charter school, or charter technical career center shall establish an audit committee.

(a) At a minimum, the audit committee for a county must ~~Each noncharter county shall establish an audit committee that,~~

522564

~~at a minimum, shall~~ consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution, or their respective designees ~~a designee~~, and one member of the board of county commissioners or its designee.

(b) The audit committee for a municipality, special district, district school board, charter school, or charter technical career center shall consist of at least three members. One member of the audit committee must be a member of the governing body of an entity specified in this paragraph, who shall also serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an audit committee established under this subsection.

(d) The primary purpose of the audit committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the audit committee may serve other audit oversight purposes as determined by the entity's governing body. The public may ~~shall~~ not be excluded from the proceedings under this section.

(9) For each audit required by s. 218.39, the auditor shall include the following information in the management letter prepared pursuant to s. 218.39(4):

(a) The date the entity's governing body approved the selection of the auditor and the date the entity and the auditor executed the most recent contract pursuant to subsection (7);

(b) The first fiscal year for which the auditor conducted

522564

the audit under the most recently executed contract pursuant to subsection (7); and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(10) On each occasion that an entity contracts with an auditor to conduct an audit pursuant to s. 218.39, an affidavit shall be executed by the chair of the entity's governing body in a format prescribed in accordance with rules adopted by the Auditor General, affirming that the auditor was selected in compliance with the requirements of subsections (3)-(6). The affidavit must accompany the entity's first audit report prepared by the auditor under the most recently executed contract pursuant to subsection (7). The affidavit shall include the following information:

(a) The date the entity's governing body approved the selection of the auditor;

(b) The first fiscal year for which the auditor conducted the audit; and

(c) The contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(11) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity shall again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years if the original audit was performed under a multiyear contract.

(a) If performing the auditor selection process again in accordance with this section would preclude the entity from timely completing the annual financial audit required by s.

522564

218.39, the entity shall again perform the auditor selection process in accordance with this section for the subsequent annual financial audit. A multiyear contract entered into between an entity and an auditor after the effective date of this act may not prohibit or restrict an entity from complying with the section.

(b) If the entity fails to perform the auditor selection process again, pursuant to this subsection, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(12) If the entity fails to provide the Auditor General with the affidavit required by subsection (10), the Auditor General shall request that the entity provide the affidavit. The affidavit must be provided within 45 days after the date of the request. If the entity does not comply with the Auditor General's request, the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

(13) If the entity provides the Auditor General with the affidavit required in subsection (10) but failed to select the auditor in accordance with the requirements of subsections (3)-(6), the Legislative Auditing Committee shall determine whether the entity should be subject to state action pursuant to s. 11.40(2).

Section 17. Subsection (2) of section 286.0114, Florida Statutes, is amended to read:

286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—

(2) Members of the public shall be given a reasonable

522564

opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. A board or commission may not require a member of the public to provide an advance written copy of his or her testimony or comments as a condition of being given the opportunity to be heard at a meeting. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

Section 18. Paragraph (e) of subsection (4), paragraph (d) of subsection (5), and paragraph (d) of subsection (6) of section 373.536, Florida Statutes, are amended, and paragraphs (e) and (f) are added to subsection (6) of that section, to read:

373.536 District budget and hearing thereon.—

(4) BUDGET CONTROLS; FINANCIAL INFORMATION.—

(e) ~~By September 1, 2012,~~ Each district shall provide a monthly financial statement in the form and manner prescribed by the Department of Financial Services to the district’s governing board and make such monthly financial statement available for public access on its website.

(5) TENTATIVE BUDGET CONTENTS AND SUBMISSION; REVIEW AND APPROVAL.—

522564

(d) Each district shall, by August 1 of each year, submit for review a tentative budget and a description of any significant changes from the preliminary budget submitted to the Legislature pursuant to s. 373.535 to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of all legislative committees and subcommittees having substantive or fiscal jurisdiction over water management districts, as determined by the President of the Senate or the Speaker of the House of Representatives, as applicable, the secretary of the department, and the governing body of each county in which the district has jurisdiction or derives any funds for the operations of the district. The tentative budget must be posted on the district's official website at least 2 days before budget hearings held pursuant to s. 200.065 or other law and must remain on the website for at least 45 days.

(6) FINAL BUDGET; ANNUAL AUDIT; CAPITAL IMPROVEMENTS PLAN; WATER RESOURCE DEVELOPMENT WORK PROGRAM.—

(d) The final adopted budget must be posted on the water management district's official website within 30 days after adoption and must remain on the website for at least 2 years.

(e) Beginning in the 2018-2019 fiscal year, the water management district budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline, the office may extend the deadline up to an additional 90 days. The water management

522564

district budget officer shall also electronically submit to the clerk of the court in each county in which the district operates:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the water management district's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

(f) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy that may be authorized by law, if a water management district budget officer fails to submit information to the clerk of the court as required in paragraph (e), the clerk of the court shall notify the appropriate fiscal officer to suspend future salary payments for the executive director of that district. The clerk shall notify the fiscal officer to resume payments when the clerk receives the information.

Section 19. Paragraph (l) of subsection (12) 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:

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(l) *Internal auditor.*—May employ an internal auditor to perform ongoing financial verification of the financial records of the school district and such other audits and reviews as the

522564

district school board directs for the purpose of determining:

1. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

2. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

3. The efficiency of operations.

4. The reliability of financial records and reports.

5. The safeguarding of assets.

The internal auditor shall report directly to the district school board or its designee.

Section 20. Paragraph (j) of subsection (9) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(j) The governing body of the charter school shall be responsible for:

1. Establishing and maintaining internal controls designed to:

a. Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

b. Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

c. Support economical and efficient operations.

d. Ensure reliability of financial records and reports.

e. Safeguard assets.

2.~~1.~~ Ensuring that the charter school has retained the services of a certified public accountant or auditor for the

522564

annual financial audit, pursuant to s. 1002.345(2), who shall submit the report to the governing body.

3.~~2.~~ Reviewing and approving the audit report, including audit findings and recommendations for the financial recovery plan.

4.a.~~3.a.~~ Performing the duties in s. 1002.345, including monitoring a corrective action plan.

b. Monitoring a financial recovery plan in order to ensure compliance.

5.~~4.~~ Participating in governance training approved by the department which must include government in the sunshine, conflicts of interest, ethics, and financial responsibility.

Section 21. Present subsections (6) through (10) of section 1002.37, Florida Statutes, are renumbered as subsections (7) through (11), respectively, present subsection (6) is amended, and a new subsection (6) is added to that section, to read:

1002.37 The Florida Virtual School.—

(6) The Florida Virtual School shall have an annual financial audit of its accounts and records conducted by an independent auditor who is a certified public accountant licensed under chapter 473. The independent auditor shall conduct the audit in accordance with rules adopted by the Auditor General pursuant to s. 11.45 and, upon completion of the audit, shall prepare an audit report in accordance with such rules. The audit report must include a written statement by the board of trustees describing corrective action to be taken in response to each of the recommendations of the independent auditor included in the audit report. The independent auditor shall submit the audit report to the board of trustees and the

522564

Auditor General no later than 9 months after the end of the preceding fiscal year.

(7) ~~(6)~~ The board of trustees shall annually submit to the Governor, the Legislature, the Commissioner of Education, and the State Board of Education the audit report prepared pursuant to subsection (6) and a complete and detailed report setting forth:

(a) The operations and accomplishments of the Florida Virtual School within the state and those occurring outside the state as Florida Virtual School Global.

(b) The marketing and operational plan for the Florida Virtual School and Florida Virtual School Global, including recommendations regarding methods for improving the delivery of education through the Internet and other distance learning technology.

(c) The assets and liabilities of the Florida Virtual School and Florida Virtual School Global at the end of the fiscal year.

~~(d) A copy of an annual financial audit of the accounts and records of the Florida Virtual School and Florida Virtual School Global, conducted by an independent certified public accountant and performed in accordance with rules adopted by the Auditor General.~~

(d) ~~(e)~~ Recommendations regarding the unit cost of providing services to students through the Florida Virtual School and Florida Virtual School Global. In order to most effectively develop public policy regarding any future funding of the Florida Virtual School, it is imperative that the cost of the program is accurately identified. The identified cost of the

522564

program must be based on reliable data.

(e)~~(f)~~ Recommendations regarding an accountability mechanism to assess the effectiveness of the services provided by the Florida Virtual School and Florida Virtual School Global.

Section 22. Subsection (5) is added to section 1010.01, Florida Statutes, to read:

1010.01 Uniform records and accounts.—

(5) Each school district, Florida College System institution, and state university shall establish and maintain internal controls designed to:

(a) Prevent and detect fraud, waste, and abuse as defined in s. 11.45(1).

(b) Promote and encourage compliance with applicable laws, rules, contracts, grant agreements, and best practices.

(c) Support economical and efficient operations.

(d) Ensure reliability of financial records and reports.

(e) Safeguard assets.

Section 23. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(2) If a school district, Florida College System institution, or university audit report includes a recommendation that was included in the preceding financial audit report but remains unaddressed ~~an audit contains a significant finding~~, the district school board, the Florida College System institution board of trustees, or the university board of trustees, within 60 days after the delivery of the audit report to the school district, Florida College System institution, or university, shall indicate ~~conduct an audit~~

522564

~~overview~~ during a regularly scheduled public meeting whether it intends to take corrective action, the intended corrective action, and the timeframe for the corrective action. If the district school board, Florida College System institution board of trustees, or university board of trustees indicates that it does not intend to take corrective action, it shall explain its decision at the public meeting.

Section 24. Section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget submissions; penalties ~~to be submitted to Department of Education~~.—

(1) Each district school board shall cause a summary of its tentative budget, including the proposed millage levies as provided for by law, to be posted on the district's official website and advertised once in a newspaper of general circulation published in the district or to be posted at the courthouse if there be no such newspaper.

(2) The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement:

"This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom

522564

expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)....”

(3) The advertisement shall appear adjacent to the advertisement required pursuant to s. 200.065. The State Board of Education may adopt rules necessary to provide specific requirements for the format of the advertisement.

(4) The board shall hold public hearings to adopt tentative and final budgets pursuant to s. 200.065. The hearings shall be primarily for the purpose of hearing requests and complaints from the public regarding the budgets and the proposed tax levies and for explaining the budget and proposed or adopted amendments thereto, if any. The tentative budget must be posted on the district’s official website at least 2 days before the budget hearing held pursuant to s. 200.065 or other law. The final adopted budget must be posted on the district’s official website within 30 days after adoption. The board shall require the superintendent to transmit two copies of the adopted budget to the Department of Education as prescribed by law and rules of the State Board of Education.

(5)(a) Beginning in the 2018-2019 fiscal year, the district school board budget officer shall electronically submit information regarding the final budget to the Office of Economic and Demographic Research in the format specified by the office within 30 days after adoption of the final budget. If the

522564

Governor declares a state of emergency under s. 252.36(2) within 30 days after the submission deadline for the final budget, the office may extend the deadline up to an additional 90 days. The district school board budget officer shall also electronically submit to the clerk of the court:

1. A copy of the information that was submitted to the office.

2. A copy of the final budget that was posted on the district school board's website.

3. A statement certifying that the items in subparagraphs 1. and 2. were timely submitted and posted.

(b) Beginning in the 2018-2019 fiscal year and notwithstanding any other penalty or remedy that may be authorized by law, if the district school board budget officer fails to submit information to the clerk of the court as required in paragraph (a), the clerk of the court shall notify the appropriate fiscal officer to suspend future salary payments for the superintendent of that district. The clerk shall notify the appropriate fiscal officer to resume payments when the clerk receives the information.

(6)~~(5)~~ If the governing body of a district amends the budget, the adopted amendment must be posted on the official website of the district within 5 days after adoption.

Section 25. Subsection (1) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school

522564

program throughout the district and shall meet at least the following requirements:

(1) ACCOUNTS AND REPORTS.—Maintain adequate and accurate records, including a system of internal accounts for individual schools, and file with the Department of Education, in correct and proper form on or before the date due as fixed by law or rule, each annual or periodic report that is required by rules of the State Board of Education. A district school board that submits an annual financial report to the department must also electronically submit to the clerk of the court a copy of the report with a statement certifying that the report was timely filed with the department.

Section 26. (1) By July 15, 2018, the Office of Economic and Demographic Research shall prepare forms for use by counties, municipalities, special districts, water management districts, and school districts when submitting information regarding their final budgets to the office. The forms must group existing fiscal information in broad yet meaningful categories, but should not create new reporting requirements.

(2) By December 1, 2018, the office shall submit a report to the President of the Senate and the Speaker of the House of Representatives that:

(a) Identifies a structure to create unique area profiles for the counties, municipalities, special districts, water management districts, and school districts which would assist the public in making simple direct comparisons between the distinct entities.

(b) Provides recommendations for metrics for ranking the reporting entities based on the final budget information

522564

submitted to the office. The metrics must allow the public to make direct comparisons between the different local governments.

(c) Provides recommendations for mechanisms to submit the information in this subsection to the public in a cost-effective manner.

Section 27. Subsection (16) of section 165.0615, Florida Statutes, is amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(16) If the incorporation plan is approved by a majority of the votes cast in the independent special district, the district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the independent special district is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

Section 28. Subsections (1) and (2) of section 189.066, Florida Statutes, are amended to read:

189.066 Effect of failure to file certain reports or information.—

(1) If an independent special district fails to file the reports or information required under s. 189.014, s. 189.015, s. 189.016(10) ~~s. 189.016(9)~~, or s. 189.08 with the local general-purpose government or governments in which it is located, the person authorized to receive and read the reports or information or the local general-purpose government shall notify the district's registered agent. If requested by the district, the local general-purpose government shall grant an extension of up to 30 days for filing the required reports or information. If the governing body of the local general-purpose government or

522564

governments determines that there has been an unjustified failure to file these reports or information, it shall notify the department, and the department may proceed pursuant to s. 189.067(1).

(2) If a dependent special district fails to file the reports or information required under s. 189.014, s. 189.015, or s. 189.016(10) ~~s. 189.016(9)~~ with the local governing authority to which it is dependent, the local governing authority shall take whatever steps it deems necessary to enforce the special district's accountability. Such steps may include, as authorized, withholding funds, removing governing body members at will, vetoing the special district's budget, conducting the oversight review process set forth in s. 189.068, or amending, merging, or dissolving the special district in accordance with the provisions contained in the ordinance that created the dependent special district.

Section 29. Paragraph (e) of subsection (2) and paragraph (g) of subsection (3) of section 189.074, Florida Statutes, are amended to read:

189.074 Voluntary merger of independent special districts.—Two or more contiguous independent special districts created by special act which have similar functions and elected governing bodies may elect to merge into a single independent district through the act of merging the component independent special districts.

(2) JOINT MERGER PLAN BY RESOLUTION.—The governing bodies of two or more contiguous independent special districts may, by joint resolution, endorse a proposed joint merger plan to commence proceedings to merge the districts pursuant to this

section.

(e) After the final public hearing, the governing bodies shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a separate referendum for each component independent special district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1. Notice of a referendum on the merger of independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

a. A brief summary of the resolution and joint merger plan;

b. A statement as to where a copy of the resolution and joint merger plan may be examined;

c. The names of the component independent special districts to be merged and a description of their territory;

d. The times and places at which the referendum will be held; and

e. Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

2. The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

3. The ballot question in such referendum placed before the qualified electors of each component independent special

522564

district to be merged must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?

....YES
....NO"

4. If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?

....YES
....NO"

5. In any referendum held pursuant to this section, the ballots shall be counted, returns made and canvassed, and

results certified in the same manner as other elections or referenda for the component independent special districts.

6. The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

7. If the merger is approved by a majority of the votes cast in each component independent special district, the merged independent district is created. Upon approval, the merged independent district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

8. If the referendum fails, the merger process under this subsection may not be initiated for the same purpose within 2 years after the date of the referendum.

(3) QUALIFIED ELECTOR-INITIATED MERGER PLAN.—The qualified electors of two or more contiguous independent special districts may commence a merger proceeding by each filing a petition with the governing body of their respective independent special district proposing to be merged. The petition must contain the signatures of at least 40 percent of the qualified electors of each component independent special district and must be submitted to the appropriate component independent special district governing body no later than 1 year after the start of the qualified elector-initiated merger process.

(g) After the final public hearing, the governing bodies

522564

shall notify the supervisors of elections of the applicable counties in which district lands are located of the adoption of the resolution by each governing body. The supervisors of elections shall schedule a date for the separate referenda for each district. The referenda may be held in each district on the same day, or on different days, but no more than 20 days apart.

1. Notice of a referendum on the merger of the component independent special districts must be provided pursuant to the notice requirements in s. 100.342. At a minimum, the notice must include:

a. A brief summary of the resolution and elector-initiated merger plan;

b. A statement as to where a copy of the resolution and petition for merger may be examined;

c. The names of the component independent special districts to be merged and a description of their territory;

d. The times and places at which the referendum will be held; and

e. Such other matters as may be necessary to call, provide for, and give notice of the referendum and to provide for the conduct thereof and the canvass of the returns.

2. The referenda must be held in accordance with the Florida Election Code and may be held pursuant to ss. 101.6101-101.6107. All costs associated with the referenda shall be borne by the respective component independent special district.

3. The ballot question in such referendum placed before the qualified electors of each component independent special district to be merged must be in substantially the following form:

522564

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)...?

....YES
....NO"

4. If the component independent special districts proposing to merge have disparate millage rates, the ballot question in the referendum placed before the qualified electors of each component independent special district must be in substantially the following form:

"Shall ...(name of component independent special district)... and ...(name of component independent special district or districts)... be merged into ...(name of newly merged independent district)... if the voter-approved maximum millage rate within each independent special district will not increase absent a subsequent referendum?

....YES
....NO"

5. In any referendum held pursuant to this section, the ballots shall be counted, returns made and canvassed, and results certified in the same manner as other elections or referenda for the component independent special districts.

522564

6. The merger may not take effect unless a majority of the votes cast in each component independent special district are in favor of the merger. If one of the component independent special districts does not obtain a majority vote, the referendum fails, and merger does not take effect.

7. If the merger is approved by a majority of the votes cast in each component independent special district, the merged district shall notify the Special District Accountability Program pursuant to s. 189.016(2) and the local general-purpose governments in which any part of the component independent special districts is situated pursuant to s. 189.016(8) ~~s. 189.016(7)~~.

8. If the referendum fails, the merger process under this subsection may not be initiated for the same purpose within 2 years after the date of the referendum.

Section 30. Subsection (3) of section 218.503, Florida Statutes, is amended to read:

218.503 Determination of financial emergency.—

(3) Upon notification that one or more of the conditions in subsection (1) have occurred or will occur if action is not taken to assist the local governmental entity or district school board, the Governor or his or her designee shall contact the local governmental entity or the Commissioner of Education or his or her designee shall contact the district school board, as appropriate, to determine what actions have been taken by the local governmental entity or the district school board to resolve or prevent the condition. The information requested must be provided within 45 days after the date of the request. If the local governmental entity or the district school board does not

522564

comply with the request, the Governor or his or her designee or the Commissioner of Education or his or her designee shall notify ~~the members of~~ the Legislative Auditing Committee, which ~~who~~ may take action pursuant to s. 11.40(2) ~~s. 11.40~~. The Governor or the Commissioner of Education, as appropriate, shall determine whether the local governmental entity or the district school board needs state assistance to resolve or prevent the condition. If state assistance is needed, the local governmental entity or district school board is considered to be in a state of financial emergency. The Governor or the Commissioner of Education, as appropriate, has the authority to implement measures as set forth in ss. 218.50-218.504 to assist the local governmental entity or district school board in resolving the financial emergency. Such measures may include, but are not limited to:

(a) Requiring approval of the local governmental entity's budget by the Governor or approval of the district school board's budget by the Commissioner of Education.

(b) Authorizing a state loan to a local governmental entity and providing for repayment of same.

(c) Prohibiting a local governmental entity or district school board from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making such inspections and reviews of records, information, reports, and assets of the local governmental entity or district school board as are needed. The appropriate local officials shall cooperate in such inspections and reviews.

(e) Consulting with officials and auditors of the local

governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports into compliance with state requirements.

(f) Providing technical assistance to the local governmental entity or the district school board.

(g)1. Establishing a financial emergency board to oversee the activities of the local governmental entity or the district school board. If a financial emergency board is established for a local governmental entity, the Governor shall appoint board members and select a chair. If a financial emergency board is established for a district school board, the State Board of Education shall appoint board members and select a chair. The financial emergency board shall adopt such rules as are necessary for conducting board business. The board may:

a. Make such reviews of records, reports, and assets of the local governmental entity or the district school board as are needed.

b. Consult with officials and auditors of the local governmental entity or the district school board and the appropriate state officials regarding any steps necessary to bring the books of account, accounting systems, financial procedures, and reports of the local governmental entity or the district school board into compliance with state requirements.

c. Review the operations, management, efficiency, productivity, and financing of functions and operations of the local governmental entity or the district school board.

d. Consult with other governmental entities for the consolidation of all administrative direction and support

services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

2. The recommendations and reports made by the financial emergency board must be submitted to the Governor for local governmental entities or to the Commissioner of Education and the State Board of Education for district school boards for appropriate action.

(h) Requiring and approving a plan, to be prepared by officials of the local governmental entity or the district school board in consultation with the appropriate state officials, prescribing actions that will cause the local governmental entity or district school board to no longer be subject to this section. The plan must include, but need not be limited to:

1. Provision for payment in full of obligations outlined in subsection (1), designated as priority items, which are currently due or will come due.

2. Establishment of priority budgeting or zero-based budgeting in order to eliminate items that are not affordable.

3. The prohibition of a level of operations which can be sustained only with nonrecurring revenues.

4. Provisions implementing the consolidation, sourcing, or discontinuance of all administrative direction and support services, including, but not limited to, services for asset sales, economic and community development, building inspections, parks and recreation, facilities management, engineering and

522564

construction, insurance coverage, risk management, planning and zoning, information systems, fleet management, and purchasing.

Section 31. The Legislature finds that a proper and legitimate state purpose is served when internal controls are established to prevent and detect fraud, waste, and abuse and to safeguard and account for government funds and property. Therefore, the Legislature determines and declares that this act fulfills an important state interest.

Section 32. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to government accountability; amending s. 11.40, F.S.; requiring, rather than authorizing, the Legislative Auditing Committee to schedule hearings concerning certain governmental entities for failure to comply with certain financial audit requirements; amending s. 11.45, F.S.; defining the terms "abuse," "fraud," and "waste"; revising definitions; excluding water management districts from certain audit requirements; removing a cross-reference; authorizing the Auditor General to conduct audits of tourist development councils and county tourism promotion agencies; revising reporting requirements applicable to the Auditor General; amending s. 28.35, F.S.; revising reporting

522564

requirements applicable to the Florida Clerks of Court Operations Corporation; amending s. 43.16, F.S.; revising the responsibilities of the Justice Administrative Commission, each state attorney, each public defender, the criminal conflict and civil regional counsel, the capital collateral regional counsel, and the Guardian Ad Litem Program, to include the establishment and maintenance of certain internal controls; amending s. 112.061, F.S.; revising certain lodging rates for the purpose of reimbursement to specified employees; authorizing an employee to expend his or her funds for certain lodging expenses; defining the term "statewide travel management system"; requiring agencies and the judicial branch to report certain travel information of public officers and employees in the statewide travel management system; requiring executive branch state agencies and the judicial branch to use the statewide travel management system for certain purposes; amending ss. 129.03, 129.06, and 166.241, F.S.; requiring counties and municipalities to maintain certain budget documents on the entities' websites for a specified period; requiring county and municipality budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 189.016, F.S.; requiring special district budget officers to submit certain budget information to specified entities within a certain timeframe; amending s. 215.86, F.S.; revising the purposes for

522564

which management systems and internal controls must be established and maintained by each state agency and the judicial branch; amending s. 215.97, F.S.; revising certain audit threshold requirements; amending s. 215.985, F.S.; revising the requirements for a monthly financial statement provided by a water management district; amending s. 218.32, F.S.; revising certain reporting deadlines for an audit report and annual financial report of certain local governmental entities; providing an exception; prescribing duties of an independent certified public accountant in conducting an audit; providing legislative intent regarding the establishment of the Florida Open Financial Statement System; authorizing the Chief Financial Officer to consult with certain stakeholders for input on the design and implementation of the system; specifying requirements and procedures for the Chief Financial Officer in selecting and recruiting contractors for certain purposes; requiring the Chief Financial Officer to require completion of all work by a specified date; providing that if the Chief Financial Officer deems work products adequate, all local governmental financial statements pertaining to fiscal years ending on or after a specified date must meet certain requirements; providing for the suspension of salary payments to the head of a local governmental entity that does not submit certain financial information; authorizing the Department of Financial Services to

request additional information from a local governmental entity under certain circumstances; requiring a local governmental entity to comply with such requests within a specified timeframe; requiring the department to notify the Legislative Auditing Committee of noncompliance; authorizing the committee to take certain action; requiring the department to post annual financial reports for certain governmental entities on its website within a specified timeframe; amending s. 218.33, F.S.; requiring local governmental entities to establish and maintain internal controls to achieve specified purposes; amending s. 218.39, F.S.; requiring certain municipalities and special districts to have a certain audit performed beginning with a specified fiscal year; revising the deadline for an audit report; providing an exception; requiring the governing body of an audited entity to respond to audit recommendations under specified circumstances; amending s. 218.391, F.S.; revising membership for audit committees; prohibiting an audit committee member from being an employee, a chief executive officer, or a chief financial officer of the respective governmental entity; requiring an auditor to include certain information in a management letter; requiring the chair of a governmental entity's governing body to submit an affidavit containing certain information when the entity contracts with an auditor to conduct an audit; providing requirements and procedures for selecting an auditor; requiring the

522564

Legislative Auditing Committee to determine whether a governmental entity should be subject to state action under certain circumstances; amending s. 286.0114, F.S.; prohibiting a board or commission from requiring an advance copy of testimony or comments from a member of the public as a precondition to being given the opportunity to be heard at a public meeting; amending s. 373.536, F.S.; deleting obsolete language; requiring water management districts to maintain certain budget documents on the districts' websites for a specified period; requiring district budget officers to submit certain budget information to specified entities within a certain timeframe; providing for the suspension of salary payments of a district executive director if the district does not submit such information; amending s. 1001.42, F.S.; authorizing additional internal audits as directed by the district school board; amending s. 1002.33, F.S.; revising the responsibilities of the governing board of a charter school to include the establishment and maintenance of internal controls; amending s. 1002.37, F.S.; requiring completion of an annual financial audit of the Florida Virtual School; specifying audit requirements; requiring an audit report to be submitted to the board of trustees of the Florida Virtual School and the Auditor General; deleting obsolete provisions; amending s. 1010.01, F.S.; requiring each school district, Florida College System institution, and state university to establish and

522564

maintain certain internal controls; amending s. 1010.30, F.S.; requiring a district school board, Florida College System institution board of trustees, or university board of trustees to respond to audit recommendations under certain circumstances; amending s. 1011.03, F.S.; requiring a district school board's budget officer to submit certain budget information to specified entities within a certain timeframe; providing for suspension of salary payments for a superintendent of a district that does not submit such information; amending s. 1011.60, F.S.; requiring district school boards that submit an annual financial report to the Department of Education to also electronically submit a copy to the clerk of the court; requiring the Office of Economic and Demographic Research to develop, by a specified date, certain forms for use by local governmental entities in reporting certain budget information; requiring the office to submit a report to the Legislature by a specified date; providing requirements for the report; amending ss. 165.0615, 189.066, 189.074, and 218.503, F.S.; conforming provisions and cross-references to changes made by the act; declaring that the act fulfills an important state interest; providing an effective date.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations Subcommittee on Health and Human Services, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation, Tourism, and Economic Development
Children, Families, and Elder Affairs
Communications, Energy, and Public Utilities
Governmental Oversight and Accountability
Military and Veterans Affairs, Space, and Domestic Security

SENATOR KELLI STARGEL
Deputy Majority Leader
22nd District

November 13, 2017

The Honorable Rob Bradley
Senate Committee on Appropriations, Chair
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399

Dear Chair Bradley:

I respectfully request that SB 354, related to *Government Accountability*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

Kelli Stargel
State Senator, District 22

Cc: Mike Hansen/ Staff Director
Alicia Weiss/ AA

REPLY TO:
❒ 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803 (863) 668-3028
❒ 322 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5022

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 376
INTRODUCER:	Appropriations Committee; Banking and Insurance Committee; and Senator Book and others
SUBJECT:	Workers' Compensation Benefits for First Responders
DATE:	February 28, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Knudson	BI	**Fav/CS**
2.	Little	McKay	CM	**Favorable**
3.	Johnson/Sanders/ Davis	Hansen	AP	**Fav/CS**
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 376 revises the standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The bill allows first responders that meet certain conditions to access indemnity and medical benefits for PTSD without an accompanying physical injury. Current law provides only medical benefits for a mental or nervous injury without an accompanying physical injury and requires the first responder to incur a compensable physical injury to receive indemnity benefits for a mental or nervous injury. Generally, the bill will increase the likelihood of compensability for workers' compensation indemnity benefits for PTSD.

PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault. A diagnosis of PTSD requires direct or indirect exposure to an upsetting traumatic event.

The bill creates an exception to current law to authorize the compensation of indemnity benefits for PTSD, if the first responder:

- Has PTSD that resulted from the course and scope of employment; and
- Is examined and diagnosed with PTSD by an authorized treating psychiatrist of the employer or carrier due to the first responder experiencing one of the following qualifying events relating to minors or others:
  - Seeing for oneself a deceased minor;
  - Witnessing directly the death of a minor;
  - Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
  - Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
  - Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence; or
  - Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

Medical and indemnity benefits for a first responder's PTSD are due regardless of whether the first responder incurred a physical injury, and the following provisions do not apply:
- "Apportionment" due to a preexisting PTSD;
- The one percent limitation on permanent psychiatric impairment benefits; or
- Any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file the notice of injury with their employer or carrier within 90 days of the qualifying event, described above, or manifestation of the PTSD. However, the claim is barred if it is not filed within 52 weeks of the qualifying event.

The bill requires an employing agency of a first responder, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

The bill provides that the Legislature determines and declares that this act fulfills an important state interest.

State and local governments may incur additional costs as a result of the implementation of this bill. The National Council on Compensation Insurance estimates the fiscal impact of the bill on Florida's workers' compensation system is approximately 0.2 percent, or approximately $7 million.

The bill is effective October 1, 2018.

II. Present Situation:

Florida Workers' Compensation System

Employers are required to pay compensation or furnish benefits that are required under ch. 440, F.S., if an employee suffers an accidental compensable injury or death arising out of work performed in the course and the scope of the employment.[1] Generally, employers may secure coverage from an authorized carrier, qualify as a self-insurer,[2] or purchase coverage from the Workers' Compensation Joint Underwriting Association, the insurer of last resort.[3]

Workers' compensation is the injured employee's remedy for "compensable" workplace injuries.[4] An accidental compensable injury must be the major contributing cause of any resulting injury, meaning that the cause must be more than 50 percent responsible for the injury as compared to all other causes combined, as demonstrated by medical evidence only.[5] An injury or disease caused by a toxic substance is not an injury by accident arising out of employment unless there is clear and convincing evidence establishing that exposure to the specific substance caused the injury or diseases sustained by the employee.[6]

General Compensability for Mental or Nervous Injuries

Section 440.093, F.S., sets forth the conditions under which a mental or nervous injury is compensable. A mental or nervous injury due to only stress, fright, or excitement is not an injury by accident arising out of the employment. Mental or nervous injuries without an accompanying physical injury requiring medical treatment are not compensable. In addition, a physical injury resulting from a mental or nervous injury unaccompanied by a physical trauma requiring medical treatment is not compensable.

Further, s. 440.093, F.S., provides that mental or nervous injuries occurring as a manifestation of an injury compensable under ch. 440, F.S., must be demonstrated by clear and convincing medical evidence. The compensable physical injury must be the major contributing cause of the mental or nervous injury. The law also limits the duration of temporary benefits for a compensable mental or nervous injury to no more than six months after the employee reaches maximum medical improvement.

Injured workers are entitled to receive all medically necessary remedial treatment, care, and attendance, including medications, medical supplies, durable medical equipment, and prosthetics, for as long as the nature of the injury and process of recovery requires.[7]

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[1] Section 440.09(1), F.S.
[2] Section 440.38, F.S.
[3] Section 627.311(5)(a), F.S.
[4] "Compensable" means a determination by a carrier or judge of compensation claims that a condition suffered by an employee results from an injury arising out of and in the course of employment. Section 440.13(1)(d), F.S.
[5] Section 440.09(1), F.S.
[6] Section 440.02(1), F.S.
[7] Section 440.13(2)(a), F.S.

Indemnity benefits only become payable to employees who are disabled for at least eight days due to a compensable workplace injury.[8] These benefits are generally payable at 66 2/3 percent of the employee's average weekly wage (AWW),[9] up to the maximum weekly benefit established by law.[10] Indemnity benefits fall into one of four categories: temporary partial disability, temporary total disability, permanent partial disability, and permanent total disability.

- Temporary partial disability and temporary total disability benefits are payable for up to a combined total of 260 weeks.[11]
- Permanent partial disability benefits are payable as impairment income benefits that are provided for a variable number of weeks depending upon the value of the injured worker's permanent impairment rating pursuant to a statutory formula.[12]
- Permanent total disability benefits are payable until the age of 75, unless the work-related accident occurs after the worker's 70th birthday, then the benefit is paid for five years.[13]

Section 440.15(3), F.S., provides that permanent impairment benefits are limited for a permanent psychiatric impairment to one percent permanent impairment.

First Responders' Compensability for Mental or Nervous Injuries

In 2007, the Legislature enacted significant changes in workers' compensation benefits for first responders that provide benefits and standards for determining benefits for employment-related accidents and injuries of first responders. A "first responder" is a law enforcement officer, as defined in s. 943.10, F.S.,[14] a firefighter as defined in s. 633.102, F.S.,[15] or an emergency medical technician or paramedic as defined in s. 401.23, F.S.,[16] employed by state or local government.[17] Further, a volunteer law enforcement officer, firefighter, or emergency medical

[8] Section 440.12(1), F.S.
[9] An injured workers' average weekly wage is an amount equal to one-thirteenth of the total amount of wages earned during the 13 weeks immediately preceding the compensable accident pursuant to s. 440.14(1), F.S.
[10] Section 440.15(1)-(4), F.S.
[11] Section 440.15(2) and (4), F.S. Section 440.15(2)(a), F.S., specify that temporary total disability benefits are payable for 104 weeks; however, the Florida Supreme Court has found this provision unconstitutional and revived the standard of 260 weeks of payable temporary total disability benefits. *Westphal v. City of St. Petersburg*, 194 So.3d 311 (Fla. Jun. 9, 2016). Section 440.15(4)(e), F.S., provides that temporary partial disability benefits; however, the 1st DCA applied the holding in Westphal to these benefits finding the limitation unconstitutional and reverted the limitation to the 260 weeks previously allowed. *Jones v. Food Lion, Inc.*, No. 1D15-3488, 2016 Fla. App. LEXIS 16710 (Fla. 1st DCA Nov. 9, 2016).
[12] Section 440.15(3), F.S.
[13] Section 440.15(1), F.S.
[14] "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.
[15] "Firefighter" means an individual who holds a current and valid Firefighter Certificate of Compliance or Special Certificate of Compliance issued by the Division of State Fire Marshal within the Department of Financial Services pursuant to s. 633.408, F.S.
[16] "Emergency medical technician" means a person who is certified by the Department of Health to perform basic life support pursuant to pt. III of ch. 401, F.S. "Paramedic" means a person who is certified by the Department of Health to perform basic and advanced life support pursuant to pt. III of ch. 401, F.S.
[17] Chapter 2007-1, Laws of Fla.

technician or paramedic engaged by the state or a local government is considered a first responder of the state or local government.[18]

In regards to compensability for a mental or nervous injury involving a first responder, s. 112.1815, F.S.:

- Requires that a mental or nervous injury occurring as a manifestation of a compensable injury must be demonstrated by clear and convincing evidence;
- Authorizes the payment of only medical benefits in employment-related cases involving a mental or nervous injury without an accompanying physical injury requiring medical treatment;
- Prohibits the payment of indemnity benefits unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury; and
- Provides that benefits for first responders are not subject to any limitation on temporary benefits under s. 440.93, F.S., or the one percent limitation on permanent psychiatric impairments benefits under s. 440.15, F.S.

State Survey of Compensability Laws for Workers' Compensation Mental Injuries

Often stress-related injuries do not result from a physical injury. These types of injuries are referred to as "mental-mental" injuries because they are caused by a purely mental stimulus that leads to a mental impairment, such as depression or post-traumatic stress disorder (PTSD). This stimulus could be witnessing, but not being physically injured by, a particularly horrific accident, workplace incident, or crime scene.

In 2017, the National Council on Compensation Insurance (NCCI) issued a report summarizing compensability for injuries[19] in the United States.[20] Highlights of the study include:

- ***Compensability for Mental-Mental Injuries:*** 27 jurisdictions, including Florida, have statutory language expressly allowing compensation for nonphysical mental (mental-mental) injuries or stress in limited circumstances.[21]
- ***Mental-Mental and Mental-Physical Exclusions:*** Montana is the only state that specially denies compensability for both mental-physical and mental-mental injuries.
- ***Personnel Actions:*** 21 states specify that stress arising out of a personnel action is not compensable.

Post-Traumatic Stress Disorder (PTSD)

The American Psychiatric Association provides diagnostic criteria for mental disorders, including PTSD, in its *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*

[18] Section 112.1815, F.S.
[19] Reference to mental injuries also includes mental impairments or disorders that are occupational diseases. The District of Columbia and Kansas laws do not expressly provide for compensation of mental injuries, but they do reference mental conditions and/or mental providers.
[20] NCCI, *Compensability for Workers' Compensation Mental Injuries* (2017) (on file with Senate Banking and Insurance Committee).
[21] Typically, compensable mental-mental injuries must be considered extraordinary and the predominate or substantial contributing cause.

(DSM-5).[22] PTSD is a psychiatric disorder that can occur in people who have experienced or witnessed a traumatic event such as a natural disaster, a serious accident, a terrorist act, war, combat, rape, or other violent personal assault.[23] A diagnosis of PTSD requires exposure to an upsetting traumatic event. However, exposure could be indirect rather than first hand.[24] Symptoms generally begin within the first three months after the trauma, although there may be a delay of months or even years before the criteria for the diagnosis are met.[25]

Prevalence Rate

The exact prevalence rate for PTSD is difficult to ascertain. According to the National Center for PTSD, about seven or eight percent of the population will have PTSD at some point in their lives.[26] About eight million adults will have PTSD during a given year. About 10 percent of females develop PTSD during their lives compared with about four percent of males. The number of veterans with PTSD varies by service era. For example, about 15 percent of Vietnam veterans are diagnosed with PTSD at the time of the most recent study conducted in the late 1980s. It is estimated that 30 percent of Vietnam veterans have had PTSD in their lifetime. In contrast, about 12 percent of Gulf War veterans have PTSD in a given year.

The DSM-5 estimates approximately 8.7 percent of the U.S. population will develop PTSD in their lifetime.[27] Twelve-month prevalence among U.S. adults is approximately 3.5 percent. The PTSD rates are higher among veterans and others whose employment increases the risk of traumatic exposure, such as police, firefighters, and emergency medical personnel. The highest rates (ranging from one-third to more than one-half of those exposed) are found among survivors of rape, military combat and captivity, and ethnically or politically motivated internment and genocide.

Although estimates vary across occupations and the general population, some studies indicate that first responders and other professionals who are exposed to potentially traumatic events in their workplace are four to five times more likely to develop PTSD compared to the general population.[28] A 2016 report estimated 20 percent of firefighters and paramedics had PTSD.[29] Preexisting mental health conditions may be exacerbated and new mental health conditions may occur due to extremely emotionally and physically demanding working conditions.[30]

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[22] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders*, (5th, 2013). Commonly referred to as DSM-5.
[23] *See* American Psychiatric Association, *What is Posttraumatic Stress Disorder?* (Jan. 2017) (on file with Senate Banking and Insurance Committee).
[24] *Id*.
[25] DSM-5, *supra*, note 25 at 276.
[26] National Center for PTSD, *How Common is PTSD?* Available at: https://www.ptsd.va.gov/public/PTSD-overview/basics/how-common-is-ptsd.asp (last visited Jan. 12, 2018).
[27] DSM-5, *supra*, note 25, at 276.
[28] *Psychological Trauma: Theory, Practice, and Policy* 2015, Vol. 7, No. 5, 500-506.
[29] EMS1.com News, *New study estimates 20 percent of firefighters and paramedics have PTSD* (Aug. 17, 2017) (on file with Senate Banking and Insurance Committee.
[30] Johns Hopkins Public Health Preparedness Programs, *First Responders, Mental Health Services, and the Law* (Apr. 25, 2013) (on file with Senate Committee on Banking and Insurance Committee).

A 2015 survey of 4,000 first responders found that 6.6 percent had attempted suicide, which is more than 10 times the rate in the general population.[31] Concern has been expressed that first responders may underreport mental health conditions as a result of stigma associated with seeking treatment for those conditions.

Prognosis

The onset of PTSD symptoms is usually in the first month after the traumatic event; however, in about 15 percent of the cases, there may be a delay of months or years before symptoms appear.[32] Further, although a high proportion of trauma survivors will initially develop symptoms of PTSD, a substantial number of these individuals recover without treatment in the following years, with a steep decline in PTSD rates occurring in the first year.[33] However, at least a third of the individuals who initially develop PTSD remain symptomatic for three years or longer, and are at risk of secondary problems such as substance abuse.[34]

2016 Pulse Shooting in Orlando, Florida

On June 12, 2016, 49 people were killed and at least 68 others were injured at a shooting at the Pulse nightclub in Orlando, Florida. The shooting has been characterized as one of the deadliest mass shootings in modern U.S. history.[35] One recently profiled police officer was diagnosed with post-traumatic stress disorder and has been out of work since shortly after the shooting.[36] The article noted that, while the City of Orlando Police Department was paying his full salary, Florida law did not require the employer to pay because workers' compensation compensability for PTSD must be accompanied by a physical injury, which the officer did not have.

Florida Retirement System

The Florida Retirement System (FRS)[37] offers members a choice between the Pension Plan (a defined benefit plan) and the Investment Plan (a defined contribution plan). Generally, FRS membership is compulsory for employees filling a regularly established position in a state agency, county agency, state university, state college, or district school board with some limited exceptions. Participation by cities, municipalities, special districts, charter schools, and metropolitan planning organizations, although optional, is generally irrevocable after the election to participate is made. The five classes of membership are Regular Class, Senior Management

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[31] FireRescue News, *Increasing suicide rates among first responders spark concerns* (Mar. 19, 2017) (on file with Senate Committee on Banking and Insurance Committee).
[32] National Collaborating Centre for Mental Health (UK). Post-Traumatic Stress Disorder: The Management of PTSD in Adults and Children in Primary and Secondary Care. Leicester (UK): Gaskell; 2005. (NICE Clinical Guidelines, No. 26.) Post-traumatic stress disorder. Available from: https://www.ncbi.nlm.nih.gov/books/NBK56506/ (last viewed Feb. 26, 2018).
[33] *Id.*
[34] *Id.*
[35] CBS News, *Report reveals dramatic new details from Orlando nightclub massacre*, (Apr. 14, 2017) available at http://www.cbsnews.com/news/orlando-nightclub-shooting-report-reveals-new-details-inside-pulse/ (last visited Jan. 12, 2018).
[36] Orlando Sentinel, *Proposed bills would cover first responders who have PTSD* (Feb. 27, 2017) (on file with Senate Committee on Banking and Insurance).
[37] Florida Retirement System Pension Plan and Other State Administered Systems Comprehensive Annual Financial Report Fiscal Year Ended June 30, 2016, available at http://www.myflorida.com/audgen/pages/pdf_files/2017-073.pdf (last visited Jan. 12, 2018).

Service Class, Special Risk Class, Special Risk Administrative Support Class, and Elected Officers' Class.

Special Risk Class of the FRS

The Special Risk Class of the FRS consists of state and local government employees who meet the criteria for special risk membership. The class covers persons employed in law enforcement, firefighting, criminal detention, and emergency medical care who meet statutory criteria for membership set for in s. 121.0515, F.S.[38] A person who is a member in the Special Risk Class may retire at an earlier age and is eligible to receive higher disability and death benefits than Regular Class members. In creating the Special Risk Class of membership within the FRS, the Legislature recognized that certain employees, as an essential function of their positions, must perform work that is physically demanding or that requires extraordinary agility and mental acuity.[39] The Legislature further found that, as persons in such positions age, they may not be able to continue performing their duties without posing a risk to the health and safety of themselves, the public and their coworkers.

Disability Benefits for Members of the FRS

The FRS provides disability benefits for its active members who are permanently, totally disabled from useful employment. The level of disability benefits to which an eligible disabled member is minimally entitled depends upon membership class, and whether the disabling injury or illness was job related. For Special Risk Class members retiring on or after July 1, 2000, the minimum in-line-of-duty disability benefit is 65 percent of average final compensation (AFC) as of the member's disability retirement date.

Section 121.091(4), F.S., provides that any FRS[40] member who is totally and permanently disabled due to a condition or impairment of health caused by an injury or illness (including tuberculosis, heart disease, or hypertension) is entitled to disability benefits. The disabling injury or illness must have occurred before the member terminated employment. If the injury or illness arises out of and in the actual performance of duty required by his or her job, the member is entitled to in-line-of-duty disability benefits.

There are several important differences in the laws applicable to disability benefits, depending on whether the disability is found to be due to an injury or illness "suffered in the line of duty":

- *Eligibility* — A FRS member is eligible for in-line-of-duty disability benefits from his/her first day on the job. In contrast, the member must have eight years of creditable service[41] before becoming disabled in order to receive disability retirement benefits for any disability occurring other than in the line of duty.
- *Burden of Proof* — Proof of disability is required, including certification by two Florida-licensed physicians that the member's disability is total and permanent (i.e., that the member is prevented by reason of a medically determinable physical or mental impairment from

[38] Section 121.0515(1), F.S.
[39] *Id*.
[40] Members of both the FRS Pension Plan and the FRS Investment Plan are eligible for disability coverage.
[41] Until July 1, 2001, any member who joined the FRS on or after July 1, 1980, was required to complete 10 years of creditable service to qualify for disability benefits for a disability that was not job-related. Under current law, the 10-year service requirement has been reduced to eight years.

engaging in gainful employment of any type). It is the responsibility of the applicant to provide such proof. Unless a legal presumption applies such as the one provided under s. 112.18, F.S., to qualify to receive the higher in-line-of-duty disability benefits, the member must also show by competent evidence that the disability occurred in the line of duty.

- *Chapter 175, F.S., plans* — Pension plans for firefighters established pursuant to ch. 175, F.S., must provide a minimum line of duty benefit equal to the firefighter's accrued retirement benefit, but no less than 42 percent of his or her average monthly salary at the time of disability. Disability occurs when an injured plan member is wholly prevented from rendering useful and efficient service as a firefighter and is likely to remain so in the opinion of the board of trustees, after the member has been examined by a duly qualified doctor selected by the board. Local law plans may have enacted disability benefits that exceed the minimum requirements.

Existing In-Line-of-Duty Disability Presumptions

Section 112.18, F.S., establishes a presumption for state and local firefighters, law enforcement, correctional, and correctional probation officers regarding determinations of job-related disability. This statute provides that certain diseases (tuberculosis, heart disease, and hypertension) acquired by these officers are presumed to have been suffered in the line of duty. This presumption in law has the effect of shifting from the employee to the employer the burden of proving by competent evidence that the disabling disease was not related to the person's employment.

Section 175.231, F.S., provides a similar presumption for firefighters in any municipality, special fire control district, chapter plan, local law municipality, local law special fire control district, or local law plan under ch. 175, F.S., whose death or disability is the result of tuberculosis, heart disease, or hypertension. Section 185.34, F.S., provides a similar presumption for municipal police officers' pension plans.

Section 112.181, F.S., provides a presumption applicable to any emergency rescue or public safety worker, including a firefighter, that such employee qualifies for in the line of duty disability or death benefits if such disability or death is due to hepatitis, meningococcal meningitis, or tuberculosis.

Absent one of the existing presumptions, the FRS member has the burden of proof when claiming in-line-of-duty disability or death benefits. The employee must show by competent evidence that the death or disability occurred in the line of duty in order to receive the higher benefits.[42] If the employee or the employee's survivors cannot meet the burden of proof, the employee or the employee's survivors are entitled only to the lesser benefits available under regular death or disability benefits.

Death Benefits Available for FRS Members

The FRS currently provides death benefits for surviving spouses and/or eligible dependents of active members. Under s. 121.091(7), F.S., death benefits may be paid for an active member of the FRS Pension Plan who dies before retirement due to an injury or illness (including

[42] Sections 121.091(4)(c) and (7)(d), F.S.

tuberculosis, heart disease, or hypertension). If the injury or illness arises out of and in the actual performance of duty required by the job, the member's surviving spouse and/or eligible dependent(s) are entitled to in-line-of-duty death benefits. There are important differences in the laws applicable to death benefits, depending on whether the death is found to be due to an injury or illness "suffered in the line of duty."

From the first day on the job, an FRS Pension Plan member is eligible for in-line-of-duty death benefits that will pay a minimum monthly benefit to a survivor equal to half the member's last monthly salary. If the deceased member would have been entitled to a higher retirement benefit based on service credit, the higher benefit would be payable to his/her spouse or eligible dependent(s). The survivor benefit for Special Risk Class members killed in the line of duty is 100 percent of the member's base pay at the time of death if the member's death occurs on or after July 1, 2013. Unless a legal presumption applies such as those provided under s. 112.18, F.S., the eligible beneficiary must show by competent evidence that the death occurred in the line of duty to qualify to receive the higher in-line-of-duty death benefits.

Local Government Pension Plans

Chapters 175 and 185, F.S., provide funding mechanisms for pension plans of municipal firefighters and police officers, respectively. Both chapters provide a uniform retirement system for firefighters and police officers and set standards for operating and funding of pension systems through a trust fund supported by a tax on insurance premiums. Most Florida firefighters and local law enforcement officers participate in these plans. To be considered totally and permanently disabled, charter plan employees must only be found disabled from rendering useful and efficient service as a firefighter or police officer.[43] Under local law plans, the standards may vary for determining eligibility for disability retirement, death benefits, and the benefits paid, although all plans must abide by minimum standards established under ss. 175.351 and 185.35, F.S., respectively.

III. Effect of Proposed Changes:

Section 1 amends s. 112.1815, F.S., to revise the standards for determining compensability of employment-related post-traumatic stress disorder (PTSD) under workers' compensation for first responders, which includes volunteers or employees engaged as law enforcement officers, firefighters, emergency medical technicians, and paramedics. The section creates an exception to the current prohibition on the payment of indemnity benefits unless a physical injury accompanies the mental or nervous injury by authorizing indemnity benefits for PTSD if certain conditions are met. A first responder is entitled to medical and indemnity benefits for PTSD, as an occupational disease, the PTSD resulted from the first responder acting within the course and scope of employment and is diagnosed by a licensed psychiatrist who is an authorized treating physician under ch. 440, F.S. The PTSD must be due to one of the following qualifying events relating to minors or others:

- Seeing for oneself a deceased minor;
- Witnessing directly the death of a minor;

[43] Sections 175.191 and 185.18, F.S.

- Witnessing directly the injury to a minor who subsequently died prior to, or upon arrival at a hospital emergency department, participating in the physical treatment of, or manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;
- Seeing for oneself a decedent who died due to grievous bodily harm of a nature that shocks the conscience;
- Witnessing directly a death, including suicide, due to grievous bodily harm; or homicide, including murder, mass killings, manslaughter, self-defense, misadventure, and negligence; or
- Participating in the physical treatment of an injury, including attempted suicide, or manually transporting an injured person who suffered grievous bodily harm, if the injured person subsequently died prior to or upon arrival at a hospital emergency department.

Such medical and indemnity benefits for a first responder's PTSD are due:
- If the PTSD is proven by clear and convincing evidence;
- Regardless of whether the first responder incurred a physical injury;
- Without apportionment due to a preexisting PTSD;
- Without any limitation, thus the one percent on permanent psychiatric impairment benefits does not apply; and
- Without any limitation on temporary benefits under s. 440.093, F.S.

The first responder must file a first notice of injury with their employer or carrier within 90 days of the qualifying event, or manifestation of the PTSD. However, the claim is barred if the notice is not filed within 52 weeks after the qualifying event. The section defines the terms, "directly witnessing," "manually transporting," and "minor." The section also directs the Department of Financial Services to adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience.

Lastly, the section requires an employing agency of a first responder, including volunteer first responders, to provide educational training related to mental health awareness, prevention, mitigation, and treatment.

Current law provides that only medical benefits are payable for a mental or nervous injury of a first responder that is unaccompanied by a physical injury. Indemnity benefits are available only if the mental or nervous injury is accompanied by a physical injury.

Section 2 provides that the Legislature declares that this act fulfills an important state interest.

Section 3 provides the bill takes effect October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides, in pertinent part, that "no county or municipality shall be bound by any general law requiring such county or

municipality to spend funds or take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and unless:

- The law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; or
- The expenditure is required to comply with a law that applies to all persons similarly situated, including state and local governments.

The bill expressly finds that the law fulfills an important state interest. The bill applies to all first responders delineated under s. 112.1815, F.S and similarly situated, including state agencies, school boards, community colleges, counties, municipalities, special districts, and private entities.

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:

National Council on Compensation Insurance (NCCI) Analysis of CS/SB 376

According to the NCCI, the implementation of CS/SB 376 may result in an indeterminate increase in Florida's workers' compensation system costs for law enforcement officer, firefighter, emergency medical technician, and paramedic classifications in Florida.[44] However, the overall impact on workers' compensation costs was expected to be minimal, since the data reported to the NCCI show that first responders represent approximately 2.2 percent of statewide losses in Florida. The 2.2 percent may be an underestimate for the total population of Florida workers, as many entities that employ law enforcement officers, firefighters, and emergency medical technicians are self-insured and do not report data to the NCCI.

The ultimate system cost impact would be realized through future loss experience and reflected in subsequent NCCI rate filings in Florida. A minimal impact in this context is defined as an impact on overall system costs of less than 0.2 percent or approximately $7 million.[45]

[44] NCCI, *Analysis of SB 376* (Oct. 19, 2017) (on file with Senate Banking and Insurance Committee).
[45] NCCI correspondence (Dec. 4, 2017) (on file with Senate Committee on Banking and Insurance).

The NCCI is unable to quantify the expected increase in the number of post-traumatic stress disorder (PTSD)-related claims that would be entitled to indemnity benefits under CS/SB 376. According to the NCCI, the 2015 average total claim severity for an indemnity or lost-time claim[46] in Florida was $60,700 ($19,100 average indemnity claim severity plus $41,600 average medical claim severity).[47] However, due to the high prevalence of PTSD among first responders, the NCCI estimates that the increase in compensable PTSD-related claims could be significant for these occupational classifications.[48] If enacted, the bill could potentially result in increased litigation related to the confirmation of a PTSD diagnosis and the determination of whether the PTSD arose out of an activity performed within the course of employment. Any costs associated with increased litigation would be expected to exert upward pressure on overall workers' compensation system costs.

C. Government Sector Impact:

The fiscal impact on state and local governments is indeterminate. State and local governments may incur higher claim costs for workers' compensation benefits of first responders contingent upon the frequency and severity of the claims.[49] In regards to prevalence rate, estimates vary across occupations. One study noted that police officers incurred duty-related post-traumatic stress disorder (PTSD) rates ranging from seven to 19 percent.[50] In contrast, another study noted that about 20 percent of ambulance workers developed post-traumatic stress disorder (PTSD).[51] However, first responders are four to five times more likely to develop PTSD compared to the general population.[52] Other prevalence rates range from seven to 37 percent.[53]

According to the Department of Management Services (DMS), as of December 1, 2017, the total number of State Personnel System (SPS) employees in firefighter positions was 613 and the total number of SPS employees in law-enforcement officer positions was 4,342. This information does not include volunteers. According to the DMS, the SPS does not utilize paramedic or emergency medical technician classes, nor does it have volunteers perform firefighter or law enforcement duties.[54]

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[46] Lost-time claims are claims resulting in indemnity benefits and usually medical benefits being paid to or on behalf of the injured worker for time lost from work.
[47] NCCI correspondence (Feb. 26, 2018) (on file with Senate Committee on Banking and Insurance).
[48] According to NCCI, although events leading to PTSD cannot be predicted with certainty, the incidence of PTSD is estimated to be significantly higher for first responders compared to the general population. According to the U.S. Department of Veterans Affairs, about 55 percent of the population will experience at least one trauma in their lives and, as a result, about 7-8 percent of the population will have PTSD at some point in their lives. In comparison, the National Center for Biotechnical Information (NCBI) concluded that the prevalence of PTSD among Emergency Medical Technicians (EMTs) is greater than 20 percent, and various sources have reported the prevalence of PTSD among firefighters to be in the 7 percent to 37 percent range.
[49] *See* NCCI *Analysis of SB 376* in Private Sector Impact.
[50] Psychological Trauma: Theory, Research, Practice, and Policy, see note 30, p.500.
[51] *Id.*
[52] *Id.*
[53] NCCI, see note 53.
[54] Department of Management Services correspondence (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).

There are approximately 177,724 first responders statewide. According to the Florida Department of Law Enforcement, there were 46,309 law enforcement officers, as of June 15, 2017.[55] The Florida Department of Health, Division of Medical Quality Assurance, notes there were 32,074 active emergency medical technicians and 29,242 paramedics, in Fiscal Year 2016-2017.[56] According to the Department of Financial Services, Division of State Fire Marshal, there were 46,322 certified firefighters and 23,777 certified volunteer firefighters, as of December 2017.[57]

Local Government Retirement Plans[58]

The DMS analysis of SB 376 indicated that version of the bill would expand workers compensation benefits for first responders to mental and nervous injuries, regardless of a physical injury, and workers' compensation documentation and coverage is considered in determining eligibility for chapters 175 or 185, F.S., in-line-of-duty disability and in-line-of-duty death benefits. For local law plans governed by chapters 175 and 185, F.S., total disability includes inability to provide useful and efficient service as a firefighter or police officer. This is a more liberal definition of total disability than the Florida Retirement System (FRS) standard and will likely result in higher incidence of in-line-of-duty disability and in-line-of-duty death benefit awards for chapters 175 and 185, F.S., than in FRS plans.

The cost impact on individual local law plans will require the completion of actuarial impact statements. However, with the revised criteria, the potential higher incidence of in-line-of-duty deaths will likely result in increased plan costs for chapters 175 and 185, F.S., plans above the de minimis level.

Florida Retirement System[59]

The DMS determined that the actuarial impact of SB 376 on the FRS was indeterminate. The DMS noted both a lack of data regarding how many members would be immediately eligible for enhanced in-line-of-duty disability benefits, as well as an absence of academic study regarding the incidence of mental and nervous injury, without accompanying physical injury, to estimate the potential ongoing cost arising from additional in-line-of-duty disability and in-line-of-duty death applications.

[55] See http://www.fdle.state.fl.us/CJSTC/Documents/Quarterly-Update_Summer-2017_small.aspx (last viewed Feb. 27, 2018)
[56] See http://mqawebteam.com/annualreports/1617/ (last viewed Feb. 27, 2018).
[57] Email from B.G. Murphy, Department of Financial Services, Re: HB 227 Question (Feb. 6, 2018)
[58] Department of Management Services, *Analysis of SB 376* (Jan. 23, 2018) (on file with Senate Banking and Insurance Committee).
[59] *Id.*

Department of Agriculture and Consumer Services (DACS)[60]

Since s. 112.1815, F.S., was enacted, the Florida Forest Service (FFS) and the Office of Agricultural Law Enforcement (OALE) have not received any workers' compensation claims for mental or nervous injuries. An increase in annual claims from first responders is highly probable; however, the limited level of exposure by the employees of the DACS to the scenarios and the requirements are likely to lessen the frequency of claims. A negative fiscal impact of unknown severity is likely. There are currently 211 special-risk positions in the OALE and 589 in FFS that are first responder positions. The FFS has a volunteer program; however, only a small portion of the FFS volunteers are classified as firefighters.

Department of Financial Services

Division of Risk Management[61]

Since the enactment of s. 112.1815, F.S., available records indicate that only one state employee has received medical benefits relating to a work-related mental condition without a physical injury. The DFS indicates there is a potential for small increases in claims costs. A state worker that is unable to return to work due to the extent of his mental injuries could result in a much higher cost depending on age and salary. These costs may include medical benefits, which are currently provided, as well as indemnity benefits. According to NCCI, the average indemnity claim severity is $19,100 plus $41,600 average medical claim severity.

Division of Workers' Compensation[62] ***(DWC)***

Using medical bills with dates of service in the last two fiscal years (July 1, 2015 through June 30, 2017), the Division of Workers' Compensation identified 203 first responder claims where one of the diagnoses is PTSD (unspecified) or PTSD (chronic). The vast majority of these claims (about 80 percent) have dates of accident between 2006 and 2017. For those, 80 percent or 162 claims, total medical was $13,430,645 ($82,905.22 average per claim) and total indemnity is $9,064,407 ($55,953.13 average per claim). Of the 162 claims, 110 claims had a payment for psychiatric care, which totaled $275,140.94 ($2,501.28 average per claim). There were 12 claims that had denials and all but one of those claims had medical and/or indemnity dollars paid on it. All of the claims that were denied had an associated physical injury.

[60] Department of Agriculture and Consumer Services, *Legislative Analysis of SB 376* (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).
[61] Department of Financial Services, *Legislative Analysis of SB 376* (Oct. 11, 2017) (on file with the Senate Committee on Banking and Insurance).
[62] Department of Financial Services, correspondences (Feb. 2018) (on file with the Senate Committee on Banking and Insurance).

Department of Highway Safety and Motor Vehicles (DHSMV)[63]

The DHSMV has averaged $73,500 in annual costs for injury-related workers' compensation benefits. There have not been any claims for mental or nervous injuries in recent years. If this bill is enacted, there could be an indeterminate, but possibly significant, increase in expenditures. The DHSMV has 1,974 FHP trooper positions, approximately 228 auxiliary volunteers and 50 reserve officers (volunteers). A reserve officer is a certified law enforcement officer appointed to serve without compensation and vested with the authority to bear arms and make arrests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 112.1815 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/CS by Appropriations on February 27, 2018:
The committee substitute:

- Revises compensability requirements of first responders for PTSD under s. 112.1815, F.S., in the following manner:
  - Requires that the post-traumatic stress disorder (PTSD) must result from the first responder acting within his or her course of employment and the first responder must be examined and diagnosed with PTSD by a licensed psychiatrist, who is an authorized treating physician, due to one of the specified qualifying events. The PTSD must be demonstrated by clear and convincing evidence rather than a preponderance of evidence;
  - Provides that medical and indemnity benefits for PTSD are not subject to apportionment due to a preexisting PTSD; any limitation on permanent impairment benefits; or any limitation on temporary benefits under s. 440.093, F.S.;
  - Revises the evidentiary standard for compensability of PTSD from preponderance of evidence to clear and convincing evidence;
  - Requires first responder to file a notice of injury within 90 days of the qualifying event or manifestation of the PTSD. The claim is barred if it is not filed within 52 weeks of the qualifying event; and

[63] Department of Highway Safety and Motor Vehicles, *Legislative Analysis of SB 376* (Dec. 1, 2017) (on file with the Senate Committee on Banking and Insurance).

- Provides that the Legislature determines and declares that this act fulfills an important state interest.
- Restores current law in its general application of mental and nervous injury benefits for first responders;
- Requires the Department of Financial Services to adopt rules; and
- Requires an employing agency of a first responder to provide educational training relating to mental health awareness.

CS by Banking and Insurance on December 5, 2017:
The CS:

- Lowers the evidentiary standard for compensability of mental nervous injuries of first responders, defined in s. 112.1815, F.S., from clear and convincing evidence to preponderance of evidence.
- Revises compensability requirements of law enforcement officer, firefighter, emergency medical technician, and paramedics for PTSD under ch. 440, F.S., in the following manner:
  - Requires that such an employee must have been acting within the course of employment and the person witnessed, or arrived at the scene of, a murder, suicide, fatal injury, child death, or mass casualty incident.
  - Eliminates the requirement that such an employee must initiate mental health treatment within 15 days after the incident.
  - Requires that the mental nervous injury of such an employee must be demonstrated by a preponderance of evidence, rather than a clear and convincing evidence, by a licensed psychiatrist to meet the criteria for PTSD as described in the *Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition*, published by the American Psychiatric Association.
- Changes the effective date of the bill from July 1 to October 1, 2018.

B. Amendments:

None.

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

945328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (5) and (6) are added to section 112.1815, Florida Statutes, to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(5)(a) For the purposes of this section and chapter 440,

and notwithstanding sub-subparagraph (2)(a)3. and ss. 440.093 and 440.151(2), posttraumatic stress disorder, as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, suffered by a first responder is a compensable occupational disease within the meaning of subsection (4) and s. 440.151 if:

1. The posttraumatic stress disorder resulted from the first responder acting within the course of his or her employment as provided in s. 440.091; and

2. The first responder is examined and subsequently diagnosed with such disorder by a licensed psychiatrist who is an authorized treating physician as provided in chapter 440 due to one of the following events:

a. Seeing for oneself a deceased minor;

b. Directly witnessing the death of a minor;

c. Directly witnessing an injury to a minor who subsequently died before or upon arrival at a hospital emergency department;

d. Participating in the physical treatment of an injured minor who subsequently died before or upon arrival at a hospital emergency department;

e. Manually transporting an injured minor who subsequently died before or upon arrival at a hospital emergency department;

f. Seeing for oneself a decedent whose death involved grievous bodily harm of a nature that shocks the conscience;

g. Directly witnessing a death, including suicide, that involved grievous bodily harm of a nature that shocks the conscience;

h. Directly witnessing a homicide regardless of whether the

945328

homicide was criminal or excusable, including murder, mass killing as defined in 28 U.S.C. s. 530C, manslaughter, self-defense, misadventure, and negligence;

i. Directly witnessing an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience;

j. Participating in the physical treatment of an injury, including an attempted suicide, to a person who subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience; or

k. Manually transporting a person who was injured, including by attempted suicide, and subsequently died before or upon arrival at a hospital emergency department if the person was injured by grievous bodily harm of a nature that shocks the conscience.

(b) Such disorder must be demonstrated by clear and convincing medical evidence.

(c) Benefits for a first responder under this subsection:

1. Do not require a physical injury to the first responder; and

2. Are not subject to:

a. Apportionment due to a preexisting posttraumatic stress disorder;

b. Any limitation on temporary benefits under s. 440.093; or

c. The 1-percent limitation on permanent psychiatric

945328

impairment benefits under s. 440.15(3).

(d) The time for notice of injury or death in cases of compensable posttraumatic stress disorder under this subsection is the same as in s. 440.151(6) and is measured from one of the qualifying events listed in subparagraph (a)2. or the manifestation of the disorder, whichever is later. A claim under this subsection must be properly noticed within 52 weeks after the qualifying event.

(e) As used in this subsection, the term:

1. "Directly witnessing" means to see or hear for oneself.

2. "Manually transporting" means to perform physical labor to move the body of a wounded person for his or her safety or medical treatment.

3. "Minor" has the same meaning as in s. 1.01(13).

(f) The Department of Financial Services shall adopt rules specifying injuries qualifying as grievous bodily harm of a nature that shocks the conscience for the purposes of this subsection.

(6) An employing agency of a first responder, including volunteer first responders, must provide educational training related to mental health awareness, prevention, mitigation, and treatment.

Section 2. The Legislature determines and declares that this act fulfills an important state interest.

Section 3. This act shall take effect October 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause

and insert:

A bill to be entitled

An act relating to workers' compensation benefits for first responders; amending s. 112.1815, F.S.; providing that, under certain circumstances, posttraumatic stress disorder suffered by a first responder is an occupational disease compensable by workers' compensation benefits; specifying the evidentiary standard for demonstrating such disorder; specifying that benefits do not require a physical injury and are not subject to certain apportionment or limitations; providing a time for notice of injury or death; providing definitions; requiring the Department of Financial Services to adopt certain rules; requiring an employing agency to provide specified mental health training; providing a declaration of important state interest; providing an effective date.

By the Committee on Banking and Insurance; and Senators Book, Latvala, Taddeo, and Montford

597-01803-18 2018376c1

A bill to be entitled

An act relating to workers' compensation benefits for first responders; amending s. 112.1815, F.S.; revising the evidentiary standard for demonstrating mental and nervous injuries of first responders; deleting certain limitations relating to workers' compensation benefits for first responders; amending s. 440.093, F.S.; providing that law enforcement officers, firefighters, emergency medical technicians, and paramedics are entitled to benefits under the Workers' Compensation Law for mental or nervous injuries, regardless of whether such injuries are accompanied by physical injuries requiring medical treatment, under specified circumstances; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 112.1815, Florida Statutes, is amended to read:

112.1815 Firefighters, paramedics, emergency medical technicians, and law enforcement officers; special provisions for employment-related accidents and injuries.—

(2)(a) For the purpose of determining benefits under this section relating to employment-related accidents and injuries of first responders, the following shall apply:

1. An injury or disease caused by the exposure to a toxic substance is not an injury by accident arising out of employment unless there is a preponderance of the evidence establishing

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

597-01803-18 2018376c1

that exposure to the specific substance involved, at the levels to which the first responder was exposed, can cause the injury or disease sustained by the employee.

2. Any adverse result or complication caused by a smallpox vaccination of a first responder is deemed to be an injury by accident arising out of work performed in the course and scope of employment.

3. A mental or nervous injury involving a first responder and occurring as a manifestation of a compensable injury must be demonstrated by a preponderance of the ~~clear and convincing~~ evidence. ~~For a mental or nervous injury arising out of the employment unaccompanied by a physical injury involving a first responder, only medical benefits under s. 440.13 shall be payable for the mental or nervous injury. However, payment of indemnity as provided in s. 440.15 may not be made unless a physical injury arising out of injury as a first responder accompanies the mental or nervous injury.~~ Benefits for a first responder are not subject to any limitation on temporary benefits under s. 440.093 or the 1-percent limitation on permanent psychiatric impairment benefits under s. 440.15(3)(c).

Section 2. Section 440.093, Florida Statutes, is amended to read:

440.093 Mental and nervous injuries.—

(1) Except as provided in subsection (4):

(a) A mental or nervous injury due to stress, fright, or excitement only is not an injury by accident arising out of the employment.

(b) ~~Nothing in~~ This section may not ~~shall~~ be construed to allow for the payment of benefits under this chapter for mental

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

or nervous injuries without an accompanying physical injury requiring medical treatment.

(c) A physical injury resulting from mental or nervous injuries unaccompanied by physical trauma requiring medical treatment is ~~shall~~ not ~~be~~ compensable under this chapter.

(2) Except as provided in subsection (4), mental or nervous injuries occurring as a manifestation of an injury compensable under this chapter must ~~shall~~ be demonstrated by clear and convincing medical evidence by a licensed psychiatrist meeting criteria established in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association. Except as provided in subsection (4), the compensable physical injury must be and remain the major contributing cause of the mental or nervous condition and the compensable physical injury as determined by reasonable medical certainty must be at least 50 percent responsible for the mental or nervous condition as compared to all other contributing causes combined. Compensation is not payable for the mental, psychological, or emotional injury arising out of depression from being out of work or losing employment opportunities, resulting from a preexisting mental, psychological, or emotional condition or due to pain or other subjective complaints that cannot be substantiated by objective, relevant medical findings.

(3) Subject to the payment of permanent benefits under s. 440.15, in no event shall temporary benefits for a compensable mental or nervous injury be paid for more than 6 months after the date of maximum medical improvement for the injured employee's physical injury or injuries, which shall be included

in the period of 104 weeks as provided in s. 440.15(2) and (4). Mental or nervous injuries are compensable only in accordance with the terms of this section.

(4) A law enforcement officer, a firefighter, an emergency medical technician, or a paramedic is entitled to receive benefits under this chapter for a mental or nervous injury, whether or not such injury is accompanied by a physical injury requiring medical treatment, if:

(a) The mental or nervous injury resulted while the law enforcement officer, firefighter, emergency medical technician, or paramedic was acting within the course of his or her employment as described in s. 440.091 and the law enforcement officer, firefighter, emergency medical technician, or paramedic witnessed, or arrived at the scene of, a murder, suicide, fatal injury, child death, or mass casualty incident; and

(b) The mental or nervous injury is demonstrated by a preponderance of the evidence by a licensed psychiatrist to meet the criteria for posttraumatic stress disorder as described in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association.

Section 3. This act shall take effect October 1, 2018.

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

January 17, 2018

Chairman Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Bradley,

I respectfully request that you place CS/SB 376, relating to Workers' Compensation Benefits for First Responders, on the agenda of the Committee on Appropriations at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:
❒ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27
Meeting Date

376
Bill Number (if applicable)

954328
Amendment Barcode (if applicable)

945328

Topic SB 376 Amendment # 954328

Name David Cruz

Job Title Legislative Counsel

Address PO Box 1757
Street

Tallahassee FL 32302
City *State* *Zip*

Phone

Email

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

376
Bill Number (if applicable)

Topic Workers' Compensation Benefits for First Responders

Amendment Barcode (if applicable)

Name B.G. Murphy

Job Title Legislative Affairs Director

Address 200 E. Gaines Street
Street

Tallahassee FL 32399
City *State* *Zip*

Phone 850-413-2890

Email bg.murphy@myfloridacfo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing CFO Patronis/Department of Financial Services

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 0376
Bill Number (if applicable)

Topic Worker Comp Benefits for 1st Responders
Amendment Barcode (if applicable)

Name DOUG WATLER

Job Title Captain

Address 928 E Hillsboro Blvd
Street
Deerfield Beach, FL
City *State* *Zip*

Phone 561-239-0172

Email WAT449@Hotmail.com

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

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

Representing Broward County Firefighters

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

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

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

FEB 27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 376

Meeting Date *Bill Number (if applicable)*

Topic WORKERS' Compensation Benefits - 1st Responders *Amendment Barcode (if applicable)*

Name RAY Colburn

Job Title Executive Director

Address 880 Airport RD. Phone 407-468-6622

Street

Ormond BEACH FL 32174 Email Ray@FFCA.org

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against

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

Representing FLORIDA FIRE CHIEFS' ASSOCIATION

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic Workers Compensation First Responders

Amendment Barcode (if applicable)

Name Deborah Ortiz

Job Title Code 9 Project

Address 5044 Dettona Blvd
Street

Phone 917 6801953

Spring Hill FL 34606
City *State* *Zip*

Email

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 376
Bill Number (if applicable)

Topic Workers Compensation Benefits - 1st Responders

Amendment Barcode (if applicable)

Name Kingman Schultz

Job Title Fire Chief

Address 14575 Collier Blvd
Street

Phone 239 348 7540

Naples FL 34113
City *State* *Zip*

Email KSchultz@gnFire.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Greater Naples Fire Rescue District

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic Workers' Compensation First Responders

Amendment Barcode (if applicable)

Name Michael Gluchowski

Job Title Retired Trooper / Code 9 Project

Address 5044 Delturg Blvd
Street

Phone 727-330-0770

Spring Hill, FL 34606
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

376
Bill Number (if applicable)

Topic Workers Comp for First Responders

Amendment Barcode (if applicable)

Name ABE CARMACH

Job Title President TAMPA PBA

Address 1302 W. Busch Blvd
Street

Phone (813) 228-8900

TAMPA FL 33612
City *State* *Zip*

Email Abe@tampapba.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing TAMPA PBA POLICE BENEVOLENT 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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

376
Bill Number (if applicable)

Topic First responders PTSD

Amendment Barcode (if applicable)

Name Megan Vila

Job Title

Address 19908 Jodi Dr
Street
Lutz FL 33558
City *State* *Zip*

Phone 813-731-7472

Email Vila.megan@hotmail.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)

2/27/18
Meeting Date

SB376
Bill Number (if applicable)

Topic Workers Compensation for First Responders

Amendment Barcode (if applicable)

Name KEN HUFF

Job Title District Chief

Address 31404 Hedgerow Dr
Street

Phone 813-478-0675

Wesley Chapel FL 33543
City *State* *Zip*

Email khuff51@verizon.net

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Steve LaDue Firefighter

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

376
Bill Number (if applicable)

Topic Workers' Compensation for First Responders

Amendment Barcode (if applicable)

Name Edward R. Benoway

Job Title

Address 1233 Fox Chapel DR
Street

Lutz FL 33549
City *State* *Zip*

Phone 813/909-2139

Email Benoway@AOL.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing (Steve LaDue - Firefighter)

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)

2/27/2018
Meeting Date

376
Bill Number (if applicable)

Topic Worker's Comp. for First Responders

Amendment Barcode (if applicable)

Name Linda L. Benoway

Job Title

Address 1233 Fox Chapel DR
Street

Phone 813/909-2139

Lutz FL 33549
City *State* *Zip*

Email Benoway@AOL.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing (Steuse LaDue Firefighter)

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)

2/27/18
Meeting Date

376
Bill Number (if applicable)

Topic First Responders PTSD

Amendment Barcode (if applicable)

Name Dr. Stephen LaDue

Job Title

Address 1819 Crescent Rd
Street

Phone 502-358-9728

Odessa FL 33556
City *State* *Zip*

Email shetink@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Son Firefighter Stevie LaDue

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

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

376
Bill Number (if applicable)

Topic First Responders PTSD

Amendment Barcode (if applicable)

Name Rick Vila

Job Title

Address 19908 Jodi Dr
Street

Lutz FL 33558
City *State* *Zip*

Phone 813-245-7558

Email vilaricardo72@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB376
Bill Number (if applicable)

Topic First Responder PTSD

Amendment Barcode (if applicable)

Name Jessica Realin

Job Title

Address 705 Francis Ave
Street

Phone 407-222-5215

NSB FL 32170
City *State* *Zip*

Email jessicarealin@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 376
Bill Number (if applicable)

Topic Workman's Comp Coverage for First Responders

Amendment Barcode (if applicable)

Name Kurt Vandegrift

Job Title

Address
Street

Phone

City *State* *Zip*

Email

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Work comp for first responders

Name Josh Vandegrift

Job Title Firefighter / Medic

Address _____ Phone _____
Street

Melbourne FL _____ Email _____
City *State* *Zip*

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic Workers' Comp For First Responders

Amendment Barcode (if applicable)

Name Geoff Bichler

Job Title Bichler, Oliver, Longo & Fox

Address _____ Phone 407-599-3777
Street

_____ Email Geoff@BichlerLaw.com
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Bichler, Oliver, Longo, & Fox

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic WORKERS' COMP FOR FIRST RESPONDERS
Amendment Barcode (if applicable)

Name Lesile Dangerfield

Job Title (WIDOW)

Address _____
Street

_____
City *State* *Zip*

Phone 772-519-8860

Email bjprmc@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Battalion Chief David Dangerfield

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic WORKERS' COMP FOR FIRST RESPONDERS
Amendment Barcode (if applicable)

Name DIANA SANDELL

Job Title WIDOW

Address _____
Street

_____
City *State* *Zip*

Phone 954-481-4894

Email DIANA197@aol.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Captin RICHARD SANDELL

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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THE FLORIDA SENATE

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2/27/18
Meeting Date

SB376
Bill Number (if applicable)

Topic WORKERS' COMP FOR FIRST RESPONDERS

Amendment Barcode (if applicable)

Name AMANDA MUCDOCK

Job Title

Address
Street

Phone 772-360-6103

Email AMANDAJMUCDOCK@bellsouth.net

City *State* *Zip*

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Topic workmans comp / PTSD

Amendment Barcode (if applicable)

Name Michael Saxe

Job Title Director Fraternal order of Police

Address PO Box 771916
Street

Ocola FL
City *State* *Zip*

Phone 516 732 5467

Email FOP145President@Gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing The fraternal order of Police

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

376
Bill Number (if applicable)

Topic Workers Compensation / First Responders

Amendment Barcode (if applicable)

Name Jill Gorun

Job Title Senior Policy Director

Address 2868 Mahan Dr
Street
Tallahassee FL 32308
City *State* *Zip*

Phone 850 878 2196

Email jill@myfhra.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Behavioral Health 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 376
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name KURT VROMAN

Job Title _____

Address 166 WICOWOOD DR
Street
DEBARY FL 32713
City *State* *Zip*

Phone 386-235-6765

Email KURTVRO@YAHOO.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing DELTONA PROFESSIONAL FIREFIGHTERS

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

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/SB 502 (383058)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); and Senator Stargel
SUBJECT:	Corporate Income Tax
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babin	Diez-Arguelles	AFT	**Recommend: Fav/CS**
2.	Babin	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 502 updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2018. By adopting the updated code, Florida recognizes the changes made to the code. A number of the changes made to the federal code will affect Florida's corporate tax collections.

The bill does not adopt the increased first-year depreciation (bonus depreciation) provisions included in the Tax Cuts and Jobs Act of 2017. Florida corporations must add back those deductions for Florida purposes and then spread the deduction over a seven-year period.

The bill requires the Department of Revenue to establish a workgroup to analyze the effects of the recent federal legislation on the Florida Corporate Income Tax. The workgroup is required to file a report with the Legislature by February 1, 2019.

The bill takes effect upon becoming law and operates retroactively to January 1, 2018.

The Revenue Estimating Conference has determined that the bill has an indeterminate fiscal impact on the General Revenue Fund in Fiscal Years 2017-2018 and 2018-2019, and an indeterminate but positive recurring impact thereafter.

II. Present Situation:

Annual Adoption of the Internal Revenue Code

Florida imposes a 5.5 percent tax on the taxable income of corporations and financial institutions doing business in Florida.[1] A corporation calculates its taxable income for Florida tax purposes by starting with its taxable income determined for federal tax purposes.[2] Additional adjustments are then made to determine the corporation's Florida taxable income. By starting with federal taxable income, Florida eases the administrative burden on Florida taxpayers.

Florida maintains its relationship with the federal Internal Revenue Code each year by adopting the federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

Because Florida relies on federal taxable income to determine Florida taxable income, changes to the calculation of federal taxable income will affect the calculation of Florida taxable income and may increase or decrease Florida tax receipts if Florida adopts the most recent federal Internal Revenue Code. In some instances, Florida has adopted the new federal Internal Revenue Code, but excluded some changes.

The Tax Cuts and Jobs Act of 2017

On December 22, 2017, President Trump signed into law the Tax Cuts and Jobs Act of 2017 (TCJA).[3] The TCJA made significant changes to federal income tax provisions related to individuals, corporations, and the treatment of foreign income.

Individual Tax Reforms

The TCJA's changes to the taxation of individual income do not affect Florida tax revenues, as Florida does not have an individual income tax.

Business Tax Reforms

The TCJA's changes to corporate taxes generally:

- Reduce the federal income tax rate on corporate income.[4]
- Significantly increase the first-year deductions related to equipment purchases (bonus depreciation).
- Limit or require amortization of certain business expenses.
- Repeal or curtail certain tax credits and deductions.

[1] Sections 220.11(2) and 220.63(2), F.S.
[2] *See generally* s. 220.13(2), F.S.
[3] Pub. Law No. 115-97 (December 22, 2017)
[4] Changes to the federal income tax rate do not directly affect Florida corporate income tax receipts.

The TCJA provides 100 percent bonus depreciation through 2023 and then phases down the percentage to 80 percent, 60 percent, 40 percent, and 20 percent, for the next four years, respectively. No bonus depreciation is granted after 2027.[5]

Bonus depreciation merely affects the timing of depreciation deductions. Under a normal depreciation schedule, deductions are spread over a given time period. Bonus depreciation increases the first-year depreciation amount and thereby decreases out-year depreciation amounts. With 100 percent bonus depreciation, all of the years' depreciation deductions are accelerated into the first year.

International Tax Reforms

The U.S. has historically deferred taxation of foreign-source income until the income was repatriated to the U.S.[6] The TCJA aims to largely eliminate this deferral for corporations.

The TCJA's foreign income changes generally:
- Require taxation of foreign-source income.
- Provide deductions for certain dividends from foreign corporations.
- Provide temporary, partial credits for certain foreign income to reduce the near-term taxation of that income.

Bipartisan Budget Act of 2018

On February 9, 2018, President Trump signed into law the Bipartisan Budget Act of 2018 (the BBA).[7] Included within the BBA, Congress reauthorized for a limited time several tax provisions.[8] These provisions have come to be known as "tax extenders" because Congress has been regularly extending them for brief periods of 1 or 2 years.

The major changes affecting corporate taxes will:
- Accelerate the depreciation of certain assets.
- Increase the first-year expensing of certain film and television production expenses.
- Increase deductions for corporations with manufacturing activities in Puerto Rico.
- Increase deductions for energy efficient commercial building expenses.
- Delay recognition of certain income related to dispositions of utility property.

III. Effect of Proposed Changes:

This bill updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2018. By adopting the updated code, Florida recognizes the changes made to the code. A number of the changes made to the federal code will affect Florida's corporate tax collections.

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[5] TCJA, s. 13201
[6] Tax Policy Center, *Briefing Book, Key Elements of the U.S. Tax System*, *available at* http://www.taxpolicycenter.org/briefing-book/how-does-current-system-international-taxation-work (last visited Feb. 17, 2018).
[7] Pub. Law No. 115-123 (February 9, 2018)
[8] *See* BBA, ss. 40101 - 40501

The Tax Cuts and Jobs Act of 2017

Business Tax Reforms

Many of the TCJA's changes to the taxation of corporate income directly affect Florida corporate income tax receipts to the extent that Florida does not "decouple"[9] from the changes. The effect of each change made by the TCJA varies – some decrease tax receipts, while others increase tax receipts; however, the extent that each change will affect Florida corporate income tax receipts depends upon the specific change and the nature of the corporations involved. For instance, changes that affect manufacturing corporations may not affect Florida as much as states with significant manufacturing activities

The bill decouples from the bonus depreciation provisions included in the TCJA. Florida corporations that claim bonus depreciation on their federal returns must add back that deduction for Florida purposes and then spread the deduction over a seven-year period. This treatment has been used for similar federal provisions over the past several years.[10]

International Tax Reforms

The TCJA's changes related to the taxation of corporations' foreign income will likely affect Florida corporate income tax receipts, but the magnitude of the impact on tax receipts cannot be determined at this time. Like most states, Florida excludes (subtracts) certain types of foreign income from its corporate taxable income. At this time, it is unclear if the "new" taxable foreign income and related deductions will be included within those subtractions. Over the coming months, many of those decisions are expected to be made by the Internal Revenue Service.

Bipartisan Budget Act of 2018

Some of the tax extender provisions affect federal taxable income, and thus, these provisions will likely affect the Florida taxable income of affected Florida corporations.

Workgroup to Review the Effects of the Federal Legislation on Florida Corporate Income Tax

The bill provides that the Legislature recognizes that the TCJA will have significant effects on the Florida's corporate income tax and finds that it is necessary to establish a workgroup to better understand the effects. The bill requires the Department of Revenue to establish a workgroup to examine how the implementation for the TCJA will affect state corporate income tax.

[9] "Decoupling" is the term used to describe a situation when the state adopts the Internal Revenue Code, but does not adopt certain, specific changes to the code. In doing so, the state is said to have "decoupled" from those specific changes. Florida has decoupled from several changes over the past decade, most often with extraordinary first-year depreciation deductions granted at the federal level. The relevant acts were the Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, the Tax Increase Prevention Act of 2014, and The Consolidated Appropriations Act, 2016.

[10] *See* chapters 2009-192, 2011-229, 2013-46, 2015-35, and s. 14, 2016-220, Laws of Fla.

The workgroup consists of department employees who have expertise in state and federal corporate income tax. The workgroup must consult with the Revenue Estimating Conference and also must seek and consider comments from the private sector.

By February 1, 2019, the workgroup must submit a report to the Governor, President of the Senate, Speaker of the House of Representatives, and the respective chairs of the appropriate legislative committees. The report must include: a comprehensive discussion of issues having an effect on the state corporate tax structure and corporate tax revenues; options for changes to state tax law needed to integrate state law with federal law; the fiscal impact of each option; and whether the workgroup should be extended.

The workgroup is required to submit status reports to the chairs of the appropriate legislative committees on May 15, 2018, July 15, 2018, September 15, 2018, and November 15, 2018. The status reports must include a brief description of the workgroup's activities and any relevant guidance issued by the Internal Revenue Service.

The bill applies retroactively to January 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties or municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that the bill has an indeterminate fiscal impact on the General Revenue Fund in Fiscal Years 2017-2018 and 2018-2019, and an indeterminate but positive recurring impact thereafter.

B. Private Sector Impact:

By adopting recent changes to the Internal Revenue Code, Florida provides consistent tax treatment for Florida corporate taxpayers. The effect on an individual corporation will depend on many factors, including the type of activity it conducts. As a group,

corporations will likely pay less tax in Fiscal Years 2017-2018 and 2018-2019 and more taxes in Fiscal Year 2020-2021 and thereafter.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 220.03 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.)

Recommended CS by Appropriations Subcommittee on Finance and Tax on February 20, 2018:
The committee substitute:

- Requires Florida taxpayers to add back amounts taken as bonus depreciation and spread the deduction over a seven-year period.
- Requires the Department of Revenue to establish a workgroup to analyze the effects of the TCJA on state corporate income tax.

B. Amendments:

None.

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

383058

576-03419-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the 2018 version of the Internal Revenue Code; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income" relating to adjustments related to federal acts; providing legislative findings; requiring the Department of Revenue to establish a workgroup for certain purposes; specifying the composition of the workgroup; requiring the workgroup to consult with the Revenue Estimating Conference and seek and consider comments from the private sector; requiring the workgroup to submit a specified report to the Governor and Legislature by a specified date; requiring the workgroup to submit status reports to appropriate legislative committees on specified dates; providing retroactive operation; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following

383058

576-03419-18

meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2018 ~~2017~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2018 ~~2017~~. However, if subsection (3) is implemented, the meaning of a term shall be taken at the time the term is applied under this code.

Section 2. Paragraph (e) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(e) *Adjustments related to federal acts.*—Taxpayers shall be required to make the adjustments prescribed in this paragraph for Florida tax purposes with respect to certain tax benefits received pursuant to the Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the

576-03419-18

American Taxpayer Relief Act of 2012, the Tax Increase Prevention Act of 2014, ~~and~~ the Consolidated Appropriations Act, 2016, and the Tax Cuts and Jobs Act of 2017.

1. There shall be added to such taxable income an amount equal to 100 percent of any amount deducted for federal income tax purposes as bonus depreciation for the taxable year pursuant to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as amended by s. 103 of Pub. L. No. 110-185, s. 1201 of Pub. L. No. 111-5, s. 2022 of Pub. L. No. 111-240, s. 401 of Pub. L. No. 111-312, s. 331 of Pub. L. No. 112-240, s. 125 of Pub. L. No. 113-295, ~~and~~ s. 143 of Division Q of Pub. L. No. 114-113, and s. 13201 of Pub. L. No. 115-97, for property placed in service after December 31, 2007, and before January 1, 2027 ~~2021~~. For the taxable year and for each of the 6 subsequent taxable years, there shall be subtracted from such taxable income an amount equal to one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

2. There shall be added to such taxable income an amount equal to 100 percent of any amount in excess of $128,000 deducted for federal income tax purposes for the taxable year pursuant to s. 179 of the Internal Revenue Code of 1986, as amended by s. 102 of Pub. L. No. 110-185, s. 1202 of Pub. L. No. 111-5, s. 2021 of Pub. L. No. 111-240, s. 402 of Pub. L. No. 111-312, s. 315 of Pub. L. No. 112-240, and s. 127 of Pub. L. No. 113-295, for taxable years beginning after December 31, 2007, and before January 1, 2015. For the taxable year and for

576-03419-18

each of the 6 subsequent taxable years, there shall be subtracted from such taxable income one-seventh of the amount by which taxable income was increased pursuant to this subparagraph, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

3. There shall be added to such taxable income an amount equal to the amount of deferred income not included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There shall be subtracted from such taxable income an amount equal to the amount of deferred income included in such taxable income pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5.

4. Subtractions available under this paragraph may be transferred to the surviving or acquiring entity following a merger or acquisition and used in the same manner and with the same limitations as specified by this paragraph.

5. The additions and subtractions specified in this paragraph are intended to adjust taxable income for Florida tax purposes, and, notwithstanding any other provision of this code, such additions and subtractions shall be permitted to change a taxpayer's net operating loss for Florida tax purposes.

Section 3. The Legislature recognizes that the Tax Cuts and Jobs Act of 2017 will have significant effects on the state corporate income tax and on corporate taxpayers when it is fully implemented. To better understand these effects, the Legislature finds the following actions are necessary:

576-03419-18

(1) The Department of Revenue shall establish a workgroup to examine how the implementation of the Tax Cuts and Jobs Act of 2017 will affect the state corporate income tax.

(2) The workgroup must consist of employees of the department who have expertise in state and federal corporate income tax and other employees who may assist the workgroup. In performing its duties, the workgroup shall consult with the Revenue Estimating Conference. The workgroup must seek and consider comments from the private sector.

(3) By February 1, 2019, the workgroup shall submit a report to the Governor, the President of the Senate, the Speaker of the House, and the chairs of appropriate legislative committees. At a minimum, the report must address the following:

(a) A comprehensive discussion of any issues the workgroup determines will have an effect on the state corporate tax structure and on corporate tax revenues.

(b) Options for changes to state tax law which may be needed to integrate state law with federal law.

(c) The potential fiscal impact of each option on the state and on taxpayers.

(d) Whether the workgroup should be extended.

(e) Any other information the workgroup determines will assist the Legislature.

(4) The workgroup shall submit status reports to the chairs of appropriate legislative committees on May 15, 2018, July 15, 2018, September 15, 2018, and November 15, 2018. At a minimum, the status reports must include a brief description of the workgroup's activities and any guidance issued by the Internal Revenue Service relevant to the workgroup's duties.

576-03419-18

Section 4. This act shall take effect upon becoming a law and operate retroactively to January 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 502
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); and Senator Stargel
SUBJECT:	Corporate Income Tax
DATE:	February 27, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babin	Diez-Arguelles	AFT	**Recommend: Fav/CS**
2.	Babin	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 502 updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2018. By adopting the updated code, Florida recognizes the changes made to the code. A number of the changes made to the federal code will affect Florida's corporate tax collections.

The bill does not adopt the increased first-year depreciation (bonus depreciation) provisions included in the Tax Cuts and Jobs Act of 2017. Florida corporations must add back those deductions for Florida purposes and then spread the deduction over a seven-year period.

The bill requires the Department of Revenue to establish a workgroup to analyze the effects of the recent federal legislation on the Florida Corporate Income Tax. The workgroup is required to file a report with the Legislature by February 1, 2019.

The bill takes effect upon becoming law and operates retroactively to January 1, 2018.

The Revenue Estimating Conference has determined that the bill has an indeterminate fiscal impact on the General Revenue Fund in Fiscal Years 2017-2018 and 2018-2019, and an indeterminate but positive recurring impact thereafter.

II. Present Situation:

Annual Adoption of the Internal Revenue Code

Florida imposes a 5.5 percent tax on the taxable income of corporations and financial institutions doing business in Florida.[1] A corporation calculates its taxable income for Florida tax purposes by starting with its taxable income determined for federal tax purposes.[2] Additional adjustments are then made to determine the corporation's Florida taxable income. By starting with federal taxable income, Florida eases the administrative burden on Florida taxpayers.

Florida maintains its relationship with the federal Internal Revenue Code each year by adopting the federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

Because Florida relies on federal taxable income to determine Florida taxable income, changes to the calculation of federal taxable income will affect the calculation of Florida taxable income and may increase or decrease Florida tax receipts if Florida adopts the most recent federal Internal Revenue Code. In some instances, Florida has adopted the new federal Internal Revenue Code, but excluded some changes.

The Tax Cuts and Jobs Act of 2017

On December 22, 2017, President Trump signed into law the Tax Cuts and Jobs Act of 2017 (TCJA).[3] The TCJA made significant changes to federal income tax provisions related to individuals, corporations, and the treatment of foreign income.

Individual Tax Reforms

The TCJA's changes to the taxation of individual income do not affect Florida tax revenues, as Florida does not have an individual income tax.

Business Tax Reforms

The TCJA's changes to corporate taxes generally:

- Reduce the federal income tax rate on corporate income.[4]
- Significantly increase the first-year deductions related to equipment purchases (bonus depreciation).
- Limit or require amortization of certain business expenses.
- Repeal or curtail certain tax credits and deductions.

[1] Sections 220.11(2) and 220.63(2), F.S.
[2] *See generally* s. 220.13(2), F.S.
[3] Pub. Law No. 115-97 (December 22, 2017)
[4] Changes to the federal income tax rate do not directly affect Florida corporate income tax receipts.

The TCJA provides 100 percent bonus depreciation through 2023 and then phases down the percentage to 80 percent, 60 percent, 40 percent, and 20 percent, for the next four years, respectively. No bonus depreciation is granted after 2027.[5]

Bonus depreciation merely affects the timing of depreciation deductions. Under a normal depreciation schedule, deductions are spread over a given time period. Bonus depreciation increases the first-year depreciation amount and thereby decreases out-year depreciation amounts. With 100 percent bonus depreciation, all of the years' depreciation deductions are accelerated into the first year.

International Tax Reforms

The U.S. has historically deferred taxation of foreign-source income until the income was repatriated to the U.S.[6] The TCJA aims to largely eliminate this deferral for corporations.

The TCJA's foreign income changes generally:
- Require taxation of foreign-source income.
- Provide deductions for certain dividends from foreign corporations.
- Provide temporary, partial credits for certain foreign income to reduce the near-term taxation of that income.

Bipartisan Budget Act of 2018

On February 9, 2018, President Trump signed into law the Bipartisan Budget Act of 2018 (the BBA).[7] Included within the BBA, Congress reauthorized for a limited time several tax provisions.[8] These provisions have come to be known as "tax extenders" because Congress has been regularly extending them for brief periods of 1 or 2 years.

The major changes affecting corporate taxes will:
- Accelerate the depreciation of certain assets.
- Increase the first-year expensing of certain film and television production expenses.
- Increase deductions for corporations with manufacturing activities in Puerto Rico.
- Increase deductions for energy efficient commercial building expenses.
- Delay recognition of certain income related to dispositions of utility property.

III. Effect of Proposed Changes:

This bill updates Florida's corporate income tax by adopting the federal Internal Revenue Code in effect on January 1, 2018. By adopting the updated code, Florida recognizes the changes made to the code. A number of the changes made to the federal code will affect Florida's corporate tax collections.

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[5] TCJA, s. 13201
[6] Tax Policy Center, *Briefing Book, Key Elements of the U.S. Tax System*, *available at* http://www.taxpolicycenter.org/briefing-book/how-does-current-system-international-taxation-work (last visited Feb. 17, 2018).
[7] Pub. Law No. 115-123 (February 9, 2018)
[8] *See* BBA, ss. 40101 - 40501

The Tax Cuts and Jobs Act of 2017

Business Tax Reforms

Many of the TCJA's changes to the taxation of corporate income directly affect Florida corporate income tax receipts to the extent that Florida does not "decouple"[9] from the changes. The effect of each change made by the TCJA varies – some decrease tax receipts, while others increase tax receipts; however, the extent that each change will affect Florida corporate income tax receipts depends upon the specific change and the nature of the corporations involved. For instance, changes that affect manufacturing corporations may not affect Florida as much as states with significant manufacturing activities

The bill decouples from the bonus depreciation provisions included in the TCJA. Florida corporations that claim bonus depreciation on their federal returns must add back that deduction for Florida purposes and then spread the deduction over a seven-year period. This treatment has been used for similar federal provisions over the past several years.[10]

International Tax Reforms

The TCJA's changes related to the taxation of corporations' foreign income will likely affect Florida corporate income tax receipts, but the magnitude of the impact on tax receipts cannot be determined at this time. Like most states, Florida excludes (subtracts) certain types of foreign income from its corporate taxable income. At this time, it is unclear if the "new" taxable foreign income and related deductions will be included within those subtractions. Over the coming months, many of those decisions are expected to be made by the Internal Revenue Service.

Bipartisan Budget Act of 2018

Some of the tax extender provisions affect federal taxable income, and thus, these provisions will likely affect the Florida taxable income of affected Florida corporations.

Workgroup to Review the Effects of the Federal Legislation on Florida Corporate Income Tax

The bill provides that the Legislature recognizes that the TCJA will have significant effects on the Florida's corporate income tax and finds that it is necessary to establish a workgroup to better understand the effects. The bill requires the Department of Revenue to establish a workgroup to examine how the implementation for the TCJA will affect state corporate income tax.

[9] "Decoupling" is the term used to describe a situation when the state adopts the Internal Revenue Code, but does not adopt certain, specific changes to the code. In doing so, the state is said to have "decoupled" from those specific changes. Florida has decoupled from several changes over the past decade, most often with extraordinary first-year depreciation deductions granted at the federal level. The relevant acts were the Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, the American Taxpayer Relief Act of 2012, the Tax Increase Prevention Act of 2014, and The Consolidated Appropriations Act, 2016.

[10] *See* chapters 2009-192, 2011-229, 2013-46, 2015-35, and s. 14, 2016-220, Laws of Fla.

The workgroup consists of department employees who have expertise in state and federal corporate income tax. The workgroup must consult with the Revenue Estimating Conference and also must seek and consider comments from the private sector.

By February 1, 2019, the workgroup must submit a report to the Governor, President of the Senate, Speaker of the House of Representatives, and the respective chairs of the appropriate legislative committees. The report must include: a comprehensive discussion of issues having an effect on the state corporate tax structure and corporate tax revenues; options for changes to state tax law needed to integrate state law with federal law; the fiscal impact of each option; and whether the workgroup should be extended.

The workgroup is required to submit status reports to the chairs of the appropriate legislative committees on May 15, 2018, July 15, 2018, September 15, 2018, and November 15, 2018. The status reports must include a brief description of the workgroup's activities and any relevant guidance issued by the Internal Revenue Service.

The bill applies retroactively to January 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties or municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that the bill has an indeterminate fiscal impact on the General Revenue Fund in Fiscal Years 2017-2018 and 2018-2019, and an indeterminate but positive recurring impact thereafter.

B. Private Sector Impact:

By adopting recent changes to the Internal Revenue Code, Florida provides consistent tax treatment for Florida corporate taxpayers. The effect on an individual corporation will depend on many factors, including the type of activity it conducts. As a group,

corporations will likely pay less tax in Fiscal Years 2017-2018 and 2018-2019 and more taxes in Fiscal Year 2020-2021 and thereafter.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 220.03 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.)

CS by Appropriations on February 27, 2018:
The committee substitute:

- Requires Florida taxpayers to add back amounts taken as bonus depreciation and spread the deduction over a seven-year period.
- Requires the Department of Revenue to establish a workgroup to analyze the effects of the TCJA on state corporate income tax.

B. Amendments:

None.

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

By Senator Stargel

22-00750-18 2018502__

A bill to be entitled

An act relating to the corporate income tax; amending s. 220.03, F.S.; adopting the 2018 version of the Internal Revenue Code; providing retroactive operation; providing an effective date.

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

Section 1. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) "Internal Revenue Code" means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, 2018 ~~2017~~, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, 2018 ~~2017~~. However, if subsection (3) is implemented, the meaning of a term shall be taken at the time the term is applied under this code.

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

22-00750-18 2018502__

Section 2. This act shall take effect upon becoming a law and operate retroactively to January 1, 2018.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 538
INTRODUCER:	Senators Garcia and Rodriguez
SUBJECT:	State and Local Governmental Relations with The Government of Venezuela
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Caldwell	GO	**Favorable**
2.	Babin	Diez-Arguelles	AFT	**Recommend: Favorable**
3.	Babin	Hansen	AP	**Favorable**

I. Summary:

SB 538 requires the State Board of Administration to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with agencies or instrumentalities thereof, in violation of federal law.

The bill prohibits a state agency from investing in any financial institution or company domiciled in the U.S., or any foreign subsidiary of a company domiciled in the U.S. which, directly or through a U.S. or foreign subsidiary, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

The bill authorizes the Governor to waive the bill's prohibitions if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

The bill has no fiscal impact on state or local revenues.

The bill has an effective date of July 1, 2018.

II. Present Situation:

State Board of Administration

The State Board of Administration (SBA) is established by Art. IV, s. 4(e) of the State Constitution and is composed of the Governor as chair, the Chief Financial Officer (CFO), and the Attorney General. The board members are commonly referred to as "Trustees." The SBA

derives its powers to oversee state funds from Art. XII, s. 9 of the State Constitution and ch. 215, F.S.

The SBA has responsibility for oversight of the Florida Retirement System (FRS) Pension Plan investments and the FRS Investment Plan,[1] which represent approximately $168.8 billion, or 86.3 percent, of the $195.7 billion in assets managed by the SBA as of October 26, 2017.[2] The SBA also manages more than 30 other investment portfolios with combined assets of $26.9 billion, including the Florida Hurricane Catastrophe Fund, the Florida Lottery Fund, the Florida Pre-Paid College Plan, and various debt-service accounts for state bond issues.[3]

The Trustees, at the August 16, 2017, Cabinet meeting, passed a resolution to add the following language to the SBA's Investment Policy Statement for the FRS:

- Prohibited Investments. Until such as time as the SBA determines it is otherwise prudent to do so, the SBA is prohibited from investing in:
  - Any financial institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, which directly or through a United States or foreign subsidiary and in violation of federal law, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services in or with the government of Venezuela; and
  - Any securities issued by the government of Venezuela or any company that is majority-owned by the government of Venezuela.
- Proxy Voting. The SBA will not vote in favor of any proxy resolution advocating the support of the Maduro Regime in Venezuela.[4]

The SBA's Investment Advisory Council formally recommended that the language be added to the FRS Investment Policy Statement at its meeting on September 25, 2017. The Trustees accepted the updated Investment Policy Statement at their October 17, 2017, meeting.

State Divestment Laws

Section 215.471, F.S., enacted in 1993, prohibits the SBA from investing in stocks, securities, or other obligations of:

- Any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with Cuba, or with agencies or instrumentalities thereof in violation of federal law.
- Any institution or company domiciled outside of the U.S. if the President of the U.S. has applied sanctions against the foreign country in which the institution or company is domiciled, pursuant to s. 4 of the Cuban Democracy Act of 1992.

Section 215.471, F.S., also prohibits the SBA from acting as a fiduciary with respect to voting on, or in favor of, any proxy resolution advocating expanded U.S. trade with Cuba or Syria.

[1] Members in the FRS may elect to participate in the pension plan, which is a defined benefit plan, or the investment plan, which is a defined contribution plan.
[2] State Board of Administration, SB 538 Agency Analysis (Oct. 27, 2017).
[3] *Id.*
[4] *Id.*

Section 215.472, F.S., enacted in 1993, prohibits each state agency from investing in:

- Any financial institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., which directly or through a U.S. or foreign subsidiary makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with Cuba, the government of Cuba, or any company doing business in or with Cuba in violation of federal law.
- Any financial institution or company domiciled outside of the U.S. if the President of the U.S. has applied sanctions against the foreign country in which the institution or company is domiciled pursuant to s. 4 of the Cuban Democracy Act of 1992.

Section 215.473, F.S., enacted in 2007, requires the SBA to assemble and publish a list of scrutinized companies that have prohibited business operations in Sudan or Iran. Once placed on the list of scrutinized companies, the SBA is prohibited from acquiring those companies' securities and is required to divest such securities if the companies do not cease the prohibited activities or take certain compensating actions.

Section 215.4725, F.S., enacted in 2016, requires the SBA to identify and assemble a list of companies that boycott Israel. The SBA must provide written notice to the companies that may be placed on the list and give those companies an opportunity to respond prior to the company becoming subject to investment prohibition and placement on the list.

The state has practiced divestment several times in modern history.[5] From 1986 to 1993, the Legislature directed the SBA to divest investments of companies doing business with South Africa. From 1988 to 2015, the Legislature placed restrictions on investments in any institution or company doing business in or with Northern Ireland. From 1997 until 2001, the SBA made a decision to divest of 16 tobacco stocks due to pending litigation involving the state and those companies.

Federal Venezuela Sanctions

In recent years, the federal government has imposed various sanctions on the government of Venezuela. On August 24, 2017, President Trump signed Executive Order 13808 to prohibit U.S. persons and entities from engaging in transactions involving the following:

- New debt with a maturity of greater than 90 days of Petroleos de Venezuela, S.A. (PdVSA), Venezuela's state-owned oil company;
- New debt with a maturity of greater than 30 days, or new equity, of the government of Venezuela, other than debt of PdVSA as defined above;
- Bonds issued by the government of Venezuela prior to August 25, 2017;
- Dividend payments or other distributions of profits to the government of Venezuela from any entity owned or controlled, directly or indirectly, by the government of Venezuela; and
- The purchase, directly or indirectly, of securities from the government of Venezuela, other than security qualifying as new debt with a maturity of less than or equal to 90 days (for PdVSA) or 30 days (for the government of Venezuela).[6]

[5] *See* CS/CS/HB 959 House of Representatives Final Bill Analysis, Notes 14 through 17 (May 11, 2012).
[6] Exec. Order No. 13808, 3 C.F.R. 41155 (2017).

The executive order defined the term "government of Venezuela" to mean the government of Venezuela, any political subdivision, agency, or instrumentality thereof, including the Central Bank of Venezuela and PdVSA, and any person or entity owned or controlled by, or acting for or on behalf of, the government of Venezuela.[7]

III. Effect of Proposed Changes:

Section 1 amends s. 215.471, F.S., to require the SBA to divest any investment in stocks, securities, or other obligations of any institution or company domiciled in the U.S., or foreign subsidiary of a company domiciled in the U.S., doing business in or with the government of Venezuela, or with agencies or instrumentalities thereof, in violation of federal law.

For this section, the bill defines the term "government of Venezuela" to mean the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela.

Also, the bill authorizes the Governor to waive the divestiture requirements if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

Additionally, the bill prohibits the SBA from being a fiduciary with respect to voting on, and may not have the right to vote in favor of, any proxy resolution advocating expanded U.S. trade with the government of Venezuela.

Section 2 amends s. 215.472, F.S., to prohibit a state agency from investing in any financial institution or company domiciled in the U.S., or any foreign subsidiary of a company domiciled in the U.S. which, directly or through a U.S. or foreign subsidiary, makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela, in violation of federal law.

For this section, the bill defines the term "government of Venezuela" to mean the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela.

The bill authorizes the Governor to waive the prohibitions on state agency actions if the government of Venezuela collapses and there is a need for immediate aid to Venezuela before the convening of the Legislature or for other humanitarian reasons as determined by the Governor.

Section 3 provides the bill takes effect July 1, 2018.

[7] *Id.* at 41156.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The U.S. Constitution grants the federal government various powers related to foreign affairs, such as the power to declare war,[8] maintain a military,[9] enter into treaties and other international agreements,[10] regulate foreign commerce,[11] and to hear cases involving foreign states and citizens.[12] These grants of power have been interpreted to grant the federal government the exclusive power to act in the area of foreign affairs.[13] When a state law operates in the field of foreign affairs without federal authorization, a reviewing court might find the state law to be invalid.[14]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

The bill may have an insignificant negative fiscal impact on the SBA related to conducting research. The SBA, however, will absorb these costs.[15]

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[8] Section 8, Art. I, U.S. Constitution.
[9] *Id.*
[10] Section 2, Art. II, U.S. Constitution.
[11] Section 8, Art. I, U.S. Constitution.
[12] Section 2, Art. III, U.S. Constitution.
[13] *Hines v. Davidowitz*, 312 U.S. 52, 63 (1941) (Stating that the "Federal Government, representing as it does the collective interests of the forty-eight states, is entrusted with full and exclusive responsibility for the conduct of affairs with foreign sovereignties.").
[14] *Zschernig v. Miller*, 389 U.S. 429 (1968); *American Ins. Ass'n v. Garamendi*, 539 U.S. 396 (2003).
[15] *See supra* note 2.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 215.471 and 215.472.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Garcia

36-00707-18 2018538__

A bill to be entitled

An act relating to state and local governmental relations with the government of Venezuela; amending s. 215.471, F.S.; requiring the State Board of Administration to divest investments, and prohibiting it from investment, in any institution or company or subsidiary of a company domiciled in the United States which does business in or with the government of Venezuela or its agencies or instrumentalities in violation of federal law; defining the term "government of Venezuela"; authorizing the Governor to waive such requirements under certain circumstances; prohibiting the State Board of Administration from voting on any proxy resolution advocating expanded United States trade with the government of Venezuela; amending s. 215.472, F.S.; prohibiting state agencies from investing in any financial institution or company or foreign subsidiary of a company domiciled in the United States which engages in specified transactions with the government of Venezuela or certain companies in violation of federal law; defining the term "government of Venezuela"; authorizing the Governor to waive such prohibition under certain circumstances; providing an effective date.

WHEREAS, the current government of Venezuela is intolerable to its people and continues to demonstrate the use of extreme violence and political persecution in the orchestrated suppression of human rights, and

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36-00707-18 2018538__

WHEREAS, the regime of President Nicolas Maduro continues to unjustly detain and prosecute political prisoners in spite of international calls for their complete freedom, and

WHEREAS, the State of Florida stands in unity with the people of Venezuela in their fight for democracy and freedom from the oppressive Maduro regime, and

WHEREAS, the United States has deemed the situation in Venezuela an extraordinary threat to our national security and foreign policy, and

WHEREAS, the United States has issued sanctions against Venezuelan officials, including Nicolas Maduro, who has been identified as a "specially designated national" and labeled a dictator by the United States Department of the Treasury, NOW, THEREFORE,

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

Section 1. Paragraph (c) is added to subsection (1) of section 215.471, Florida Statutes, and subsection (2) of that section is amended, to read:

215.471 Divestiture by the State Board of Administration; reporting requirements.—

(1) The State Board of Administration shall divest any investment under s. 121.151 and ss. 215.44-215.53, and is prohibited from investment in stocks, securities, or other obligations of:

(c) Any institution or company domiciled in the United States, or foreign subsidiary of a company domiciled in the United States, doing business in or with the government of

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Venezuela, or with agencies or instrumentalities thereof, in violation of federal law. As used in this section, the term "government of Venezuela" means the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela. The Governor may waive the requirements of this paragraph in the event that there is a collapse of the government in Venezuela and there is a need for immediate aid to Venezuela before the convening of the Legislature, or for other humanitarian reasons as determined by the Governor.

(2) The State Board of Administration may not be a fiduciary under this section with respect to voting on, and may not have the right to vote in favor of, any proxy resolution advocating expanded United States trade with Cuba, ~~or~~ Syria, or the government of Venezuela. The board's staff shall report on its activities in its annual proxy voting report.

Section 2. Subsection (3) is added to section 215.472, Florida Statutes, to read:

215.472 Prohibited investments.—Notwithstanding any other provision of law, each state agency, as defined in s. 216.011, is prohibited from investing in:

(3) Any financial institution or company domiciled in the United States, or any foreign subsidiary of a company domiciled in the United States, which directly or through a United States or foreign subsidiary makes any loan, extends credit of any kind or character, advances funds in any manner, or purchases or trades any goods or services with the government of Venezuela, or any company doing business in or with the government of Venezuela in violation of federal law. As used in this

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subsection, the term "government of Venezuela" means the government of Venezuela, its agencies or instrumentalities, or companies majority-owned or controlled by the government of Venezuela. The Governor may waive the prohibition in this subsection in the event that there is a collapse of the government in Venezuela and there is a need for immediate aid to Venezuela before the convening of the Legislature, or for other humanitarian reasons as determined by the Governor.

Section 3. This act shall take effect July 1, 2018.

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The Florida Senate

State Senator René García

36th District

Please reply to:

District Office:

1490 West 68 Street
Suite # 201
Hialeah, FL. 33014
Phone# (305) 364-3100

January 29th, 2018

The Honorable Rob Bradley
Chair, Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Bradley,

Please have this letter serve as my formal request to have **SB 538 State and Local Governmental Relations with The Government of Venezuela** be heard during the next Appropriations Committee Meeting. Should you have any questions or concerns, please do not hesitate to contact my office.

Sincerely,

State Senator René García
District 36

CC: Mike Hansen
Alicia Weiss

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 590 (608810)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senators Garcia and Campbell
SUBJECT:	Child Welfare
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	**Fav/CS**
2.	Tulloch	Cibula	JU	**Favorable**
3.	Sneed	Williams	AHS	**Recommend: Fav/CS**
4.	Sneed	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 590 makes a number of changes to the laws relating to relative and nonrelative caregivers for children in out-of-home foster care. The most significant changes required by the bill are as follows:

- Directing the Department of Children and Families (DCF or department), in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide Family Finding Program.
- Requiring court determination at each judicial hearing throughout the dependency process that the DCF or other appropriate agency engaged in family finding.
- Renaming of the Relative Caregiver Program to the Kinship Care Program and recognition of "fictive kin," as a person unrelated to a child by blood but who has such a close emotional relationship with the child that he or she may be regarded as part of the family or kin.
- Directing that program payments to relatives or qualifying nonrelatives are no longer delayed and begin when the child comes into a relative's or qualifying nonrelative's care at the current relative caregiver rate under s. 39.5085, F.S.
- Establishing Kinship Navigator programs by community-based care lead agencies to provide support and assistance to relative and nonrelative caregivers.
- Extending the maintenance adoption subsidy to age 21 for eligible young adults.

- Extending program services to age 21 for eligible young adults who have not achieved permanency.
- Establishing a Title IV-E Guardianship Assistance Program pilot in two DCF circuits.

The bill also amends the Rilya Wilson Act, s. 39.604, F.S., as follows:
- To provide an alternative to fulltime enrollment in a child care program for foster children under the age of three whose caregiver stays home all day or works less than fulltime.
- To appoint a surrogate parent to make educational decisions if appropriate, and provide for educational stability and transitions.

The DCF is requesting 12 additional full-time equivalent (FTE) positions and is projected to incur additional costs up to $3,207,326 in FY 2018-2019 and $4,230,000 annually thereafter. Local governments, specifically the six sheriff's offices conducting child protective investigations, are collectively expected to incur additional costs of $157,500 in FY 2018-2019 and $315,000 annually thereafter. By locating relatives or nonrelatives to care for children who have entered out-of-home care, the Family Finder and Kinship Navigator programs may generate savings to partially or fully offset the cost of the additional DCF staff and the fiscal impact on the county sheriff's offices.

Sections 1, 5, and 12 of the bill are effective January 1, 2019, and the remainder of the bill is effective July 1, 2018.

II. Present Situation:

Relative and Nonrelative Caregivers

When children cannot remain safely with their parents, placement with relatives is preferred over placement in foster care with nonrelatives. Caseworkers try to identify and locate a relative or relatives who can safely care for the children while parents receive services to help them address the issues that brought the children to the attention of child welfare. Placement with relatives — or kinship care — provides permanency for children and helps them maintain family connections. Kinship care is the raising of children by grandparents, other extended family members, and non-relative adults with whom they have a close, family-like relationship, such as godparents and close family friends.[1]

Kinship care may "be formal and involve a training and licensure process for the caregivers, monthly payments to help defray the costs of caring for the [child], and support services[.]"[2] Kinship care also may "be informal" and "involve only an assessment process to ensure the

[1] U.S. Department of Health & Human Services, Administration for Children & Families, Children's Bureau, Child Welfare Information Gateway, *About Kinship Care*, https://www.childwelfare.gov/topics/outofhome/kinship/about/ (last visited Feb. 4, 2018).
[2] John McLennan, PhD, Social Work and Family Violence Theories, Assessment, and Intervention at 88, (Springer Publishing Co., LLC, 2010), https://books.google.com/books?id=nHHWSsUvXwwC&pg=PA88&lpg=PA88&dq=one-fourth+of+the+children+in+out-of-home+care+are+living+with+relatives&source=bl&ots=0w8X1YFtl0&sig=qdPfe5h2r0l8t3YR2zxN3rce5mQ&hl=en&sa=X&ved=0ahUKEwikze--io3ZAhWprFkKHV5wCJUQ6AEIPDAD#v=onepage&q=one-fourth%20of%20the%20children%20in%20out-of-home%20care%20are%20living%20with%20relatives&f=false (last visited Feb. 4, 2018).

safety and suitability of the home along with supportive services for the child and caregivers."[3] "Approximately one-fourth of [the] children in out-of-home care are living with relatives."[4]

According to the National Conference of State Legislatures,

> Nearly 3 million American children are cared for by relatives other than their parents. Child welfare agencies in many states rely on extended families, primarily grandparents, to provide homes for children who cannot safely remain with their parents. In fact, relatives care for 27 percent of children in foster care—about 107,000—according to the Adoption and Foster Care Analysis and Reporting System.[5]

In Florida, there were 24,069 children in out-of-home care as of December 31, 2017, More than half of those children, 13,579, were placed with approved relatives and "fictive kin" non-relatives,[6] while 10,490 were placed in licensed foster care, group care, or in another placement.[7]

Relative Caregiver Program

The Relative Caregiver Program was established in 1998[8] for the purpose of recognizing the importance of family relationships and providing additional placement options and incentives to help achieve permanency and stability for many children who are otherwise at risk of foster care placement. The program provides financial assistance to qualified relatives. Within available funding, the Relative Caregiver Program is also required to provide caregivers with family support and preservation services, school readiness assistance, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under the program are also eligible for Medicaid coverage.[9]

In 2014,[10] the Legislature expanded the Relative Caregiver Program to include nonrelatives who a child may have a close relationship with who are not a blood relative or a relative by marriage. Those nonrelatives are eligible for financial assistance if they are able and willing to care for the child and provide a safe, stable home environment. The court must find that a proposed placement is in the best interest of the child.[11]

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[3] *Id.*
[4] *Id.*
[5] National Conference of State Legislatures, *Supporting Relative Caregivers of Children* (Feb. 13, 2017), http://www.ncsl.org/research/human-services/relative-caregivers.aspx (last visited Feb. 4, 2018).
[6] "Fictive kin" is defined by the bill in section 1 (s. 39.4015(2)(d)) as "an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family."
[7] Florida Department of Children and Families, *Children in Out-of-Home Care – Statewide* (Jan. 10, 2018), http://www.dcf.state.fl.us/programs/childwelfare/dashboard/c-in-ooh.shtml (last visited Feb. 4, 2018).
[8] Ch. 1998-78, Laws of Fla.
[9] Section 39.5085, F.S.
[10] Ch. 2014-224, Laws of Fla.
[11] Section 39.5085(2)(a)3., F.S.

Under the Relative Caregiver Program, the statewide average monthly rate for children placed by the court with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate. Additionally, the cost of providing the assistance to any caregiver in the program may not exceed the cost of providing out-of-home care in an emergency shelter or in foster care.[12]

Financial Assistance

The Relative Caregiver Program also provides monthly cash assistance to relatives who meet eligibility rules and have custody of a child under age 18 who has been adjudicated dependent by a Florida court and placed in their home by the Department of Children and Families Child Welfare/Community Based Care (CW/CBC) contracted provider.[13] As demonstrated by the charts below, the monthly cash assistance amount is higher than the Temporary Cash Assistance for one child but less than the amount paid for a child in the foster care program.

Monthly cash assistance:

Age of Child	Relative and Nonrelative Caregivers[14]	Foster Parents[15]	Residential Group Home Placement[16]
Age 0 through 5 years	$242	$439	$3,355 per month average[17]
Age 6 through 12 years	$249	$451	
Age 13 through 18 years	$298	$527	
These are monthly benefit amounts per child			

Temporary cash assistance for relative caregivers:

Number of Children	Monthly Benefit
1	$180
2	$241
3	$303
These are monthly benefit amounts per total number of children[18]	

Additionally, while reimbursement for children in foster care or in residential group homes begins at the time the child is placed, the monthly benefit payment for relative and nonrelative

[12] Section 39.5085(2)(d), F.S.
[13] Section 39.5085, F.S.
[14] Fla. Admin. Code Ann. r. 65C-28.008 (2018). Department of Children and Families, *Temporary Cash Assistance Fact Sheet*, 5-6 (July 2012), http://www.dcf.state.fl.us/programs/access/docs/tcafactsheet.pdf (last visited Feb. 4, 2018).
[15] Office of Program Policy Analysis and Government Accountability, *Characteristics of Children in Foster Homes and Groups Homes*, 13 (Apr. 17, 2017) http://www.oppaga.state.fl.us/monitordocs/Presentations/P17-18.pdf (last visited Feb. 4, 2018).
[16] *Id*. at 15.
[17] *Id*. The average amount is derived from dividing the residential group care expenditures from 2014-2015, $89,778,347, by the average number of children from 2014-2015, 2,230, which equals $40,259.35 per child per year. This number was divided by 12 months to reach the monthly average per child.
[18] *See supra* n. 13 at 6 (reflecting a portion of the chart).

caregivers does not begin until the child has been adjudicated dependent.[19] Adjudication typically takes 2 months to a year. During this time, a nonrelative caregiver receives *no* benefit, and a relative caregiver may be eligible only for temporary cash assistance if in close enough consanguinity to the child.[20] Once the child has been adjudicated dependent, the relative becomes eligible for the full Relative Caregiver Program benefit amount.[21]

Child Care Assistance

The cost of participating in the school readiness program is subsidized in part or fully by the funding of the local early learning coalition for eligible children.[22] Criteria have been established for the children who are to receive priority for participating in the program at no cost or at a subsidized rate.[23] However, to the extent that subsidized child care is not available, the cost of child care is assumed by the caregiver.[24]

Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was designed to improve the lives of children and youth in foster care and increase the likelihood that they will be able to leave the foster care system to live permanently with relative caregivers or adoptive families.[25] The law accomplishes this, in part, by allowing states to extend foster care services and maintenance adoption subsidy payments for children leaving foster care and adoptive families to the age of 21 and to establish a subsidized guardianship assistance program for relative caregivers.

Extended Foster Care

In 2013, the Legislature exercised the option of providing for extended foster care, which applies to young adults aged 18 to 21 who have not achieved permanency prior to their 18th birthdays.[26] The program builds on independent living assistance services that were previously available to young adults who "aged-out" of the foster care system.[27] Extended foster care services are available to young adults who are living in licensed care on their 18th birthday and who are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;

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[19] Section 39.5085(2)(a), F.S. (providing that *dependent* children may be placed with a relative or nonrelative caregiver).
[20] *See supra* n. 14 at 4 ("A child must live in the home of a parent or a relative who is a blood relative of the child. The degree of relationship to the child can be no greater than first cousin once removed.").
[21] *See supra* n. 13.
[22] Office of Early Learning, *School Readiness Payment Rates for Children Concurrently Enrolled in the VPK Program*, http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/Rules%20Guidance%20and%20Proposed%20Rules/Issued%20Program%20Guidance/440.50_ConcurrentPaymentRates_Final_ADA.pdf (last visited Feb. 5, 2018).
[23] Office of Early Learning, *School Readiness Eligibility Priorities*, http://www.floridaearlylearning.com/coalitions/school_readiness_eligibility_priorities.aspx (last visited Feb. 5, 2018).
[24] Fla. Admin. Code Ann. r. 65C-13.030(2)(d)4. (2014).
[25] P.L. 110-351.
[26] Ch. 2013-178, L.O.F.
[27] Section 409.1451, F.S.

- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical intellectual, emotional, or psychiatric condition that limits participation.[28]

Program eligibility is also contingent on the living situation of a young adult. Participants are required to live independently, but in an environment in which they are provided supervision, case management, and support services by either DCF or a relevant CBC. Examples of such an environment include college dormitories, shared housing, and foster family homes.[29]

Adoption Assistance

The department currently provides financial assistance to families who adopt children with special needs or who are otherwise difficult to place in an adoptive home.[30] This assistance is made available in several ways. DCF may grant a maintenance subsidy to families (maintenance adoption subsidy or MAS), which is an annual payment intended to subsidize the costs of caring for an eligible child. The department may also offer a subsidy to family for any medical costs associated with a child's specific needs. In addition, the department is authorized to offer a nonrecurring reimbursement to an eligible family for costs associated with formalizing an adoption, which may include attorney's fees, court costs, travel expenses, and other related costs. Adoption assistance, in these various forms, may be offered to families who adopt an eligible child until the 18th birthday of such a child.[31]

To date, Florida has chosen not to take advantage of the provision of federal Fostering Connections Act that allows the maintenance adoption subsidy to be continued until a young adult reaches age 21.

Title IV-E Guardianship Assistance Program

The third primary provision of Fostering Connections is the creation of a federally supported Guardianship Assistance Program (GAP) for relatives. The GAP gives states the option of using federal Title IV-E funds to support kinship guardianship payments for children living in the homes of relative caregivers who become the children's legal guardians.[32]

The federal Fostering Connections Act and Increasing Adoptions Act promotes permanency for children living with kin by providing states with the option to use federal Title IV-E funding for kinship guardianship subsidies. If a child meets certain Title IV-E eligibility standards, he or she may also be eligible for a GAP subsidy if:

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[28] Section 39.6251(2), F.S.
[29] Section 39.6251(4), F.S
[30] Section 409.166, F.S.
[31] *Id*.
[32] Mark F. Testa and Leslie Cohen. *"Pursuing Permanence for Children in Foster Care: Issues and Options for Establishing a Federal Guardianship Assistance Program in New York State."* School of Social Work, the University of North Carolina at Chapel Hill. June 2010, available *at*: https://ocfs.ny.gov/main/reports/Pursuing%20Permanence%20for%20Children%20in%20Foster%20Care%20June%202010.pdf. (last visited February 21, 2018).

- The child has been removed from his or her family's home pursuant to a voluntary placement agreement or as a result of a judicial determination that allowing the child to remain in the home would be contrary to the child's welfare;
- The child is eligible for federal foster care maintenance payments under Title IV-E of the Social Security Act for at least six consecutive months while residing in the home of the prospective relative guardian who is licensed or approved as meeting the licensure requirements as a foster family home;
- Returning home or adoption is not an appropriate permanency option for the child;
- The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- The child has been consulted regarding the guardianship arrangement (applicable to children age 14 and older).[33]

Likewise, a prospective guardian must meet certain conditions to qualify for a GAP subsidy. He or she:

- Must be the eligible child's relative or close fictive kin;
- Must have undergone fingerprint-based criminal record checks and child abuse and neglect registry checks;
- Must be a licensed foster parent and approved for guardianship assistance by the relevant state department;
- Must display a strong commitment to caring permanently for the child; and
- Must have obtained legal guardianship of the child after the guardianship assistance agreement has been negotiated and finalized with the department.[34]

Federal guidance on GAP implementation recognizes that many relative caregivers may find the foster care licensure process burdensome. Accordingly, states are granted the authority to determine what constitutes a "non-safety" licensure standard and, on a case-by-case basis, offer waivers to those standards when appropriate.[35]

To date, Florida has chosen not to implement this provision of Fostering Connections and relies on the established Relative Caregiver Program to provide assistance to caregivers.

Title IV-E Waivers

First authorized by Congress in 1994, the goal of permitting waivers of specific Title IV-E requirements is to allow states to demonstrate alternative and innovative practices that achieve federal child welfare policy goals in a manner that is cost neutral to the federal Treasury. Each project has a specific approval period, which is typically five years, must be determined to cost the federal government no more in Title IV-E support than it would without the waiver project, and must be independently evaluated.[36]

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[33] 42 U.S.C. § 673(d)(3)(A)
[34] 42 U.S.C. § 671(a)(20(D) and 673(d)(3)(A).
[35] U.S. Department of Health and Human Services, Agency for Children and Families, Program Instruction U.S. Department of Health and Human Services, Agency for Children and Families, Program Instruction ACYF-CB-PI-10-01, July 9, 2010.
[36] Emelie Stoltzfus, *Child Welfare: An Overview of Federal Programs and their Current Funding*, CONGRESSIONAL RESEARCH SERVICE, January 10, 2017, p. 13-15, *available at*: https://fas.org/sgp/crs/misc/R43458.pdf. (last accessed

Currently 26 states, including Florida, have approved child welfare demonstration projects commonly referred to as Title IV-E waivers. Under the terms and conditions of their specific waiver agreement, each state is permitted to use federal Title IV-E foster care funds to provide services and assistance to children and their families, even if the children or the services or assistance would not otherwise be considered eligible.

Title IV-E waiver projects vary significantly from state to state in terms of geographic and program scope. Some operate on a statewide basis while others are limited to specific regions or counties in the state. The projects may focus on different age groups of children and different service needs or circumstances, such as children:

- Entering care for the first time;
- At risk of entering care;
- Transitioning from group care to home; and
- With substance-abusing parents.[37]

A smaller number of projects address other issues, such as:

- Preventing or reducing the use of group care for children in foster care;
- Addressing behavioral health needs of children;
- Addressing needs of caregivers with substance use disorders; and
- Reducing placement instability for children in foster care.[38]

Florida's Title IV-E Waivers

Florida's original Title IV-E waiver was effective on October 1, 2006, and was in effect for five years. Key features of the waiver were:

- A capped allocation of funds, similar to a block grant, distributed to community-based care lead agencies for service provision;
- Flexibility to use funds for a broader array of services beyond out-of-home care; and
- Ability to serve children who did not meet Title IV-E criteria.[39]

The federal government extended Florida's original waiver to 2014, and then approved a renewal retroactively, beginning October 1, 2013. The renewal is authorized until September 30, 2018. The renewal waiver's terms and conditions include the following goals:

- Improving child and family outcomes through flexible use of Title IV-E funds;
- Providing a broader array of community-based services and increasing the number of children eligible for services; and

February 7, 2018).

[37] U.S. Department of Health and Human Services, Administration of Children and Families, Children Bureau, *Summary of Child Welfare Waiver Demonstration by Jurisdictions,* June 2016, *available at*: http://www.acf.hhs.gov/sites/default/files/cb/waiver_summary_table_active.pdf. (last visited February 7, 2018).

[38] James Bell and Associates, *Summary of the Title IV-E Child Welfare Waiver Demonstrations, prepared for Children's Bureau, ACYF, ACF, HHS*, August 2016, *available at*: http://www.acf.hhs.gov/sites/default/files/cb/cw_waiver_summary2016.pdf. (last visited February 7, 2018).

[39] Amy C. Vargo et al., *Final Evaluation Report, IV-E Waiver Demonstration Evaluation, SFY 11-12,* March 15, 2012, *available at*: http://www.centerforchildwelfare.org/kb/LegislativeMandatedRpts/IV-EWaiverFinalReport3-28-12.pdf. (last visited February 7, 2018).

- Reducing administrative costs associated with the provision of child welfare services by removing current restrictions on Title IV-E eligibility and on the types of services that may be paid for using Title IV-E funds.[40]

Like the original waiver, the renewal waiver also involves a capped allocation of funds, flexibility to use the federal IV-E funds for a wider array of services, and expanded eligibility for children.[41]

Under current law, the U.S. Department of Health and Human Services is not authorized to grant any new child welfare waivers, and no state may operate a waiver project after September 30, 2019.[42] Therefore, Florida will revert to more restrictive Title IV-E federal funding requirements after September 30, 2018, or 2019 if the waiver is renewed for an additional year.

Additional Information

Committee staff[43] conducted telephone/video conferences with dependency judges statewide who identified the following issues related to the use of relative caregivers for children placed in out-of-home care:

- **Unexpected caregiving responsibility –** Foster parents are licensed, trained, and expect to take children into their homes; whereas, relatives are more often than not asked to take in children of family members suddenly and without time or help for any preparation.
- **Lack of knowledge about trauma** – While foster parents receive training, relative caregivers do not typically know how to deal with the trauma to which the children may have been exposed.
- **Dysfunctional family dynamics –** Relatives have additional stress and issues due to the fact that they are caring for children of other family members.
- **Increased use of family finding in order to identify family members earlier in the process –** In circuits where it is used, family finding works well to identify more family members and identify them earlier in the process, either during investigations or at the shelter hearing. In some circuits, the use of family finding is sporadic and not utilized throughout the life of the dependency case. Parents are often embarrassed and do not want family members to know they are involved with the child welfare system. Older children who know their relatives are often overlooked as a source of contact information.
- **Delays in process –** Delays in getting the results from home studies and fingerprint submissions is problematic. Also, delays in the Interstate Compact for the Placement of Children (ICPC)[44] process, which establishes procedures for ensuring the safety and stability of placements of children across state lines, cause further delays in placing children with out-of-state relatives. Judicial decisions with interstate placement implications must comply with the Compact.

[40] Personal communication from JooYeun Chang, Associate Commissioner with the Children's Bureau, to Esther Jacobo, Interim Secretary of the Department of Children and Families, *available at*: http://www.centerforchildwelfare.org/kb/GenIVE/WaiverTErms2013-2018.pdf. (last visited February 7, 2018).
[41] *Id*.
[42] §1130(a)(2) and (d)(2) of the Social Security Act.
[43] Surveys and studies conducted by the staff of the Senate Committee on Children, Families and Elder Affairs.
[44] Section 409.408, F.S.

- **Lack of services and support for families –** In some areas of the state, there is inadequate support for caregivers because there is no formal program to provide information, referral, training, legal services, and other follow-up services. As a result, grandparents and other relatives raising children are not being linked to the benefits and supports that they or the children in their care need.
- **Fewer benefits for children in care –** Children in out-of-home care are only eligible for some benefits if they are or have been in a licensed placement. For example, children in relative care are eligible for tuition and fee exemptions for postsecondary education,[45] but they are *not* typically eligible for independent living financial support and services.[46]
- **Caseworker "neglect" –**When a relative will not or cannot immediately commit to become a fulltime caregiver, the caseworker often forgets about the caregiver. There is little or no effort made to include the relative in other aspects of the child's life or improve the home so that the relative may be able to become a fulltime caregiver.
- **Lack of time and skill to effectively engage with relatives –** A number of circuits reported that while caseworkers generally do a good job, they frequently do not have the time to effectively deal with relatives who may become caregivers for children due either to large caseloads or to a lack of appropriate skills. Caseworkers often feel that placement with a relative is a "safe placement" and pay less attention to those placements.
- **Access to services should be the same regardless of placement –** Currently, access to services and supports for a child in out-of-home care vary depending on what type of placement the child is in.

In addition to speaking with judges around the state, committee staff[47] spoke with leadership, program staff, and relative caregivers with community-based care lead agencies across the state. Four major issues affecting the ability of relatives and nonrelatives to care for children placed in their care were identified:

- Sporadic and ineffective use of family finding. Family finding is defined as an intensive relative search and engagement technique to identify family of and other close adults to children in foster care, who will be involved in developing and carrying out a plan for the emotional and legal permanency of a child.
- Inadequate support of caregivers in some areas of the state due to a lack of formal kinship navigator programs designed to provide information, referral, and follow-up services. As a result, grandparents and other relatives raising children are not being linked to the benefits and supports that they or the children in their care need.
- Inadequate financial support or delays in receiving financial support.
- The obligation for relative caregivers to assume what may be a large portion of child care/early education expenses for a child in their care.

Notably, provisions of the bill address three of these four issues.

[45] Section 1009.25, F.S.
[46] Section 409.1451, F.S.
[47] *See supra*, n. 25.

Circuit	Lead Agency
Shaded rows indicate community-based care lead agencies with whom committee staff communicated.	
1 Escambia, Okaloosa, Santa Rosa, and Walton Counties	Lakeview Center, Families First Network
2 & 14 Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla Counties and Bay, Calhoun, Gulf, Holmes, Jackson, Washington Counties	Big Bend Community Based Care, Inc.
3 & 8 Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor Counties and Alachua, Baker, Bradford, Gilchrist, Levy, Union Counties	Partnership for Strong Families
4 Duval and Nassau Counties	Family Support Services of North Florida Inc.
4 Clay County	Kids First of Florida, Inc.
7 St. Johns County	St Johns County Board of County Commissioners
7 Flagler, Volusia, and Putnam Counties	Community Partnership for Children, Inc.
12 DeSoto, Manatee, and Sarasota Counties	Sarasota Family YMCA, Inc.
6 Pasco and Pinellas Counties	Eckerd Community Alternatives
13 Hillsborough County	Eckerd Community Alt.,
20 Charlotte, Collier, Glades, Hendry and Lee Counties	Children's Network of SW Florida
5 Citrus, Hernando, Lake, Marion and Sumter Counties	Kids Central, Inc.
9 & 18 Orange, Osceola County and Seminole Counties	Community Based Care of Central Florida
18 Brevard County	Brevard Family Partnership
10 Hardee, Highlands, and Polk Counties	Heartland For Children
19 Indian River, Martin, Okeechobee, and St. Lucie Counties	Devereux CBC
15 & 17 Palm Beach County and Broward County	ChildNet Inc.
11 & 16 Miami-Dade County and Monroe County	Our Kids of Miami-Dade/Monroe, Inc.

Judicial Hearings and Review

When the department removes a child from his or her home, a series of dependency court proceedings must occur to adjudicate the child dependent and place him or her in out-of-home care, as indicated by the chart below:

Proceeding		Reference
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The court determines whether the child is to remain in out-of-home care.	s. 39.402, F.S.
Arraignment Hearing	An arraignment hearing occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Hearing	An adjudicatory trial is held within 30 days of arraignment, to determine whether a child is dependent.	s. 39.507, F.S.
Disposition Hearing	Disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews and orders the case plan for the family and the appropriate placement of the child.	s. 39.521, F.S.
Review Hearing	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.

As noted above, current law provides for specific findings and determinations to be made by the court at each hearing.

The Rilya Wilson Act

Background

The Rilya Wilson Act is named for a four-year-old girl who disappeared from state custody and whose disappearance went unnoticed for 15 months. Rilya's caregiver provided several stories concerning Rilya's whereabouts, one being that someone from the Department of Children and Families removed Rilya from her home sometime in January 2001. However, the department was unaware that Rilya was missing until April 2002. While Rilya's caregiver (who is suspected, but not convicted, of killing Rilya) was sentenced to 55 years in prison in 2013 for offenses connected to Rilya's disappearance (including aggravated child abuse), Rilya remains missing.[48]

With the disappearance of Rilya Wilson, the responsibility of the state to ensure the safety of children in its care received heightened attention. To ensure the safety and well-being of children in its custody or under its supervision, DCF was required to provide for more frequent and continuous face-to-face contact with children, particularly those under the age of five. The Rilya Wilson Act provides such increased visibility of these very young children by requiring that these children participate in an approved early education or child care program. In turn, these early education or child care programs are bound to report certain incidences of the child's nonattendance or absence to the DCF.[49]

[48] The Miami Herald, Geralyn Graham gets 55 years in Rilya Wilson foster child abuse case, *available at*: http://www.miamiherald.com/latest-news/article1947207.html. (last visited Feb. 5, 2018).
[49] Section 39.604, F.S. ("Rilya Wilson Act").

Early Education and Child Care Programs

Participation in early child care and learning programs under the Rilya Wilson Act is intended not only to minimize further abuse and neglect, but also to reverse the developmental effects that abuse, neglect, and abandonment can have on children.[50]

Early education and child care programs are provided in Florida through the school readiness program under ss. 1001.213 and 1002.82, F.S. With the establishment of the school readiness program, the different early education and child care programs and their funding sources were merged for the delivery of a comprehensive program of school readiness services to be designed and administered through local early learning coalitions.[51] The school readiness program is housed with the Office of Early Learning at the Department of Education.[52]

Current law requires that each early learning coalition give priority for participation in the school readiness program according to specified criteria, with an at-risk child being second on the priority list.[53] An at-risk child is defined as the following:[54]

- A child from a family under investigation by the Department of Children and Families or a designated sheriff's office for child abuse, neglect, abandonment, or exploitation.
- A child who is in a diversion program provided by the Department of Children and Families or its contracted provider and who is from a family that is actively participating and complying in department-prescribed activities, including education, health services, or work.
- A child from a family that is under supervision by the Department of Children and Families or a contracted service provider for abuse, neglect, abandonment, or exploitation.
- A child placed in court-ordered, long-term custody or under the guardianship of a relative or nonrelative after termination of supervision by the Department of Children and Families or its contracted provider.
- A child in the custody of a parent who is a victim of domestic violence residing in a certified domestic violence center.
- A child in the custody of a parent who is considered homeless as verified by a Department of Children and Families certified homeless shelter.

As mentioned earlier, the cost of participating in the school readiness program is subsidized in part or fully by the funding of the local early learning coalition for eligible children.[55] Criteria have been established for the children who are to receive priority for participating in the program

[50] Section 39.604(2), F.S. (**"**The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment.").
[51] Sections 1002.82 and 1002.83, F.S.
[52] Section 1002.82, F.S.
[53] Section 1002.87, F.S.
[54] Section 1002.81, F.S.
[55] Office of Early Learning, *School Readiness Payment Rates for Children Concurrently Enrolled in the VPK Program*, http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/Rules%20Guidance%20and%20Proposed%20Rules/Issued%20Program%20Guidance/440.50_ConcurrentPaymentRates_Final_ADA.pdf (last visited Feb. 5, 2018).

at no cost or at a subsidized rate.[56] However, to the extent that subsidized child care is not available, the cost of child care is assumed by the caregiver.[57]

Regardless of whether a school readiness program provider is licensed, the program must "comply with the reporting requirements of the Rilya Wilson Act for each at-risk child under the age of school entry who is enrolled in the school readiness program."[58] Under the Rilya Wilson Act, children from birth to the age of school entry who are in the state's care due to abuse, neglect, or abandonment and who are enrolled in early education or child care programs must participate in the program five days a week.[59] This participation must be reflected in any case plan required by ch. 39, F.S. However, the court in approving or revising the case plan, may waive the requirement to participate five days a week.[60]

The Rilya Wilson Act also provides that:

- Withdrawal from the program is prohibited unless prior written approval is provided by the department or the community-based lead agency.[61]
- The person with whom the child is living is required to report any absence to the program on the day of the absence. Failure to report an absence results in the absence being considered unexcused, and the early education or child care program is required to report any unexcused absence or seven consecutive excused absences to the department or community-based lead agency.[62]
- Reports of two consecutive unexcused absences or seven consecutive excused absences are to result in a site visit to the child's residence. Children who are found missing during the site visit are to be reported as missing to law enforcement and the procedures for locating missing children initiated. If the children are not found to be missing, the parent or caregiver is to be informed that it is a violation of the case plan if the child does not attend the early education or child care program.[63]
- After two such site visits, action to notify the court of the parent or caregiver's non-compliance with the care plan is to be initiated.[64]

III. Effect of Proposed Changes:

Section 1 creates s. 39.4015, F.S., relating to family finding, to require the Department of Children and Families (DCF), in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a formal family finding program to be implemented statewide by child protective investigators and community-based care lead agencies. Family finding is required as soon as a child comes to the attention of the DCF and throughout the duration of the case. The DCF or community-based care lead agency

[56] Office of Early Learning, *School Readiness Eligibility Priorities*, http://www.floridaearlylearning.com/coalitions/school_readiness_eligibility_priorities.aspx (last visited Feb. 5, 2018).
[57] Fla. Admin. Code Ann. r. 65C-13.030(2)(d)4. (2014).
[58] Section 1002.87, F.S.
[59] Section 39.604(3), F.S.
[60] *Id.*
[61] Section 39.604(4)(a), F.S.
[62] Section 39.604(4)(b)1., F.S.
[63] Section 39.604(4)(b)2.-3., F.S.
[64] Section 39.604(4)(b)4., F.S.

must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement are provided in the bill.

The DCF and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond a basic computer search by exploring alternative tools and methodologies. Efforts to be used by the DCF and the community-based care lead agency are provided in the bill.

The court is required to inquire and make a determination regarding family finding at each stage of the case, including the shelter care hearing pursuant to s. 39.402. The court is to place its determinations on the record as to whether the DCF or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and time the DCF or community-based care lead agency has had to begin or continue the process.

Section 1 is effective January 1, 2019.

Section 2 amends s. 39.402, F.S., relating to placement in a shelter, to require educational records of children under the age of school entry to be provided, to require a judge rather than a school superintendent to appoint a surrogate parent for a child under the age of school entry, if necessary, and to require the court to make a determination relating to family finding.

Section 3 amends s. 39.506, F.S., relating to arraignment hearings, to require the court to make a determination relating to family finding.

Section 4 amends s. 39.507, F.S., relating to adjudicatory hearings and orders of adjudication, to require the court to make a determination relating to family finding.

Section 5 amends s. 39.5085, F.S., relating to the Kinship Care Program, to provide that both relative and nonrelative caregivers receive financial assistance in the amount currently required for the Relative Caregiver Program with the payments to begin at the time a child comes into their care.

The bill also requires each community-based care lead agency to establish a kinship navigator program that must:

- Be coordinated with other state or local agencies that promote service coordination or provide information and referral services;
- Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;
- Establish a toll-free telephone hotline to provide information to link kinship caregivers to specified entities;
- Provide outreach to kinship care families; and
- Promote partnerships between public and private agencies and relevant governmental agencies to increase their knowledge of the needs of kinship care families to promote better services for those families.

Section 5 is effective January 1, 2019.

Section 6 amends s. 39.521, F.S., relating to disposition hearings and powers of disposition, to require the court to make a determination relating to family finding and to require educational records of children under the age of school entry to be provided.

Section 7 amends s. 39.6012, F.S., relating to case plan tasks and services, to require documentation of case plan requirements under s. 39.604, F.S.

Section 8 amends s. 39.604, F.S., relating to the Rilya Wilson Act, to clarify attendance and reporting requirements related to children in out-of-home care who are attending a child care or early education program. The bill also provides for the appointment of a surrogate parent[65], if appropriate, and provides for educational stability and transitions.

Section 9 amends s. 39.6251, F.S., relating to continuing care for young adults, to conform to additional federal requirements for extending foster care to the age of 21.

Section 10 amends s. 39.701, F.S., relating to judicial review, to require the court to appoint a surrogate parent if the child is under the age of school entry, and to require the court to determine if the department and community-based care lead agency has reasonably engaged in family finding.

Section 11 amends s. 409.166, F.S., relating to the adoption assistance program, to provide for the extension of maintenance adoption subsidy payments to the age of 21 for eligible young adults and to provide eligibility requirements. The bill also requires that all prospective adoptive homes complete an adoptive home study in order to qualify for a maintenance adoption subsidy (MAS).

The extension of the MAS to age 21 for those children who were adopted at age 16 or 17 will allow the state to earn additional federal revenues under Title IV-E. At present, the MAS payments expire when a child reaches the age of 18. Without these changes, the state would not meet federal requirements for earning Title IV-E funds associated with extended foster care.

Section 12 amends s. 414.045, F.S., relating to the cash assistance program, to conform a provision to changes made by the bill. This section of bill is effective January 1, 2019.

Section 13 amends s. 1009.25, F.S., relating to fee exemptions, to conform a provision to changes made by the bill.

Section 14 creates an unnumbered section of the Florida Statutes, requiring the department to establish a Title IV-E GAP pilot program in two DCF circuits effective August 1, 2018.

[65] Section 39.0016(1)(c), F.S. (A "surrogate parent" is "an individual appointed to act in the place of a parent in educational decision making and in safeguarding a child's rights under the Individuals with Disabilities Education Act [IDEA] and this section.").

The establishment of a GAP program would serve as a means of mitigating the loss of federal revenues to the state that will result from the expiration of Florida's Title IV-E waiver. The program will provide the state with an alternative vehicle for earning federal revenues under Title IV-E, while also offering enhanced cash benefits to certain permanent guardians and the children in their care.

It is currently unknown how many Relative Caregiver Program participants will successfully transition to GAP or how many relatives and fictive kin will enter the program in the future. The federally subsidized GAP will require caregivers to meet many of the licensure standards applicable to family foster homes, set forth in s. 409.175, F.S. The department has the authority to waive non-safety licensure standards on a case-by-case basis, but some relatives or fictive kin will be unable to, or prefer not to, meet its requirements. This means that under the bill, some relatives and fictive kin will enter GAP, but some will not. For those who do not, relatives will be eligible for child only TANF funding, but non-relatives will not be able to obtain payment to support caring for the child.

Establishment of a pilot program may provide information as to whether statewide implementation of GAP benefits children and their families.

Section 15 provides that, except as otherwise expressly provided in the bill, the effective date of the bill is July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The department currently has 19 contracts with the community-based care (CBC) lead agencies. To implement the family finder and kinship navigator programs in the bill, CBCs may need to hire additional staff. One CBC (Eckerd Community Alternatives) currently employs a family finder at a salary of $52,500, including taxes and benefits.

The combined projected costs for the remaining 18 CBCs could total $945,000 per year.[66] Since the programs are effective January 1, 2019, the total cost for Fiscal Year 2018-2019 would be $472,500.

C. Government Sector Impact:

Summary:
Overall, to implement this bill, the DCF is requesting 12 additional full-time equivalent (FTE) positions in FY 2018-2019 and is expected to incur additional costs up to $3,207,326 in FY 2018-2019 and $4,230,000 annually thereafter. Local governments, specifically the six sheriff's offices conducting child protective investigations, are collectively expected to incur additional costs of $157,500 in FY 2018-2019 and $315,000 annually thereafter. A brief explanation of the various fiscal impacts is noted below.

Local Government:
The six counties in which the county sheriff's offices provide child protective investigations (Hillsborough, Pasco, Pinellas, Broward, Manatee, and Seminole) are provided grants from the Department of Children and Families (DCF). This bill directs the DCF to work collaboratively with these sheriff's offices to develop family finding processes. These sheriff's offices may need additional staff to implement the family finding program procedures. The estimated cost for six new sheriff's office staff is $157,500 in FY 2018-2019 and $315,000 annually thereafter. [67]

Department of Children and Families:
The DCF estimates it will need two additional staff positions in each one of its six regions to support the family finding and kinship navigator programs. According to the DCF, the annual cost for these 12 additional full-time equivalent (FTE) positions totals $315,000 in Fiscal Year 2018-2019 and $630,000 for each following fiscal year.[68]

The bill will result in additional relative and non-relative caregiver payments by directing payments to begin at the time the child is placed with the caregiver rather than the current payment which begins several months later when the child is adjudicated dependent by the court. The DCF estimates the earlier monthly payments may cost the state an additional $3.6 million each year.[69] The bill makes advanced caregiver payments effective January 1, 2019; therefore, the total cost for Fiscal Year 2018-2019 is expected to be $1.8 million. Additionally, DCF estimates a one-time cost between $384,696 and $464,256[70] for technology updates to the FLORIDA system to provide for the earlier issuance of payments.

The family finding and kinship navigator programs may facilitate the placement of children with kin caregivers who would have otherwise entered a more expensive care

[66] Department of Children and Families, *Senate Bill 590*, p. 8 (Oct. 24, 2017) (on file with the Senate Judiciary Committee).
[67] *Id.*
[68] *Id.* at p. 7.
[69] *Id.*
[70] *Id.* at p. 8.

setting, resulting in costs savings that may offset program expenditures. The cost of placing a child with a relative or non-relative caregiver is between $2,904 and $3,576 per year per child (depending on the child's age), while placement in a group home facility averages over $40,000 per year per child. An increase in relative and non-relative caregivers could lead to decreased expenditures for foster care and residential group home care.

The bill requires the DCF to operate a pilot Title IV-E Guardianship Assistance Program (GAP) in two DCF circuits effective August 1, 2018. No new Relative Caregiver or Nonrelative Caregiver applicants will be approved in these circuits during the pilot period. Assuming no more than 60 days for licensing GAP caregiver applicants, monthly GAP room and board payments could be made available to program participants as early as October 2018. The DCF will require additional nonrecurring funding of $628,070 for Fiscal Year 2018-2019 to implement the GAP Pilot program and provide for GAP monthly room and board payments and nonrecurring assistance up to $2,000 per care giver to cover legal and other expenses.

GAP Pilot Cost Summary:	**FY 2018-19**
Licensing Staff	$ 360,283
Program Management Staff	180,242
GAP Room & Board Payments	389,610
One-time Legal Costs for Eligible Caregivers	5,200
Total Costs for GAP Pilot Program	$ 935,335
Less: Relative/Nonrelative Caregiver Room & Board Payments	(307,265)
Net Costs for GAP Pilot Program	$ 628,070

The above funding includes Other Personal Services funding for licensing specialists and two program managers, one for each circuit. The program managers will assist with the design and implementation of the pilot program, as well as the establishment of policies and procedures for future GAP Program statewide expansion.

The bill also modifies two existing DCF programs to align with federal Title IV-E requirements and enable the department to earn additional Title IV-E federal funding for services. First, though the Extended Foster Care program extends services to age 21 for young adults who have not achieved permanency and who have met certain requirements. Secondly, adoption subsidy payments are extended to age 21 for children who experienced late-stage adoptions (were adopted at age 16 or 17). Funding for these initiatives is included in Senate Bill 2500, the Senate Fiscal Year 2018-2019 General Appropriations Bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends ss. 39.402, 39.506, 39.507, 39.5085, 39.521, 39.6012, 39.604, 39.6251, 39.701, 409.166, 414.045, and 1009.25 of the Florida Statutes.

The bill creates s. 39.4015 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.)

Recommended CS/CS by Appropriations Subcommittee on Health and Human Services on February 21, 2018:
The committee substitute:

- Amends s. 39.6251, F.S., extending foster care services to age 21 for young adults who have not achieved permanency and who have met certain requirements, to conform to federal Title IV-E requirements.
- Amends s. 409.166, F.S., extending maintenance adoption subsidy payments to the age of 21 for children who were adopted at age 16 or 17, to conform to federal Title IV-E requirements.
- Requires that all prospective adoptive homes complete an adoption home study in order to qualify for maintenance adoption subsidy payments.
- Removes provisions and requirements related to early intervention referrals to Early Steps or FDLRS Child Find.
- Requires the establishment of a Title IV-E GAP pilot program in two circuits effective August 1, 2018.

CS by Children, Families, and Elder affairs on December 4, 2017:

- Amends ss. 39.402, 39.506, 39.507, 39.521, and 39.701, F.S., relating to judicial hearings, to require a determination by the court relating to family finding.
- Adds a task to the case plan requirements required under s. 39.604, F.S.
- Requires that children under the age of three and children ages 3 to 5 years who are victims of substantiated child abuse or neglect be referred for an early intervention assessment by Early Steps or FDLRS Child Find as appropriate.
- Provides for the appointment of a surrogate parent if appropriate, and provides for educational stability and transitions in child care and early education program settings.

B. Amendments:

None.

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

371160

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/27/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 2019, section 39.4015, Florida Statutes, is created to read:

39.4015 Family finding.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that every child who is in out-of-home care has the goal of finding a permanent home, whether

achieved by reunifying the child with his or her parents or finding another permanent connection, such as adoption or legal guardianship with a relative or nonrelative who has a significant relationship with the child.

(b) The Legislature finds that while legal permanency is important to a child in out-of-home care, emotional permanency helps increase the likelihood that children will achieve stability and well-being and successfully transition to independent adulthood.

(c) The Legislature also finds that research has consistently shown that placing a child within his or her own family reduces the trauma of being removed from his or her home, is less likely to result in placement disruptions, and enhances prospects for finding a permanent family if the child cannot return home.

(d) The Legislature further finds that the primary purpose of family finding is to facilitate legal and emotional permanency for children who are in out-of-home care by finding and engaging their relatives.

(e) It is the intent of the Legislature that every child in out-of-home care be afforded the advantages that can be gained from the use of family finding to establish caring and long-term or permanent connections and relationships for children and youth in out-of-home care, as well as to establish a long-term emotional support network with family members and other adults who may not be able to take the child into their home but who want to stay connected with the child.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Diligent efforts" means the use of methods and

techniques including, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

(b) "Family finding" means an intensive relative search and engagement technique used in identifying family and other close adults for children in out-of-home care and involving them in developing and carrying out a plan for the emotional and legal permanency of a child.

(c) "Family group decisionmaking" is a generic term that includes a number of approaches in which family members and fictive kin are brought together to make decisions about how to care for their children and develop a plan for services. The term includes family team conferencing, family team meetings, family group conferencing, family team decisionmaking, family unity meetings, and team decisionmaking, which may consist of several phases and employ a trained facilitator or coordinator.

(d) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(3) FAMILY-FINDING PROGRAM.—The department, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, shall develop a formal family-finding program to be implemented statewide by child protective investigators and community-based care lead agencies. Implementation of the program is contingent upon the appropriation of funds by the Legislature specifically for the program.

(a) Family finding is required as soon as a child comes to

371160

the attention of the department and throughout the duration of the case, and finding and engaging with as many family members and fictive kin as possible for each child who may help with care or support for the child is considered a best practice. The department or community-based care lead agency must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement may include, but are not limited to, asking the relatives and kin to:

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;

2. Attend visitations with the child;

3. Assist in transportation of the child;

4. Provide respite or child care services; or

5. Provide actual kinship care.

(b) The department and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond basic searching tools by exploring alternative tools and methodologies. Efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and kin.

2. Identifying and building positive connections between the child and the child’s relatives and fictive kin.

3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child

welfare system, when appropriate.

4. Maintaining family connections, when possible.

5. Keeping siblings together in care, when in the best interest of each child and when possible.

(c) A basic computer search using the Internet or attempts to contact known relatives at a last known address or telephone number do not constitute effective family finding.

(d) The court's inquiry and determination regarding family finding should be made at each stage of the case, including a shelter hearing conducted pursuant to s. 39.402. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and the amount of time the department or community-based care lead agency has had to begin or continue the process.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

Section 2. Paragraphs (c) and (d) of subsection (11) of section 39.402, Florida Statutes, and subsection (17) of that section are amended to read:

39.402 Placement in a shelter.—

(11)

(c) The court shall request that the parents consent to provide access to the child's child care records, early education program records, or other educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds

consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b). If the child is under the age of school entry, the court must make the appointment.

(17) At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child. Upon implementation of the program authorized under s. 39.4015, the court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 3. Present subsection (9) of section 39.506, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

39.506 Arraignment hearings.—

(9) Upon implementation of the program authorized under s. 39.4015, the court shall review whether the department or

371160

community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 4. Paragraphs (c) and (d) of subsection (7) of section 39.507, Florida Statutes, are amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. ~~The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.~~ The parent or parents shall provide to the court and all parties identification and location information of the relatives. Upon implementation of the program authorized under s. 39.4015, the court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

(d) The court shall advise the parents that, if they fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home

placement may become permanent.

Section 5. Effective January 1, 2019, section 39.5085, Florida Statutes, is amended to read:

39.5085 Kinship Care ~~Relative Caregiver~~ Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that an increasing number of relatives and fictive kin are assuming the responsibility of raising children because the parents of these children are unable to care for them.

(b) The Legislature also finds that these kinship caregivers perform a vital function by providing homes for children who would otherwise be at risk of foster care placement and that kinship care is a crucial option in the spectrum of out-of-home care available to children in need.

(c) The Legislature finds that children living with kinship caregivers experience increased placement stability, are less likely to reenter care if they are reunified with their parents, and have better behavioral and mental health outcomes.

(d) The Legislature further finds that these kinship caregivers may face a number of difficulties and need assistance to support the health and well-being of the children they care for. These needs include, but are not limited to, financial assistance, legal assistance, respite care, child care, specialized training, and counseling.

(e) It is the intent of the Legislature to provide for the establishment and implementation of procedures and protocols that are likely to increase and adequately support appropriate and safe kinship care placements.

(2) DEFINITIONS.—As used this section, the term:

(a) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(b) "Kinship care" means the full-time care of a child placed in out-of-home care by the court in the home of a relative or fictive kin.

(c) "Kinship navigator program" means a statewide program designed to ensure that kinship caregivers are provided with necessary resources for the preservation of the family.

(d) "Relative" means an individual who is caring full time for a child placed in out-of-home care by the court and who:

1. Is related to the child within the fifth degree by blood or marriage to the parent or stepparent of the child; or

2. Is related to a half-sibling of that child within the fifth degree by blood or marriage to the parent or stepparent.

(3) ASSISTANCE AND SERVICES.—

(a) The purpose of a kinship navigator program is to help relative caregivers and fictive kin in the child welfare system to navigate the broad range of services available to them and the children from public, private, community, and faith-based organizations.

(b) Effective January 1, 2019, and contingent upon an appropriation of funds by the Legislature, each community-based care lead agency shall establish a kinship navigator program. In order to meet the requirements of a kinship navigator program, the program must:

1. Be coordinated with other state or local agencies that promote service coordination or provide information and referral

services, including any entities that participate in the Florida 211 Network, to avoid duplication or fragmentation of services to kinship care families;

2. Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;

3. Establish a toll-free telephone hotline to provide information to link kinship caregivers, kinship support group facilitators, and kinship service providers to:

a. One another;

b. Eligibility and enrollment information for federal, state, and local benefits;

c. Relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

d. Relevant knowledge related to legal options available for child custody, other legal assistance, and help in obtaining legal services.

4. Provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and

5. Promote partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant governmental agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

~~(1) It is the intent of the Legislature in enacting this~~

~~section to:~~

~~(a) Provide for the establishment of procedures and protocols that serve to advance the continued safety of children by acknowledging the valued resource uniquely available through grandparents, relatives of children, and specified nonrelatives of children pursuant to subparagraph (2)(a)3.~~

~~(b) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.~~

~~(c) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.~~

~~(d) Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including permanent guardianship under s. 39.6221 if the guardian is a relative, by permanent placement with a fit and willing relative under s. 39.6231, by a relative, guardianship under chapter 744, or adoption, by providing additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.~~

~~(e) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.~~

~~(f) Recognize that a child may have a close relationship~~

371160

~~with a person who is not a blood relative or a relative by marriage and that such person should be eligible for financial assistance under this section if he or she is able and willing to care for the child and provide a safe, stable home environment.~~

~~(2)(a) The Department of Children and Families shall establish, operate, and implement the Relative Caregiver Program by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:~~

~~1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~3. Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best~~

~~interest of the child.~~

~~4. A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the Relative Caregiver Program payment for a minor parent who is in his or her care, as well as for the minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the Relative Caregiver Program payment must be terminated no later than the first of the following month after the parent or stepparent moves into the home, allowing for 10-day notice of adverse action.~~

~~The placement may be court-ordered temporary legal custody to the relative or nonrelative under protective supervision of the department pursuant to s. 39.521(1)(c)3., or court-ordered placement in the home of a relative or nonrelative as a permanency option under s. 39.6221 or s. 39.6231 or under former s. 39.622 if the placement was made before July 1, 2006. The Relative Caregiver Program shall offer financial assistance to caregivers who would be unable to serve in that capacity without the caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.~~

~~(b) Caregivers who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care and must assure that the~~

~~children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.~~

~~(c) Relatives or nonrelatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.~~

~~(d) Relatives or nonrelatives who are caring for children placed with them by the court pursuant to this chapter shall receive a special monthly caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, and the cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.~~

~~(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.~~

~~(f) Within available funding, the Relative Caregiver Program shall provide caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, school readiness, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under this section shall be eligible for Medicaid coverage.~~

~~(g) The department may use appropriate available state, federal, and private funds to operate the Relative Caregiver Program. The department may develop liaison functions to be available to relatives or nonrelatives who care for children pursuant to this chapter to ensure placement stability in extended family settings.~~

Section 6. Paragraph (e) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(e) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order must ~~shall~~ include the reasons for such a decision and, upon implementation of the program authorized under s. 39.4015, ~~shall include~~ a written determination as to whether ~~diligent efforts were made by~~ the department and the community-based care lead agency reasonably engaged in family finding in attempting to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

~~For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's child care, early education program, or any other educational placement, and to promote family preservation or reunification whenever possible.

Section 7. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 39.6012, Florida Statutes, are amended to read:

39.6012 Case plan tasks; services.—

(2) The case plan must include all available information that is relevant to the child's care including, at a minimum:

(b) A description of the plan for ensuring that the child receives safe and proper care and that services are provided to

the child in order to address the child's needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial review process:

1. The names and addresses of the child's health, mental health, and educational providers;

2. The child's grade level performance;

3. The child's school record or, if the child is under the age of school entry, any records from a child care program, early education program, or preschool program;

4. Documentation of compliance or noncompliance with the attendance requirements under s. 39.604, if the child is enrolled in a child care program, early education program, or preschool program;

5.~~4.~~ Assurances that the child's placement takes into account proximity to the school in which the child is enrolled at the time of placement;

6. ~~5. A record of~~ The child's immunizations;

7.~~6.~~ The child's known medical history, including any known health problems;

8.~~7.~~ The child's medications, if any; and

9.~~8.~~ Any other relevant health, mental health, and education information concerning the child.

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

(a) A description of the type of placement in which the child is to be living and, if the child has been placed with the department and the program as authorized under s. 39.4015 has

been implemented, whether the department and the community-based care lead agency have reasonably engaged in family finding to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

Section 8. Section 39.604, Florida Statutes, is amended to read:

39.604 Rilya Wilson Act; short title; legislative intent; requirements; attendance; stability and transitions ~~reporting responsibilities~~.—

(1) SHORT TITLE.—This section may be cited as the "Rilya Wilson Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that children from birth to age 5 years are particularly vulnerable to maltreatment and that they enter out-of-home care in disproportionately high numbers.

(b) The Legislature also finds that children who are abused or neglected are at high risk of experiencing physical and mental health problems and problems with language and communication, cognitive development, and social and emotional development.

(c) The Legislature also finds that providing early intervention and services, as well as quality child care and early education programs to support the healthy development of these young children, can have positive effects that last throughout childhood and into adulthood.

(d) The Legislature also finds that the needs of each of these children are unique, and while some children may be best served by a quality child care or early education program,

others may need more attention and nurturing that can best be provided by a stay-at-home caregiver ~~The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems~~.

(e) It is the intent of the Legislature that children who are ~~currently~~ in out-of-home ~~the~~ care ~~of the state~~ be provided with an age-appropriate developmental child care or early education arrangement that is in the best interest of the child ~~education program~~ to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) REQUIREMENTS.—

1. A child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency, and~~ enrolled in an ~~a licensed~~ early education or child care program must attend the program 5 days a week unless the court grants an exception due to the court determining it is in the best interest of a child from birth to age 3 years:

a. With a stay-at-home caregiver to remain at home.

b. With a caregiver who works less than full time to attend an early education or child care program fewer than 5 days a week.

2. Notwithstanding s. 39.202, the department ~~of Children and Families~~ must notify operators of an ~~the licensed~~ early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child from birth to the age of school entry, under court-ordered protective

371160

supervision or in out-of-home care. If ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency. When~~ a child is enrolled in an early education or child care program ~~regulated by the department~~, the child's attendance in the program must be a required task ~~action~~ in the safety plan or the case plan developed for the child pursuant to this chapter. ~~An exemption to participating in the licensed early education or child care program 5 days a week may be granted by the court.~~

(4) ATTENDANCE ~~AND REPORTING REQUIREMENTS~~.—

1.~~(a)~~ A child enrolled in an ~~a licensed~~ early education or child care program who meets the requirements of paragraph (b) ~~subsection (3)~~ may not be withdrawn from the program without the prior written approval of the department ~~Family Safety Program Office of the Department of Children and Families~~ or the community-based care lead agency.

2.a.~~(b)1.~~ If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the ~~local designated staff of the Family Safety Program Office of the~~ department ~~of Children and Families~~ or the community-based care lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absence.

b.~~2.~~ The department or community-based care lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

c.~~3.~~ If the site visit results in a determination that the child is missing, the department or community-based care lead agency shall follow the procedure set forth in s. 39.0141 ~~report the child as missing to a law enforcement agency and proceed with the necessary actions to locate the child pursuant to procedures for locating missing children~~.

d.~~4.~~ If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the ~~licensed~~ early education or child care program is a violation of the safety plan or the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall ~~initiate action to~~ notify the court of the parent or caregiver's noncompliance with the case plan.

(5) EDUCATIONAL STABILITY.—Just as educational stability is important for school-age children, it is also important to minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care or subsequent changes in out-of-home placement.

(a) A child must be allowed to remain in the child care or early educational setting that he or she attended before entry into out-of-home care, unless the program is not in the best interest of the child.

(b) If it is not in the best interest of the child for him or her to remain in his or her child care or early education setting upon entry into out-of-home care, the caregiver must work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 402.281, a provider participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and non-public schools.

(c) The department and providers of early care and education shall develop protocols to ensure continuity if children are required to leave a program because of a change in out-of-home placement.

(6) TRANSITIONS.—In the absence of an emergency, if a child from birth to school age leaves a child care or early education program, the transition must be pursuant to a plan that involves cooperation and sharing of information among all persons involved, that respects the child's developmental stage and associated psychological needs, and that allows for a gradual transition from one setting to another.

Section 9. Paragraph (b) of subsection (6) and subsection (7) of section 39.6251, Florida Statutes, are amended to read:

39.6251 Continuing care for young adults.—

(6) A young adult who is between the ages of 18 and 21 and who has left care may return to care by applying to the community-based care lead agency for readmission. The community-

based care lead agency shall readmit the young adult if he or she continues to meet the eligibility requirements in this section.

(b) Within 30 days after the young adult has been readmitted to care, the community-based care lead agency shall assign a case manager to update the case plan and the transition plan and to arrange for the required services. Updates to the case plan and the transition plan and arrangements for the required services ~~Such activities~~ shall be undertaken in consultation with the young adult. The department shall petition the court to reinstate jurisdiction over the young adult. Notwithstanding s. 39.013(2), the court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.

(7) During each period of time that a young adult is in care, the community-based lead agency shall provide regular case management reviews that must include at least monthly contact with the case manager. ~~If a young adult lives outside the service area of his or her community-based care lead agency, monthly contact may occur by telephone.~~

Section 10. Paragraph (c) of subsection (2) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF AGE.—

(c) *Review determinations.*—The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical,

psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem or surrogate parent for educational decisionmaking if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

1. If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

2. If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

3. If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

4. Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016. If

the child is under the age of school entry, the court must make the appointment.

5. The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

6. The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

7. The frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interest of the child.

8. The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply, if applicable.

9. Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement, as documented by assurances from the community-based care provider that:

a. The placement of the child takes into account the appropriateness of the current educational setting and the

proximity to the school in which the child is enrolled at the time of placement.

b. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

10. Upon implementation of the program authorized under s. 39.4015, whether the department or community-based care lead agency continues to reasonably engage in family finding. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to continue the process.

11. ~~10.~~ A projected date likely for the child's return home or other permanent placement.

12. ~~11.~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

13. ~~12.~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living. For a child who is 15 years of age or older, the court shall determine if appropriate steps are being taken for the child to obtain a driver license or learner's driver license.

14. ~~13.~~ If amendments to the case plan are required. Amendments to the case plan must be made as provided in ~~under~~ s. 39.6013.

Section 11. Subsections (4) and (5) of section 409.166,

Florida Statutes, are amended to read:

409.166 Children within the child welfare system; adoption assistance program.—

(4) ADOPTION ASSISTANCE.—

(a) For purposes of administering payments under paragraph (d), the term:

1. "Child" means an individual who has not attained 21 years of age.

2. "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(b) ~~(a)~~ A maintenance subsidy shall be granted only when all other resources available to a child have been thoroughly explored and it can be clearly established that this is the most acceptable plan for providing permanent placement for the child. The maintenance subsidy may not be used as a substitute for adoptive parent recruitment or as an inducement to adopt a child who might be placed without providing a subsidy. However, it shall be the policy of the department that no child be denied adoption if providing a maintenance subsidy would make adoption possible. The best interest of the child shall be the deciding factor in every case. This section does not prohibit foster parents from applying to adopt a child placed in their care. Foster parents or relative caregivers must be asked if they would adopt without a maintenance subsidy.

(c) ~~(b)~~ The department shall provide adoption assistance to the adoptive parents, subject to specific appropriation, in the amount of $5,000 annually, paid on a monthly basis, for the support and maintenance of a child until the 18th birthday of such child or in an amount other than $5,000 annually as

determined by the adoptive parents and the department and memorialized in a written agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adoptive parents and the needs of the child being adopted. The amount of subsidy may be adjusted based upon changes in the needs of the child or circumstances of the adoptive parents. Changes may ~~shall~~ not be made without the concurrence of the adoptive parents. However, in no case shall the amount of the monthly payment exceed the foster care maintenance payment that would have been paid during the same period if the child had been in a foster family home.

(d) Contingent upon a specific appropriation, adoption assistance payments may be made for a child up to 21 years of age whose adoptive parent entered into an initial adoption assistance agreement after the child reached 16 years of age but before the child reached 18 years of age if the child is:

1. Completing secondary education or a program leading to an equivalent credential;

2. Enrolled in an institution that provides postsecondary or vocational education;

3. Participating in a program or activity designed to promote or eliminate barriers to employment;

4. Employed for at least 80 hours per month; or

5. Unable to participate in programs or activities listed in subparagraphs 1.-4. full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child’s case file or school or medical records.

(e) A child or young adult receiving benefits through the adoption assistance program is not eligible to simultaneously receive relative caregiver benefits under s. 39.5085 or postsecondary education services and support under s. 409.1451.

(f) ~~(e)~~ The department may provide adoption assistance to the adoptive parents, subject to specific appropriation, for medical assistance initiated after the adoption of the child for medical, surgical, hospital, and related services needed as a result of a physical or mental condition of the child which existed before the adoption and is not covered by Medicaid, Children's Medical Services, or Children's Mental Health Services. Such assistance may be initiated at any time but shall terminate on or before the child's 18th birthday.

(5) ELIGIBILITY FOR SERVICES.—

(a) As a condition of providing adoption assistance under this section and before the adoption is finalized, the adoptive parents must have an approved adoption home study and must enter into an adoption-assistance agreement with the department which specifies the financial assistance and other services to be provided.

(b) A child who is handicapped at the time of adoption is ~~shall be~~ eligible for services through the Children's Medical Services network established under part I of chapter 391 if the child was eligible for such services before ~~prior to~~ the adoption.

Section 12. Effective January 1, 2019, paragraph (b) of subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families

include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped into the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of CareerSource Florida, Inc., or to better inform the public of program progress.

(b) *Child-only cases.*—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. Children in the care of caretaker relatives, if the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Upon implementation of the Kinship Care Program established under s. 39.5085, families participating in that program ~~in the Relative Caregiver program as provided in s. 39.5085~~.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as

household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual whose ability to participate in work activities is limited who volunteers to participate in work activities shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families in which the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other limitation of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be

necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or in the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent funds have been provided in the General Appropriations Act.

Section 13. Paragraph (d) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a kinship caregiver ~~relative or nonrelative~~ under s. 39.5085 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

Section 14. (1) Contingent upon a specific appropriation, effective August 1, 2018, the Department of Children and Families shall establish and operate a pilot Title IV-E Guardianship Assistance Program in two circuits in this state.

371160

The program will provide payments at a rate of $333 per month for persons who meet the Title IV-E eligibility requirements as outlined in s. 473(d)(1)(A) of the Social Security Act.

(2) For purposes of administering this program, the term:

(a) "Child" means an individual who has not attained 21 years of age.

(b) "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(c) "Fictive kin" means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

(3) Caregivers enrolled in the Relative Caregiver or Nonrelative Caregiver Program prior to August 1, 2018, are not eligible to participate in the Title IV-E Guardianship Assistance Program pilot. Effective August 1, 2018, eligible caregivers enrolled in the pilot may not simultaneously have payments made on the child's behalf through the Relative Caregiver Program under s. 39.5085, postsecondary education services and supports under s. 409.1451, or child-only cash assistance under chapter 414.

(4) Notwithstanding s. 39.5085, in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, the Relative Caregiver Program will discontinue accepting applications effective July 31, 2018.

(5) Notwithstanding s. 409.145(4), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, the room and board rate for guardians who are eligible for the program will be $333 per month.

371160

(6) Notwithstanding s. 409.175(11)(a), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, an exception of licensing standards may be provided for those standards where a waiver has been granted.

Section 15. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; specifying that implementation of the family-finding program is contingent upon the appropriation of funds by the Legislature; specifying when family is required; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring

997 determinations by the court; requiring the department
998 to adopt rules; amending s. 39.402, F.S.; requiring
999 the court to request that parents consent to providing
1000 access to additional records; upon implementation of
1001 the family-finding program, requiring a judge to
1002 appoint a surrogate parent for certain children;
1003 requiring the court to place on the record its
1004 determinations regarding the department's or the
1005 community-based lead agency's reasonable engagement in
1006 family finding; providing guidelines for determining
1007 reasonableness; amending ss. 39.506; upon
1008 implementation of the family-finding program,
1009 requiring the court to make a determination regarding
1010 the department's or the community-based lead agency's
1011 reasonable engagement in family finding; providing
1012 guidelines for determining reasonableness; amending s.
1013 39.507, F.S.; upon implementation of the family-
1014 finding program, requiring the court to make a
1015 determination regarding the department's or the
1016 community-based lead agency's reasonable engagement in
1017 family finding; providing guidelines for determining
1018 reasonableness; requiring the court to advise parents
1019 that their parental rights may be terminated and the
1020 child's out-of-home placement may become permanent
1021 under certain circumstances; amending s. 39.5085,
1022 F.S.; providing legislative findings and intent;
1023 defining terms; providing the purpose of a kinship
1024 navigator program; contingent upon the appropriation
1025 of funds by the Legislature, requiring each community-

based care lead agency to establish a kinship navigator program; providing requirements for programs; requiring the department to adopt rules; deleting provisions related to the Relative Caregiver Program; amending s. 39.521, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process; upon implementation of the family-finding program, requiring that documentation of the family-finding efforts of the department and the community-based care lead agency be included in certain case plans; amending s. 39.604, F.S.; revising legislative findings and intent; revising enrollment and attendance requirements for children in an early education or child care program; conforming cross-references; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care, or subsequent changes in out-of-home placement; requiring that a child's transition from a child care or early education program be pursuant to a plan that meets certain requirements; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster

care to consult with the young adult when updating the case plan and the transition plan and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court to appoint a surrogate parent if the child is under the age of school entry; upon implementation of the family-finding program, requiring the court to determine if the department and community-based lead agency has continued to reasonably engage in family finding; providing guidelines for determining the level of reasonableness; amending s. 409.166, F.S.; defining terms; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for other specified benefits and services; providing additional conditions for eligibility for adoption assistance; amending ss. 414.045 and 1009.25, F.S.; conforming provisions to changes made by the act; contingent upon the appropriation of funds by the Legislature, requiring the Department of Children and Families to create a pilot Title IV-E Guardianship Assistance Program; providing definitions; specifying eligibility and limitations; requiring the Relative Caregiver Program to discontinue accepting applications in certain circuits by a specified date; establishing a room and board rate for guardians in

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certain circuits who are eligible for the program;
providing an exception to licensing standards in certain circuits under certain circumstances;
providing effective dates.

614878

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Flores) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Effective January 1, 2019, section 39.4015, Florida Statutes, is created to read:

39.4015 Family finding.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that every child who is in out-of-home care has the goal of finding a permanent home, whether

614878

achieved by reunifying the child with his or her parents or finding another permanent connection, such as adoption or legal guardianship with a relative or nonrelative who has a significant relationship with the child.

(b) The Legislature finds that while legal permanency is important to a child in out-of-home care, emotional permanency helps increase the likelihood that children will achieve stability and well-being and successfully transition to independent adulthood.

(c) The Legislature also finds that research has consistently shown that placing a child within his or her own family reduces the trauma of being removed from his or her home, is less likely to result in placement disruptions, and enhances prospects for finding a permanent family if the child cannot return home.

(d) The Legislature further finds that the primary purpose of family finding is to facilitate legal and emotional permanency for children who are in out-of-home care by finding and engaging their relatives.

(e) It is the intent of the Legislature that every child in out-of-home care be afforded the advantages that can be gained from the use of family finding to establish caring and long-term or permanent connections and relationships for children and youth in out-of-home care, as well as to establish a long-term emotional support network with family members and other adults who may not be able to take the child into their home but who want to stay connected with the child.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Diligent efforts" means the use of methods and

techniques including, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

(b) "Family finding" means an intensive relative search and engagement technique used in identifying family and other close adults for children in out-of-home care and involving them in developing and carrying out a plan for the emotional and legal permanency of a child.

(c) "Family group decisionmaking" is a generic term that includes a number of approaches in which family members and fictive kin are brought together to make decisions about how to care for their children and develop a plan for services. The term includes family team conferencing, family team meetings, family group conferencing, family team decisionmaking, family unity meetings, and team decisionmaking, which may consist of several phases and employ a trained facilitator or coordinator.

(d) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(3) FAMILY-FINDING PROGRAM.—The department, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, shall develop a formal family-finding program to be implemented statewide by child protective investigators and community-based care lead agencies. Implementation of the program is contingent upon the appropriation of funds by the Legislature specifically for the program.

(a) Family finding is required as soon as a child comes to

614878

the attention of the department and throughout the duration of the case, and finding and engaging with as many family members and fictive kin as possible for each child who may help with care or support for the child is considered a best practice. The department or community-based care lead agency must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement may include, but are not limited to, asking the relatives and kin to:

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;

2. Attend visitations with the child;

3. Assist in transportation of the child;

4. Provide respite or child care services; or

5. Provide actual kinship care.

(b) The department and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond basic searching tools by exploring alternative tools and methodologies. Efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and kin.

2. Identifying and building positive connections between the child and the child's relatives and fictive kin.

3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child

welfare system, when appropriate.

4. Maintaining family connections, when possible.

5. Keeping siblings together in care, when in the best interest of each child and when possible.

(c) A basic computer search using the Internet or attempts to contact known relatives at a last known address or telephone number do not constitute effective family finding.

(d) The court's inquiry and determination regarding family finding should be made at each stage of the case, including a shelter hearing conducted pursuant to s. 39.402. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and the amount of time the department or community-based care lead agency has had to begin or continue the process.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

Section 2. Paragraphs (c) and (d) of subsection (11) of section 39.402, Florida Statutes, and subsection (17) of that section are amended to read:

39.402 Placement in a shelter.—

(11)

(c) The court shall request that the parents consent to provide access to the child's child care records, early education program records, or other educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds

614878

consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b). If the child is under the age of school entry, the court must make the appointment.

(17) At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child. Upon implementation of the program authorized under s. 39.4015, the court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 3. Present subsection (9) of section 39.506, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

39.506 Arraignment hearings.—

(9) Upon implementation of the program authorized under s. 39.4015, the court shall review whether the department or

community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 4. Paragraphs (c) and (d) of subsection (7) of section 39.507, Florida Statutes, are amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. ~~The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.~~ The parent or parents shall provide to the court and all parties identification and location information of the relatives. Upon implementation of the program authorized under s. 39.4015, the court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

(d) The court shall advise the parents that, if they fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home

placement may become permanent.

Section 5. Section 39.5086, Florida Statutes, is created to read:

39.5086 Kinship navigator programs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that an increasing number of relatives and fictive kin are assuming the responsibility of raising children because the parents of these children are unable to care for them.

(b) The Legislature also finds that these kinship caregivers perform a vital function by providing homes for children who would otherwise be at risk of foster care placement and that kinship care is a crucial option in the spectrum of out-of-home care available to children in need.

(c) The Legislature finds that children living with kinship caregivers experience increased placement stability, are less likely to reenter care if they are reunified with their parents, and have better behavioral and mental health outcomes.

(d) The Legislature further finds that these kinship caregivers may face a number of difficulties and need assistance to support the health and well-being of the children in their care. These needs include, but are not limited to, financial assistance, legal assistance, respite care, child care, specialized training, and counseling.

(e) It is the intent of the Legislature to provide for the establishment and implementation of procedures and protocols that are likely to increase and adequately support appropriate and safe kinship care placements.

(2) DEFINITIONS.—As used this section, the term:

(a) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(b) "Kinship care" means the full-time care of a child placed in out-of-home care by the court in the home of a relative or fictive kin.

(c) "Kinship navigator program" means a statewide program designed to ensure that kinship caregivers are provided with necessary resources for the preservation of the family.

(d) "Relative" means an individual who is caring full time for a child placed in out-of-home care by the court and who:

1. Is related to the child within the fifth degree by blood or marriage to the parent or stepparent of the child; or

2. Is related to a half-sibling of that child within the fifth degree by blood or marriage to the parent or stepparent.

(3) PURPOSE AND SERVICES.—

(a) The purpose of a kinship navigator program is to help relative caregivers and fictive kin in the child welfare system to navigate the broad range of services available to them and the children from public, private, community, and faith-based organizations.

(b) Contingent upon a specific appropriation, effective January 1, 2019, each community-based care lead agency shall establish a kinship navigator program. In order to meet the requirements of a kinship navigator program, the program must:

1. Be coordinated with other state or local agencies that promote service coordination or provide information and referral services, including any entities that participate in the Florida

211 Network, to avoid duplication or fragmentation of services to kinship care families;

2. Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;

3. Establish a toll-free telephone hotline to provide information to link kinship caregivers, kinship support group facilitators, and kinship service providers to:

a. One another;

b. Eligibility and enrollment information for federal, state, and local benefits;

c. Relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

d. Relevant knowledge related to legal options available for child custody, other legal assistance, and help in obtaining legal services.

4. Provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and

5. Promote partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant governmental agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

Section 6. Paragraph (e) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(e) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child’s removal from his or her home, if no review hearing has been held since the child’s removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the

614878

child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order must ~~shall~~ include the reasons for such a decision and, upon implementation of the program authorized under s. 39.4015, ~~shall include~~ a written determination as to whether ~~diligent efforts were made by~~ the department and the community-based care lead agency reasonably engaged in family finding in attempting to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the

614878

department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

~~For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's child care, early education program, or any other educational placement, and to promote family preservation or reunification whenever possible.

Section 7. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 39.6012, Florida Statutes, are amended to read:

39.6012 Case plan tasks; services.—

(2) The case plan must include all available information that is relevant to the child's care including, at a minimum:

(b) A description of the plan for ensuring that the child receives safe and proper care and that services are provided to the child in order to address the child's needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial review process:

1. The names and addresses of the child's health, mental health, and educational providers;

2. The child's grade level performance;

3. The child's school record or, if the child is under the age of school entry, any records from a child care program, early education program, or preschool program;

4. Documentation of compliance or noncompliance with the attendance requirements under s. 39.604, if the child is enrolled in a child care program, early education program, or preschool program;

5.~~4.~~ Assurances that the child's placement takes into account proximity to the school in which the child is enrolled at the time of placement;

6. ~~5. A record of~~ The child's immunizations;

7.~~6.~~ The child's known medical history, including any known health problems;

8.~~7.~~ The child's medications, if any; and

9.~~8.~~ Any other relevant health, mental health, and education information concerning the child.

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

(a) A description of the type of placement in which the child is to be living and, if the child has been placed with the department and the program as authorized under s. 39.4015 has been implemented, whether the department and the community-based care lead agency have reasonably engaged in family finding to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

Section 8. Section 39.604, Florida Statutes, is amended to read:

39.604 Rilya Wilson Act; short title; legislative intent;

614878

requirements; attendance; stability and transitions ~~reporting responsibilities~~.—

(1) SHORT TITLE.—This section may be cited as the "Rilya Wilson Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that children from birth to age 5 years are particularly vulnerable to maltreatment and that they enter out-of-home care in disproportionately high numbers.

(b) The Legislature also finds that children who are abused or neglected are at high risk of experiencing physical and mental health problems and problems with language and communication, cognitive development, and social and emotional development.

(c) The Legislature also finds that providing early intervention and services, as well as quality child care and early education programs to support the healthy development of these young children, can have positive effects that last throughout childhood and into adulthood.

(d) The Legislature also finds that the needs of each of these children are unique, and while some children may be best served by a quality child care or early education program, others may need more attention and nurturing that can best be provided by a stay-at-home caregiver ~~The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems~~.

(e) It is the intent of the Legislature that children who are ~~currently~~ in out-of-home ~~the~~ care ~~of the state~~ be provided with an age-appropriate developmental child care or early

614878

education arrangement that is in the best interest of the child ~~education program~~ to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) REQUIREMENTS.—

1. A child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency, and~~ enrolled in an ~~a licensed~~ early education or child care program must attend the program 5 days a week unless the court grants an exception due to the court determining it is in the best interest of a child from birth to age 3 years:

a. With a stay-at-home caregiver to remain at home.

b. With a caregiver who works less than full time to attend an early education or child care program fewer than 5 days a week.

2. Notwithstanding s. 39.202, the department ~~of Children and Families~~ must notify operators of an ~~the licensed~~ early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child from birth to the age of school entry, under court-ordered protective supervision or in out-of-home care. If ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency. When~~ a child is enrolled in an early education or child care program ~~regulated by the department~~, the child's attendance in the program must be a required task ~~action~~ in the safety plan or the case plan developed for the child pursuant to this chapter. ~~An exemption to participating in the licensed early education or child care~~

614878

~~program 5 days a week may be granted by the court.~~

(4) ATTENDANCE ~~AND REPORTING REQUIREMENTS~~.—

1.~~(a)~~ A child enrolled in an ~~a licensed~~ early education or child care program who meets the requirements of paragraph (b) ~~subsection (3)~~ may not be withdrawn from the program without the prior written approval of the department ~~Family Safety Program Office of the Department of Children and Families~~ or the community-based care lead agency.

2.a.~~(b)1.~~ If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the ~~local designated staff of the Family Safety Program Office of the~~ department ~~of Children and Families~~ or the community-based care lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absence.

b.~~2.~~ The department or community-based care lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

c.~~3.~~ If the site visit results in a determination that the child is missing, the department or community-based care lead agency shall follow the procedure set forth in s. 39.0141 ~~report the child as missing to a law enforcement agency and proceed~~

614878

~~with the necessary actions to locate the child pursuant to procedures for locating missing children~~.

d.~~4.~~ If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the ~~licensed~~ early education or child care program is a violation of the safety plan or the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall ~~initiate action to~~ notify the court of the parent or caregiver's noncompliance with the case plan.

(5) EDUCATIONAL STABILITY.—Just as educational stability is important for school-age children, it is also important to minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care or subsequent changes in out-of-home placement.

(a) A child must be allowed to remain in the child care or early educational setting that he or she attended before entry into out-of-home care, unless the program is not in the best interest of the child.

(b) If it is not in the best interest of the child for him or her to remain in his or her child care or early education setting upon entry into out-of-home care, the caregiver must work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 402.281, a provider

participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and non-public schools.

(c) The department and providers of early care and education shall develop protocols to ensure continuity if children are required to leave a program because of a change in out-of-home placement.

(6) TRANSITIONS.—In the absence of an emergency, if a child from birth to school age leaves a child care or early education program, the transition must be pursuant to a plan that involves cooperation and sharing of information among all persons involved, that respects the child's developmental stage and associated psychological needs, and that allows for a gradual transition from one setting to another.

Section 9. Paragraph (b) of subsection (6) and subsection (7) of section 39.6251, Florida Statutes, are amended to read:

39.6251 Continuing care for young adults.—

(6) A young adult who is between the ages of 18 and 21 and who has left care may return to care by applying to the community-based care lead agency for readmission. The community-based care lead agency shall readmit the young adult if he or she continues to meet the eligibility requirements in this section.

(b) Within 30 days after the young adult has been readmitted to care, the community-based care lead agency shall assign a case manager to update the case plan and the transition plan and to arrange for the required services. Updates to the case plan and the transition plan and arrangements for the

614878

required services ~~Such activities~~ shall be undertaken in consultation with the young adult. The department shall petition the court to reinstate jurisdiction over the young adult. Notwithstanding s. 39.013(2), the court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.

(7) During each period of time that a young adult is in care, the community-based lead agency shall provide regular case management reviews that must include at least monthly contact with the case manager. ~~If a young adult lives outside the service area of his or her community-based care lead agency, monthly contact may occur by telephone.~~

Section 10. Paragraph (c) of subsection (2) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF AGE.—

(c) *Review determinations.*—The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem or surrogate parent for educational decisionmaking if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be

received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

1. If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

2. If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

3. If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

4. Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016. If the child is under the age of school entry, the court must make the appointment.

5. The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

6. The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and

614878

results of the parent-child visitation and the reason for any noncompliance.

7. The frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interest of the child.

8. The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply, if applicable.

9. Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement, as documented by assurances from the community-based care provider that:

a. The placement of the child takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

b. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

10. Upon implementation of the program authorized under s. 39.4015, whether the department or community-based care lead

agency continues to reasonably engage in family finding. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to continue the process.

11. ~~10.~~ A projected date likely for the child's return home or other permanent placement.

12. ~~11.~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

13. ~~12.~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living. For a child who is 15 years of age or older, the court shall determine if appropriate steps are being taken for the child to obtain a driver license or learner's driver license.

14. ~~13.~~ If amendments to the case plan are required. Amendments to the case plan must be made as provided in ~~under~~ s. 39.6013.

Section 11. Subsections (4) and (5) of section 409.166, Florida Statutes, are amended to read:

409.166 Children within the child welfare system; adoption assistance program.—

(4) ADOPTION ASSISTANCE.—

(a) For purposes of administering payments under paragraph (d), the term:

1. "Child" means an individual who has not attained 21 years of age.

614878

2. "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(b) ~~(a)~~ A maintenance subsidy shall be granted only when all other resources available to a child have been thoroughly explored and it can be clearly established that this is the most acceptable plan for providing permanent placement for the child. The maintenance subsidy may not be used as a substitute for adoptive parent recruitment or as an inducement to adopt a child who might be placed without providing a subsidy. However, it shall be the policy of the department that no child be denied adoption if providing a maintenance subsidy would make adoption possible. The best interest of the child shall be the deciding factor in every case. This section does not prohibit foster parents from applying to adopt a child placed in their care. Foster parents or relative caregivers must be asked if they would adopt without a maintenance subsidy.

(c) ~~(b)~~ The department shall provide adoption assistance to the adoptive parents, subject to specific appropriation, in the amount of $5,000 annually, paid on a monthly basis, for the support and maintenance of a child until the 18th birthday of such child or in an amount other than $5,000 annually as determined by the adoptive parents and the department and memorialized in a written agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adoptive parents and the needs of the child being adopted. The amount of subsidy may be adjusted based upon changes in the needs of the child or circumstances of the adoptive parents. Changes may ~~shall~~ not be made without the concurrence of the adoptive parents. However, in no case shall

614878

the amount of the monthly payment exceed the foster care maintenance payment that would have been paid during the same period if the child had been in a foster family home.

(d) Contingent upon a specific appropriation, adoption assistance payments may be made for a child up to 21 years of age whose adoptive parent entered into an initial adoption assistance agreement after the child reached 16 years of age but before the child reached 18 years of age if the child is:

1. Completing secondary education or a program leading to an equivalent credential;

2. Enrolled in an institution that provides postsecondary or vocational education;

3. Participating in a program or activity designed to promote or eliminate barriers to employment;

4. Employed for at least 80 hours per month; or

5. Unable to participate in programs or activities listed in subparagraphs 1.-4. full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records.

(e) A child or young adult receiving benefits through the adoption assistance program is not eligible to simultaneously receive relative caregiver benefits under s. 39.5085 or postsecondary education services and support under s. 409.1451.

(f) ~~(e)~~ The department may provide adoption assistance to the adoptive parents, subject to specific appropriation, for medical assistance initiated after the adoption of the child for medical, surgical, hospital, and related services needed as a

614878

result of a physical or mental condition of the child which existed before the adoption and is not covered by Medicaid, Children's Medical Services, or Children's Mental Health Services. Such assistance may be initiated at any time but shall terminate on or before the child's 18th birthday.

(5) ELIGIBILITY FOR SERVICES.—

(a) As a condition of providing adoption assistance under this section and before the adoption is finalized, the adoptive parents must have an approved adoption home study and must enter into an adoption-assistance agreement with the department which specifies the financial assistance and other services to be provided.

(b) A child who is handicapped at the time of adoption is ~~shall be~~ eligible for services through the Children's Medical Services network established under part I of chapter 391 if the child was eligible for such services before ~~prior to~~ the adoption.

Section 12. (1) Contingent upon a specific appropriation, effective August 1, 2018, the Department of Children and Families shall establish and operate a pilot Title IV-E Guardianship Assistance Program in two circuits in this state. The program will provide payments at a rate of $333 per month for persons who meet the Title IV-E eligibility requirements as outlined in s. 473(d)(1)(A) of the Social Security Act.

(2) For purposes of administering this program, the term:

(a) "Child" means an individual who has not attained 21 years of age.

(b) "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(c) "Fictive kin" means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

(3) Caregivers enrolled in the Relative Caregiver or Nonrelative Caregiver Program prior to August 1, 2018, are not eligible to participate in the Title IV-E Guardianship Assistance Program pilot. Effective August 1, 2018, eligible caregivers enrolled in the pilot may not simultaneously have payments made on the child's behalf through the Relative Caregiver Program under s. 39.5085, postsecondary education services and supports under s. 409.1451, or child-only cash assistance under chapter 414.

(4) Notwithstanding s. 409.145(4), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, the room and board rate for guardians who are eligible for the program will be $333 per month.

(5) Notwithstanding s. 409.175(11)(a), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, an exception of licensing standards may be provided for those standards where a waiver has been granted.

Section 13. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

614878

An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; specifying that implementation of the family-finding program is contingent upon the appropriation of funds by the Legislature; specifying when family is required; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring determinations by the court; requiring the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; upon implementation of the family-finding program, requiring a judge to appoint a surrogate parent for certain children; requiring the court to place on the record its determinations regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending ss. 39.506; upon implementation of the family-finding program,

614878

requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending s. 39.507, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; requiring the court to advise parents that their parental rights may be terminated and the child's out-of-home placement may become permanent under certain circumstances; creating s. 39.5086, F.S.; providing legislative findings and intent; defining terms; providing the purpose of a kinship navigator program; contingent upon the appropriation of funds by the Legislature, requiring each community-based care lead agency to establish a kinship navigator program; providing requirements for programs; requiring the department to adopt rules; amending s. 39.521, F.S.; upon implementation of the family-finding program, requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process;

614878

upon implementation of the family-finding program, requiring that documentation of the family-finding efforts of the department and the community-based care lead agency be included in certain case plans; amending s. 39.604, F.S.; revising legislative findings and intent; revising enrollment and attendance requirements for children in an early education or child care program; conforming cross-references; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care, or subsequent changes in out-of-home placement; requiring that a child's transition from a child care or early education program be pursuant to a plan that meets certain requirements; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult with the young adult when updating the case plan and the transition plan and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court to appoint a surrogate parent if the child is under the age of school entry; upon implementation of the family-finding program, requiring the court to determine if the department and community-based lead agency has continued to reasonably engage in family finding; providing guidelines for determining the level of reasonableness; amending s. 409.166, F.S.; defining terms; providing conditions for the

614878

department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for other specified benefits and services; providing additional conditions for eligibility for adoption assistance; contingent upon the appropriation of funds by the Legislature, requiring the Department of Children and Families to create a pilot Title IV-E Guardianship Assistance Program; providing definitions; specifying eligibility and limitations; establishing a room and board rate for guardians in certain circuits who are eligible for the program; providing an exception to licensing standards in certain circuits under certain circumstances; providing effective dates.

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576-03513-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; requiring the implementation of family finding by a specified date; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring determinations by the court; requiring the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; requiring a judge to appoint a surrogate parent for certain children; requiring the court to place on the record its determinations regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending ss. 39.506; requiring the court to make a determination regarding the

608810

576-03513-18

department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending s. 39.507, F.S.; requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; requiring the court to advise parents that their parental rights may be terminated and the child's out-of-home placement may become permanent under certain circumstances; amending s. 39.5085, F.S.; providing legislative findings and intent; defining terms; requiring the department to provide financial assistance to kinship caregivers who meet certain requirements; providing eligibility criteria for such financial assistance; providing that children living with caregivers who are receiving financial assistance are eligible for Medicaid coverage; providing the purpose of a kinship navigator program; requiring each community-based care lead agency to establish a kinship navigator program by a certain date; providing requirements for programs; requiring the department to adopt rules; deleting provisions related to the Relative Caregiver Program; amending s. 39.521, F.S.; requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; conforming provisions to changes made

by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan and updated throughout the judicial review process; requiring that documentation of the family-finding efforts of the department and the community-based care lead agency be included in certain case plans; amending s. 39.604, F.S.; revising legislative findings and intent; revising enrollment and attendance requirements for children in an early education or child care program; conforming cross-references; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care, or subsequent changes in out-of-home placement; requiring that a child's transition from a child care or early education program be pursuant to a plan that meets certain requirements; amending s. 39.6251, F.S.; requiring the case manager for a young adult in foster care to consult with the young adult when updating the case plan and the transition plan and arrangements; deleting a provision authorizing case management reviews to be conducted by telephone under certain circumstances; amending s. 39.701, F.S.; requiring the court to appoint a surrogate parent if the child is under the age of school entry; requiring the court to determine if the department and community-based lead agency has continued to reasonably engage in family finding; providing guidelines for determining the level of reasonableness; amending s. 409.166, F.S.;

defining terms; providing conditions for the department to provide adoption assistance payments to adoptive parents of certain children; providing that children and young adults receiving benefits through the adoption assistance program are ineligible for other specified benefits and services; providing additional conditions for eligibility for adoption assistance; amending ss. 414.045 and 1009.25, F.S.; conforming provisions to changes made by the act; requiring the Department of Children and Families to create a pilot Title IV-E Guardianship Assistance Program; providing definitions; specifying eligibility and limitations; requiring the Relative Caregiver Program to discontinue accepting applications in certain circuits by a specified date; establishing a room and board rate for guardians in certain circuits who are eligible for the program; providing an exception to licensing standards in certain circuits under certain circumstances; providing effective dates.

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

Section 1. Effective January 1, 2019, section 39.4015, Florida Statutes, is created to read:

39.4015 Family finding.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that every child who is in out-of-home care has the goal of finding a permanent home, whether

achieved by reunifying the child with his or her parents or finding another permanent connection, such as adoption or legal guardianship with a relative or nonrelative who has a significant relationship with the child.

(b) The Legislature finds that while legal permanency is important to a child in out-of-home care, emotional permanency helps increase the likelihood that children will achieve stability and well-being and successfully transition to independent adulthood.

(c) The Legislature also finds that research has consistently shown that placing a child within his or her own family reduces the trauma of being removed from his or her home, is less likely to result in placement disruptions, and enhances prospects for finding a permanent family if the child cannot return home.

(d) The Legislature further finds that the primary purpose of family finding is to facilitate legal and emotional permanency for children who are in out-of-home care by finding and engaging their relatives.

(e) It is the intent of the Legislature that every child in out-of-home care be afforded the advantages that can be gained from the use of family finding to establish caring and long-term or permanent connections and relationships for children and youth in out-of-home care, as well as to establish a long-term emotional support network with family members and other adults who may not be able to take the child into their home but who want to stay connected with the child.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Diligent efforts" means the use of methods and

techniques including, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

(b) "Family finding" means an intensive relative search and engagement technique used in identifying family and other close adults for children in out-of-home care and involving them in developing and carrying out a plan for the emotional and legal permanency of a child.

(c) "Family group decisionmaking" is a generic term that includes a number of approaches in which family members and fictive kin are brought together to make decisions about how to care for their children and develop a plan for services. The term includes family team conferencing, family team meetings, family group conferencing, family team decisionmaking, family unity meetings, and team decisionmaking, which may consist of several phases and employ a trained facilitator or coordinator.

(d) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(3) FAMILY-FINDING PROGRAM.—The department, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, shall develop a formal family-finding program to be implemented statewide by child protective investigators and community-based care lead agencies.

(a) Family finding is required as soon as a child comes to the attention of the department and throughout the duration of the case, and finding and engaging with as many family members

and fictive kin as possible for each child who may help with care or support for the child is considered a best practice. The department or community-based care lead agency must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement may include, but are not limited to, asking the relatives and kin to:

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;

2. Attend visitations with the child;

3. Assist in transportation of the child;

4. Provide respite or child care services; or

5. Provide actual kinship care.

(b) The department and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond basic searching tools by exploring alternative tools and methodologies. Efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and kin.

2. Identifying and building positive connections between the child and the child's relatives and fictive kin.

3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate.

4. Maintaining family connections, when possible.

5. Keeping siblings together in care, when in the best interest of each child and when possible.

(c) A basic computer search using the Internet or attempts to contact known relatives at a last known address or telephone number do not constitute effective family finding.

(d) The court's inquiry and determination regarding family finding should be made at each stage of the case, including a shelter hearing conducted pursuant to s. 39.402. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and the amount of time the department or community-based care lead agency has had to begin or continue the process.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

Section 2. Paragraphs (c) and (d) of subsection (11) of section 39.402, Florida Statutes, and subsection (17) of that section are amended to read:

39.402 Placement in a shelter.—

(11)

(c) The court shall request that the parents consent to provide access to the child's child care records, early education program records, or other educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the

court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b). If the child is under the age of school entry, the court must make the appointment.

(17) At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 3. Present subsection (9) of section 39.506, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

39.506 Arraignment hearings.—

(9) The court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or

community-based care lead agency has had to begin or continue the process.

Section 4. Paragraphs (c) and (d) of subsection (7) of section 39.507, Florida Statutes, are amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. ~~The court shall advise the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.~~ The parent or parents shall provide to the court and all parties identification and location information of the relatives. The court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

(d) The court shall advise the parents that, if they fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.

Section 5. Effective January 1, 2019, section 39.5085, Florida Statutes, is amended to read:

39.5085 Kinship Care ~~Relative Caregiver~~ Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that an increasing number of relatives and fictive kin are assuming the responsibility of raising children because the parents of these children are unable to care for them.

(b) The Legislature also finds that these kinship caregivers perform a vital function by providing homes for children who would otherwise be at risk of foster care placement and that kinship care is a crucial option in the spectrum of out-of-home care available to children in need.

(c) The Legislature finds that children living with kinship caregivers experience increased placement stability, are less likely to reenter care if they are reunified with their parents, and have better behavioral and mental health outcomes.

(d) The Legislature further finds that these kinship caregivers may face a number of difficulties and need assistance to support the health and well-being of the children they care for. These needs include, but are not limited to, financial assistance, legal assistance, respite care, child care, specialized training, and counseling.

(e) It is the intent of the Legislature to provide for the establishment and implementation of procedures and protocols that are likely to increase and adequately support appropriate and safe kinship care placements.

(2) DEFINITIONS.—As used this section, the term:

(a) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(b) "Kinship care" means the full-time care of a child

placed in out-of-home care by the court in the home of a relative or fictive kin.

(c) "Kinship navigator program" means a statewide program designed to ensure that kinship caregivers are provided with necessary resources for the preservation of the family.

(d) "Relative" means an individual who is caring full time for a child placed in out-of-home care by the court and who:

1. Is related to the child within the fifth degree by blood or marriage to the parent or stepparent of the child; or

2. Is related to a half-sibling of that child within the fifth degree by blood or marriage to the parent or stepparent.

(3) FINANCIAL ASSISTANCE.—The department shall provide financial assistance to all caregivers who qualify under this subsection.

(a) Relatives or fictive kin caring for a child who has been placed with them by the court shall receive a monthly caregiver benefit, beginning when the child is placed with them. The amount of the benefit payment is based on the child's age within a payment schedule established by rule of the department. The cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.

(b) Caregivers who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services, as needed.

(c) Caregivers who qualify for and receive assistance under this section are not required to meet foster care licensing requirements under s. 409.175.

(d) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(d) A caregiver may not receive a benefit payment if the parent or stepparent of the child resides in the home. However, a caregiver may receive the benefit payment for a minor parent who is in his or her care, as well as for the minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is receiving a benefit payment when a parent, other than an eligible minor parent, or stepparent moves into the home, the payment must be terminated no later than the first day of the month following the move, allowing for 10-day notice of adverse action.

(e) Children living with caregivers who are receiving assistance under this section are eligible for Medicaid coverage.

(4) ADDITIONAL ASSISTANCE AND SERVICES.—

(a) The purpose of a kinship navigator program is to help relative caregivers and fictive kin in the child welfare system to navigate the broad range of services available to them and the children from public, private, community, and faith-based organizations.

(b) By January 1, 2019, each community-based care lead agency shall establish a kinship navigator program. In order to meet the requirements of a kinship navigator program, the

program must:

1. Be coordinated with other state or local agencies that promote service coordination or provide information and referral services, including any entities that participate in the Florida 211 Network, to avoid duplication or fragmentation of services to kinship care families;

2. Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;

3. Establish a toll-free telephone hotline to provide information to link kinship caregivers, kinship support group facilitators, and kinship service providers to:

a. One another;

b. Eligibility and enrollment information for federal, state, and local benefits;

c. Relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

d. Relevant knowledge related to legal options available for child custody, other legal assistance, and help in obtaining legal services.

4. Provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and

5. Promote partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant governmental agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

(5) RULEMAKING.—The department shall adopt rules to implement this section.

~~(1) It is the intent of the Legislature in enacting this section to:~~

~~(a) Provide for the establishment of procedures and protocols that serve to advance the continued safety of children by acknowledging the valued resource uniquely available through grandparents, relatives of children, and specified nonrelatives of children pursuant to subparagraph (2)(a)3.~~

~~(b) Recognize family relationships in which a grandparent or other relative is the head of a household that includes a child otherwise at risk of foster care placement.~~

~~(c) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.~~

~~(d) Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including permanent guardianship under s. 39.6221 if the guardian is a relative, by permanent placement with a fit and willing relative under s. 39.6231, by a relative, guardianship under chapter 744, or adoption, by providing additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.~~

~~(e) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which~~

~~children do not have the option for safe, stable care within the family.~~

~~(f) Recognize that a child may have a close relationship with a person who is not a blood relative or a relative by marriage and that such person should be eligible for financial assistance under this section if he or she is able and willing to care for the child and provide a safe, stable home environment.~~

~~(2)(a) The Department of Children and Families shall establish, operate, and implement the Relative Caregiver Program by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:~~

~~1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~3. Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or~~

~~abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best interest of the child.~~

~~4. A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the Relative Caregiver Program payment for a minor parent who is in his or her care, as well as for the minor parent's child, if both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the Relative Caregiver Program payment must be terminated no later than the first of the following month after the parent or stepparent moves into the home, allowing for 10-day notice of adverse action.~~

~~The placement may be court-ordered temporary legal custody to the relative or nonrelative under protective supervision of the department pursuant to s. 39.521(1)(c)3., or court-ordered placement in the home of a relative or nonrelative as a permanency option under s. 39.6221 or s. 39.6231 or under former s. 39.622 if the placement was made before July 1, 2006. The Relative Caregiver Program shall offer financial assistance to caregivers who would be unable to serve in that capacity without the caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.~~

~~(b) Caregivers who receive assistance under this section~~

~~must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.~~

~~(c) Relatives or nonrelatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.~~

~~(d) Relatives or nonrelatives who are caring for children placed with them by the court pursuant to this chapter shall receive a special monthly caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, and the cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.~~

~~(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.~~

~~(f) Within available funding, the Relative Caregiver Program shall provide caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, school readiness, and other available services in order~~

~~to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under this section shall be eligible for Medicaid coverage.~~

~~(g) The department may use appropriate available state, federal, and private funds to operate the Relative Caregiver Program. The department may develop liaison functions to be available to relatives or nonrelatives who care for children pursuant to this chapter to ensure placement stability in extended family settings.~~

Section 6. Paragraph (e) of subsection (1) of section 39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(e) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as

appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order must ~~shall~~ include the reasons for such a decision and ~~shall include~~ a written determination as to whether ~~diligent efforts were made by~~ the department and the community-based care lead agency reasonably engaged in family finding in attempting to locate an adult relative, legal custodian, or other adult willing to care

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576-03513-18

for the child in order to present that placement option to the court instead of placement with the department. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

~~For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's child care, early education program, or any other educational placement, and to promote family preservation or reunification whenever possible.

Section 7. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 39.6012, Florida Statutes, are amended to read:

39.6012 Case plan tasks; services.—

(2) The case plan must include all available information that is relevant to the child's care including, at a minimum:

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576-03513-18

(b) A description of the plan for ensuring that the child receives safe and proper care and that services are provided to the child in order to address the child's needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial review process:

1. The names and addresses of the child's health, mental health, and educational providers;

2. The child's grade level performance;

3. The child's school record or, if the child is under the age of school entry, any records from a child care program, early education program, or preschool program;

4. Documentation of compliance or noncompliance with the attendance requirements under s. 39.604, if the child is enrolled in a child care program, early education program, or preschool program;

5.~~4.~~ Assurances that the child's placement takes into account proximity to the school in which the child is enrolled at the time of placement;

6. ~~5. A record of~~ The child's immunizations;

7.~~6.~~ The child's known medical history, including any known health problems;

8.~~7.~~ The child's medications, if any; and

9.~~8.~~ Any other relevant health, mental health, and education information concerning the child.

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

(a) A description of the type of placement in which the

child is to be living and, if the child has been placed with the department, whether the department and the community-based care lead agency have reasonably engaged in family finding to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

Section 8. Section 39.604, Florida Statutes, is amended to read:

39.604 Rilya Wilson Act; short title; legislative intent; requirements; attendance; stability and transitions ~~reporting responsibilities~~.—

(1) SHORT TITLE.—This section may be cited as the "Rilya Wilson Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that children from birth to age 5 years are particularly vulnerable to maltreatment and that they enter out-of-home care in disproportionately high numbers.

(b) The Legislature also finds that children who are abused or neglected are at high risk of experiencing physical and mental health problems and problems with language and communication, cognitive development, and social and emotional development.

(c) The Legislature also finds that providing early intervention and services, as well as quality child care and early education programs to support the healthy development of these young children, can have positive effects that last throughout childhood and into adulthood.

(d) The Legislature also finds that the needs of each of these children are unique, and while some children may be best

served by a quality child care or early education program, others may need more attention and nurturing that can best be provided by a stay-at-home caregiver ~~The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems~~.

(e) It is the intent of the Legislature that children who are ~~currently~~ in out-of-home ~~the~~ care ~~of the state~~ be provided with an age-appropriate developmental child care or early education arrangement that is in the best interest of the child ~~education program~~ to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) REQUIREMENTS.—

1. A child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency, and~~ enrolled in an ~~a licensed~~ early education or child care program must attend the program 5 days a week unless the court grants an exception due to the court determining it is in the best interest of a child from birth to age 3 years:

a. With a stay-at-home caregiver to remain at home.

b. With a caregiver who works less than full time to attend an early education or child care program fewer than 5 days a week.

2. Notwithstanding s. 39.202, the department ~~of Children and Families~~ must notify operators of an ~~the licensed~~ early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child from

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576-03513-18

birth to the age of school entry, under court-ordered protective supervision or in out-of-home care. If ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency. When~~ a child is enrolled in an early education or child care program ~~regulated by the department~~, the child's attendance in the program must be a required task ~~action~~ in the safety plan or the case plan developed for the child pursuant to this chapter. ~~An exemption to participating in the licensed early education or child care program 5 days a week may be granted by the court.~~

(4) ATTENDANCE ~~AND REPORTING REQUIREMENTS~~.—

1.~~(a)~~ A child enrolled in an ~~a licensed~~ early education or child care program who meets the requirements of paragraph (b) ~~subsection (3)~~ may not be withdrawn from the program without the prior written approval of the department ~~Family Safety Program Office of the Department of Children and Families~~ or the community-based care lead agency.

2.a.~~(b)1.~~ If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the ~~local designated staff of the Family Safety Program Office of the~~ department ~~of Children and Families~~ or the community-based care lead agency by the end of the business day following the unexcused absence or

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576-03513-18

seventh consecutive excused absence.

b.~~2.~~ The department or community-based care lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

c.~~3.~~ If the site visit results in a determination that the child is missing, the department or community-based care lead agency shall follow the procedure set forth in s. 39.0141 ~~report the child as missing to a law enforcement agency and proceed with the necessary actions to locate the child pursuant to procedures for locating missing children~~.

d.~~4.~~ If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the ~~licensed~~ early education or child care program is a violation of the safety plan or the case plan. If more than two site visits are conducted pursuant to this subsection, staff shall ~~initiate action to~~ notify the court of the parent or caregiver's noncompliance with the case plan.

(5) EDUCATIONAL STABILITY.—Just as educational stability is important for school-age children, it is also important to minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care or subsequent changes in out-of-home placement.

(a) A child must be allowed to remain in the child care or early educational setting that he or she attended before entry into out-of-home care, unless the program is not in the best

interest of the child.

(b) If it is not in the best interest of the child for him or her to remain in his or her child care or early education setting upon entry into out-of-home care, the caregiver must work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 402.281, a provider participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and non-public schools.

(c) The department and providers of early care and education shall develop protocols to ensure continuity if children are required to leave a program because of a change in out-of-home placement.

(6) TRANSITIONS.—In the absence of an emergency, if a child from birth to school age leaves a child care or early education program, the transition must be pursuant to a plan that involves cooperation and sharing of information among all persons involved, that respects the child's developmental stage and associated psychological needs, and that allows for a gradual transition from one setting to another.

Section 9. Paragraph (b) of subsection (6) and subsection (7) of section 39.6251, Florida Statutes, are amended to read:

39.6251 Continuing care for young adults.—

(6) A young adult who is between the ages of 18 and 21 and who has left care may return to care by applying to the

community-based care lead agency for readmission. The community-based care lead agency shall readmit the young adult if he or she continues to meet the eligibility requirements in this section.

(b) Within 30 days after the young adult has been readmitted to care, the community-based care lead agency shall assign a case manager to update the case plan and the transition plan and to arrange for the required services. Updates to the case plan and the transition plan and arrangements for the required services ~~Such activities~~ shall be undertaken in consultation with the young adult. The department shall petition the court to reinstate jurisdiction over the young adult. Notwithstanding s. 39.013(2), the court shall resume jurisdiction over the young adult if the department establishes that he or she continues to meet the eligibility requirements in this section.

(7) During each period of time that a young adult is in care, the community-based lead agency shall provide regular case management reviews that must include at least monthly contact with the case manager. ~~If a young adult lives outside the service area of his or her community-based care lead agency, monthly contact may occur by telephone.~~

Section 10. Paragraph (c) of subsection (2) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF AGE.—

(c) *Review determinations.*—The court and any citizen review panel shall take into consideration the information contained in

the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem or surrogate parent for educational decisionmaking if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

1. If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

2. If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

3. If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

4. Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the

Individuals with Disabilities Education Act and s. 39.0016. If the child is under the age of school entry, the court must make the appointment.

5. The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

6. The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

7. The frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interest of the child.

8. The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply, if applicable.

9. Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement, as documented by assurances from the community-based care provider that:

a. The placement of the child takes into account the

appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

b. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

10. Whether the department or community-based care lead agency continues to reasonably engage in family finding. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to continue the process.

11. ~~10.~~ A projected date likely for the child's return home or other permanent placement.

12. ~~11.~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

13. ~~12.~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living. For a child who is 15 years of age or older, the court shall determine if appropriate steps are being taken for the child to obtain a driver license or learner's driver license.

14. ~~13.~~ If amendments to the case plan are required. Amendments to the case plan must be made as provided in ~~under~~ s. 39.6013.

Section 11. Subsections (4) and (5) of section 409.166,

Florida Statutes, are amended to read:

409.166 Children within the child welfare system; adoption assistance program.—

(4) ADOPTION ASSISTANCE.—

(a) For purposes of administering payments under paragraph (d), the term:

1. "Child" means an individual who has not attained 21 years of age.

2. "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(b) ~~(a)~~ A maintenance subsidy shall be granted only when all other resources available to a child have been thoroughly explored and it can be clearly established that this is the most acceptable plan for providing permanent placement for the child. The maintenance subsidy may not be used as a substitute for adoptive parent recruitment or as an inducement to adopt a child who might be placed without providing a subsidy. However, it shall be the policy of the department that no child be denied adoption if providing a maintenance subsidy would make adoption possible. The best interest of the child shall be the deciding factor in every case. This section does not prohibit foster parents from applying to adopt a child placed in their care. Foster parents or relative caregivers must be asked if they would adopt without a maintenance subsidy.

(c) ~~(b)~~ The department shall provide adoption assistance to the adoptive parents, subject to specific appropriation, in the amount of $5,000 annually, paid on a monthly basis, for the support and maintenance of a child until the 18th birthday of such child or in an amount other than $5,000 annually as

determined by the adoptive parents and the department and memorialized in a written agreement between the adoptive parents and the department. The agreement shall take into consideration the circumstances of the adoptive parents and the needs of the child being adopted. The amount of subsidy may be adjusted based upon changes in the needs of the child or circumstances of the adoptive parents. Changes may ~~shall~~ not be made without the concurrence of the adoptive parents. However, in no case shall the amount of the monthly payment exceed the foster care maintenance payment that would have been paid during the same period if the child had been in a foster family home.

(d) Effective January 1, 2019, adoption assistance payments may be made for a child whose adoptive parent entered into an adoption assistance agreement after the child reached 16 years of age but before the child reached 18 years of age if the child is:

1. Completing secondary education or a program leading to an equivalent credential;

2. Enrolled in an institution that provides postsecondary or vocational education;

3. Participating in a program or activity designed to promote or eliminate barriers to employment;

4. Employed for at least 80 hours per month; or

5. Unable to participate in programs or activities listed in subparagraphs 1.-4. full time due to a physical, intellectual, emotional, or psychiatric condition that limits participation. Any such barrier to participation must be supported by documentation in the child's case file or school or medical records.

(e) A child or young adult receiving benefits through the adoption assistance program is not eligible to simultaneously receive relative caregiver benefits under s. 39.5085 or postsecondary education services and support under s. 409.1451.

(f) ~~(c)~~ The department may provide adoption assistance to the adoptive parents, subject to specific appropriation, for medical assistance initiated after the adoption of the child for medical, surgical, hospital, and related services needed as a result of a physical or mental condition of the child which existed before the adoption and is not covered by Medicaid, Children's Medical Services, or Children's Mental Health Services. Such assistance may be initiated at any time but shall terminate on or before the child's 18th birthday.

(5) ELIGIBILITY FOR SERVICES.—

(a) As a condition of providing adoption assistance under this section and before the adoption is finalized, the adoptive parents must have an approved adoption home study and must enter into an adoption-assistance agreement with the department which specifies the financial assistance and other services to be provided.

(b) A child who is handicapped at the time of adoption is ~~shall be~~ eligible for services through the Children's Medical Services network established under part I of chapter 391 if the child was eligible for such services before ~~prior to~~ the adoption.

Section 12. Effective January 1, 2019, paragraph (b) of subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families

include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped into the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of CareerSource Florida, Inc., or to better inform the public of program progress.

(b) *Child-only cases.*—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. Children in the care of caretaker relatives, if the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Kinship Care ~~Relative Caregiver~~ Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an

adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual whose ability to participate in work activities is limited who volunteers to participate in work activities shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families in which the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other limitation of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be cared for in their own homes or in the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent funds have been provided in the General Appropriations Act.

Section 13. Paragraph (d) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a kinship caregiver ~~relative or nonrelative~~ under s. 39.5085 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

Section 14. (1) The Department of Children and Families shall establish and operate a pilot Title IV-E Guardianship Assistance Program in two circuits in Florida effective August 1, 2018. The program will provide payments at a rate of $333 per month for persons who meet the Title IV-E eligibility requirements as outlined in s. 473(d)(1)(A) of the Social

Security Act.

(2) For purposes of administering this program, the term:

(a) "Child" means an individual who has not attained 21 years of age.

(b) "Young adult" means an individual who has attained 18 years of age but who has not attained 21 years of age.

(c) "Fictive kin" means a person unrelated by birth, marriage, or adoption who has an emotionally significant relationship, which possesses the characteristics of a family relationship, to a child.

(3) Caregivers enrolled in the Relative Caregiver or Nonrelative Caregiver Program prior to August 1, 2018, are not eligible to participate in the Title IV-E Guardianship Assistance Program pilot. Effective August 1, 2018, eligible caregivers enrolled in the pilot may not simultaneously have payments made on the child's behalf through the Relative Caregiver Program under s. 39.5085, postsecondary education services and supports under s. 409.1451, or child-only cash assistance under chapter 414.

(4) Notwithstanding s. 39.5085, in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, the Relative Caregiver Program will discontinue accepting applications effective July 31, 2018.

(5) Notwithstanding s. 409.145(4), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is established, the room and board rate for guardians who are eligible for the program will be $333 per month.

(6) Notwithstanding s. 409.175(11)(a), in the two circuits where the Title IV-E Guardianship Assistance Program pilot is

1101 established, an exception of licensing standards may be provided
1102 for those standards where a waiver has been granted.
1103 Section 15. Except as otherwise expressly provided in this
1104 act, this act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 590
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senators Garcia and Campbell
SUBJECT:	Child Welfare
DATE:	February 27, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	**Fav/CS**
2.	Tulloch	Cibula	JU	**Favorable**
3.	Sneed	Williams	AHS	**Recommend: Fav/CS**
4.	Sneed	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 590 makes a number of changes to the laws relating to relative and nonrelative caregivers for children in out-of-home foster care. The most significant changes required by the bill are as follows:

- Contingent upon a specific appropriation, directing the Department of Children and Families (DCF or department), in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family finding program.
- Requiring court determination at each judicial hearing throughout the dependency process that the DCF or other appropriate agency engaged in family finding, if the family finding program is implemented.
- Contingent upon a specific appropriation, establishing kinship navigator programs by community-based care lead agencies to provide support and assistance to relative and nonrelative caregivers.
- Contingent upon a specific appropriation, extending the maintenance adoption subsidy to age 21 for eligible young adults.
- Contingent upon a specific appropriation, extending program services to age 21 for eligible young adults who have not achieved permanency.

- Contingent upon a specific appropriation, establishing a Title IV-E Guardianship Assistance Program pilot in two DCF circuits.

The bill also amends the Rilya Wilson Act, s. 39.604, F.S., as follows:

- To provide an alternative to fulltime enrollment in a child care program for foster children under the age of three whose caregiver stays home all day or works less than fulltime.
- To appoint a surrogate parent to make educational decisions if appropriate, and provide for educational stability and transitions.

The bill is not expected to have a fiscal impact on the state or community-based care lead agencies because implementation of the family finding program, kinship navigator programs, and GAP pilot are permissive as to the availability of resources.

The family finding program and kinship navigator programs are effective January 1, 2019, and the GAP pilot is effective August 1, 2018. The remainder of the bill is effective July 1, 2018.

II. Present Situation:

Relative and Nonrelative Caregivers

When children cannot remain safely with their parents, placement with relatives is preferred over placement in foster care with nonrelatives. Caseworkers try to identify and locate a relative or relatives who can safely care for the children while parents receive services to help them address the issues that brought the children to the attention of child welfare. Placement with relatives — or kinship care — provides permanency for children and helps them maintain family connections. Kinship care is the raising of children by grandparents, other extended family members, and non-relative adults with whom they have a close, family-like relationship, such as godparents and close family friends.[1]

Kinship care may "be formal and involve a training and licensure process for the caregivers, monthly payments to help defray the costs of caring for the [child], and support services[.]"[2] Kinship care also may "be informal" and "involve only an assessment process to ensure the safety and suitability of the home along with supportive services for the child and caregivers."[3] "Approximately one-fourth of [the] children in out-of-home care are living with relatives."[4]

According to the National Conference of State Legislatures,

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[1] U.S. Department of Health & Human Services, Administration for Children & Families, Children's Bureau, Child Welfare Information Gateway, *About Kinship Care*, https://www.childwelfare.gov/topics/outofhome/kinship/about/ (last visited Feb. 4, 2018).

[2] John McLennan, PhD, Social Work and Family Violence Theories, Assessment, and Intervention at 88, (Springer Publishing Co., LLC, 2010), https://books.google.com/books?id=nHHWSsUvXwwC&pg=PA88&lpg=PA88&dq=one-fourth+of+the+children+in+out-of-home+care+are+living+with+relatives&source=bl&ots=0w8X1YFtl0&sig=qdPfe5h2r0l8t3YR2zxN3rce5mQ&hl=en&sa=X&ved=0ahUKEwikze--io3ZAhWprFkKHV5wCJUQ6AEIPDAD#v=onepage&q=one-fourth%20of%20the%20children%20in%20out-of-home%20care%20are%20living%20with%20relatives&f=false (last visited Feb. 4, 2018).

[3] *Id.*

[4] *Id.*

> Nearly 3 million American children are cared for by relatives other than their parents. Child welfare agencies in many states rely on extended families, primarily grandparents, to provide homes for children who cannot safely remain with their parents. In fact, relatives care for 27 percent of children in foster care—about 107,000—according to the Adoption and Foster Care Analysis and Reporting System.[5]

In Florida, there were 24,069 children in out-of-home care as of December 31, 2017, More than half of those children, 13,579, were placed with approved relatives and "fictive kin" non-relatives,[6] while 10,490 were placed in licensed foster care, group care, or in another placement.[7]

Relative Caregiver Program

The Relative Caregiver Program was established in 1998[8] for the purpose of recognizing the importance of family relationships and providing additional placement options and incentives to help achieve permanency and stability for many children who are otherwise at risk of foster care placement. The program provides financial assistance to qualified relatives. Within available funding, the Relative Caregiver Program is also required to provide caregivers with family support and preservation services, school readiness assistance, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under the program are also eligible for Medicaid coverage.[9]

In 2014,[10] the Legislature expanded the Relative Caregiver Program to include nonrelatives who a child may have a close relationship with who are not a blood relative or a relative by marriage. Those nonrelatives are eligible for financial assistance if they are able and willing to care for the child and provide a safe, stable home environment. The court must find that a proposed placement is in the best interest of the child.[11]

Under the Relative Caregiver Program, the statewide average monthly rate for children placed by the court with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate. Additionally, the cost of providing the assistance to any caregiver in the program may not exceed the cost of providing out-of-home care in an emergency shelter or in foster care.[12]

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[5] National Conference of State Legislatures, *Supporting Relative Caregivers of Children* (Feb. 13, 2017), http://www.ncsl.org/research/human-services/relative-caregivers.aspx (last visited Feb. 4, 2018).
[6] "Fictive kin" is defined by the bill in section 1 (s. 39.4015(2)(d)) as "an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family."
[7] Florida Department of Children and Families, *Children in Out-of-Home Care – Statewide* (Jan. 10, 2018), http://www.dcf.state.fl.us/programs/childwelfare/dashboard/c-in-ooh.shtml (last visited Feb. 4, 2018).
[8] Ch. 1998-78, Laws of Fla.
[9] Section 39.5085, F.S.
[10] Ch. 2014-224, Laws of Fla.
[11] Section 39.5085(2)(a)3., F.S.
[12] Section 39.5085(2)(d), F.S.

Financial Assistance

The Relative Caregiver Program also provides monthly cash assistance to relatives who meet eligibility rules and have custody of a child under age 18 who has been adjudicated dependent by a Florida court and placed in their home by the Department of Children and Families Child Welfare/Community Based Care (CW/CBC) contracted provider.[13] As demonstrated by the charts below, the monthly cash assistance amount is higher than the Temporary Cash Assistance for one child but less than the amount paid for a child in the foster care program.

Monthly cash assistance:

Age of Child	Relative and Nonrelative Caregivers[14]	Foster Parents[15]	Residential Group Home Placement[16]
Age 0 through 5 years	$242	$439	$3,355 per month average[17]
Age 6 through 12 years	$249	$451	
Age 13 through 18 years	$298	$527	
These are monthly benefit amounts per child			

Temporary cash assistance for relative caregivers:

Number of Children	Monthly Benefit
1	$180
2	$241
3	$303
These are monthly benefit amounts per total number of children[18]	

Additionally, while reimbursement for children in foster care or in residential group homes begins at the time the child is placed, the monthly benefit payment for relative and nonrelative caregivers does not begin until the child has been adjudicated dependent.[19] Adjudication typically takes 2 months to a year. During this time, a nonrelative caregiver receives *no* benefit, and a relative caregiver may be eligible only for temporary cash assistance if in close enough

[13] Section 39.5085, F.S.
[14] Fla. Admin. Code Ann. r. 65C-28.008 (2018). Department of Children and Families, *Temporary Cash Assistance Fact Sheet*, 5-6 (July 2012), http://www.dcf.state.fl.us/programs/access/docs/tcafactsheet.pdf (last visited Feb. 4, 2018).
[15] Office of Program Policy Analysis and Government Accountability, *Characteristics of Children in Foster Homes and Groups Homes*, 13 (Apr. 17, 2017) http://www.oppaga.state.fl.us/monitordocs/Presentations/P17-18.pdf (last visited Feb. 4, 2018).
[16] *Id*. at 15.
[17] *Id*. The average amount is derived from dividing the residential group care expenditures from 2014-2015, $89,778,347, by the average number of children from 2014-2015, 2,230, which equals $40,259.35 per child per year. This number was divided by 12 months to reach the monthly average per child.
[18] *See supra* n. 13 at 6 (reflecting a portion of the chart).
[19] Section 39.5085(2)(a), F.S. (providing that *dependent* children may be placed with a relative or nonrelative caregiver).

consanguinity to the child.[20] Once the child has been adjudicated dependent, the relative becomes eligible for the full Relative Caregiver Program benefit amount.[21]

Child Care Assistance

The cost of participating in the school readiness program is subsidized in part or fully by the funding of the local early learning coalition for eligible children.[22] Criteria have been established for the children who are to receive priority for participating in the program at no cost or at a subsidized rate.[23] However, to the extent that subsidized child care is not available, the cost of child care is assumed by the caregiver.[24]

Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections)

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections) was designed to improve the lives of children and youth in foster care and increase the likelihood that they will be able to leave the foster care system to live permanently with relative caregivers or adoptive families.[25] The law accomplishes this, in part, by allowing states to extend foster care services and maintenance adoption subsidy payments for children leaving foster care and adoptive families to the age of 21 and to establish a subsidized guardianship assistance program for relative caregivers.

Extended Foster Care

In 2013, the Legislature exercised the option of providing for extended foster care, which applies to young adults aged 18 to 21 who have not achieved permanency prior to their 18th birthdays.[26] The program builds on independent living assistance services that were previously available to young adults who "aged-out" of the foster care system.[27] Extended foster care services are available to young adults who are living in licensed care on their 18th birthday and who are:

- Completing secondary education or a program leading to an equivalent credential;
- Enrolled in an institution that provides postsecondary or vocational education;
- Participating in a program or activity designed to promote or eliminate barriers to employment;
- Employed for at least 80 hours per month; or
- Unable to participate in programs or activities listed above full time due to a physical intellectual, emotional, or psychiatric condition that limits participation.[28]

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[20] *See supra* n. 14 at 4 ("A child must live in the home of a parent or a relative who is a blood relative of the child. The degree of relationship to the child can be no greater than first cousin once removed.").
[21] *See supra* n. 13.
[22] Office of Early Learning, *School Readiness Payment Rates for Children Concurrently Enrolled in the VPK Program*, http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/Rules%20Guidance%20and%20Proposed%20Rules/Issued%20Program%20Guidance/440.50_ConcurrentPaymentRates_Final_ADA.pdf (last visited Feb. 5, 2018).
[23] Office of Early Learning, *School Readiness Eligibility Priorities*, http://www.floridaearlylearning.com/coalitions/school_readiness_eligibility_priorities.aspx (last visited Feb. 5, 2018).
[24] Fla. Admin. Code Ann. r. 65C-13.030(2)(d)4. (2014).
[25] P.L. 110-351.
[26] Ch. 2013-178, L.O.F.
[27] Section 409.1451, F.S.
[28] Section 39.6251(2), F.S.

Program eligibility is also contingent on the living situation of a young adult. Participants are required to live independently, but in an environment in which they are provided supervision, case management, and support services by either DCF or a relevant CBC. Examples of such an environment include college dormitories, shared housing, and foster family homes.[29]

Adoption Assistance

The department currently provides financial assistance to families who adopt children with special needs or who are otherwise difficult to place in an adoptive home.[30] This assistance is made available in several ways. DCF may grant a maintenance subsidy to families (maintenance adoption subsidy or MAS), which is an annual payment intended to subsidize the costs of caring for an eligible child. The department may also offer a subsidy to family for any medical costs associated with a child's specific needs. In addition, the department is authorized to offer a nonrecurring reimbursement to an eligible family for costs associated with formalizing an adoption, which may include attorney's fees, court costs, travel expenses, and other related costs. Adoption assistance, in these various forms, may be offered to families who adopt an eligible child until the 18th birthday of such a child.[31]

To date, Florida has chosen not to take advantage of the provision of federal Fostering Connections Act that allows the maintenance adoption subsidy to be continued until a young adult reaches age 21.

Title IV-E Guardianship Assistance Program

The third primary provision of Fostering Connections is the creation of a federally supported Guardianship Assistance Program (GAP) for relatives. The GAP gives states the option of using federal Title IV-E funds to support kinship guardianship payments for children living in the homes of relative caregivers who become the children's legal guardians.[32]

The federal Fostering Connections Act and Increasing Adoptions Act promotes permanency for children living with kin by providing states with the option to use federal Title IV-E funding for kinship guardianship subsidies. If a child meets certain Title IV-E eligibility standards, he or she may also be eligible for a GAP subsidy if:

- The child has been removed from his or her family's home pursuant to a voluntary placement agreement or as a result of a judicial determination that allowing the child to remain in the home would be contrary to the child's welfare;
- The child is eligible for federal foster care maintenance payments under Title IV-E of the Social Security Act for at least six consecutive months while residing in the home of the

[29] Section 39.6251(4), F.S
[30] Section 409.166, F.S.
[31] *Id*.
[32] Mark F. Testa and Leslie Cohen. *"Pursuing Permanence for Children in Foster Care: Issues and Options for Establishing a Federal Guardianship Assistance Program in New York State."* School of Social Work, the University of North Carolina at Chapel Hill. June 2010, available *at*: https://ocfs.ny.gov/main/reports/Pursuing%20Permanence%20for%20Children%20in%20Foster%20Care%20June%202010.pdf. (last visited February 21, 2018).

prospective relative guardian who is licensed or approved as meeting the licensure requirements as a foster family home;
- Returning home or adoption is not an appropriate permanency option for the child;
- The child demonstrates a strong attachment to the prospective relative guardian and the relative guardian has a strong commitment to caring permanently for the child; and
- The child has been consulted regarding the guardianship arrangement (applicable to children age 14 and older).[33]

Likewise, a prospective guardian must meet certain conditions to qualify for a GAP subsidy. He or she:
- Must be the eligible child's relative or close fictive kin;
- Must have undergone fingerprint-based criminal record checks and child abuse and neglect registry checks;
- Must be a licensed foster parent and approved for guardianship assistance by the relevant state department;
- Must display a strong commitment to caring permanently for the child; and
- Must have obtained legal guardianship of the child after the guardianship assistance agreement has been negotiated and finalized with the department.[34]

Federal guidance on GAP implementation recognizes that many relative caregivers may find the foster care licensure process burdensome. Accordingly, states are granted the authority to determine what constitutes a "non-safety" licensure standard and, on a case-by-case basis, offer waivers to those standards when appropriate.[35]

To date, Florida has chosen not to implement this provision of Fostering Connections and relies on the established Relative Caregiver Program to provide assistance to caregivers.

Title IV-E Waivers

First authorized by Congress in 1994, the goal of permitting waivers of specific Title IV-E requirements is to allow states to demonstrate alternative and innovative practices that achieve federal child welfare policy goals in a manner that is cost neutral to the federal Treasury. Each project has a specific approval period, which is typically five years, must be determined to cost the federal government no more in Title IV-E support than it would without the waiver project, and must be independently evaluated.[36]

Currently 26 states, including Florida, have approved child welfare demonstration projects commonly referred to as Title IV-E waivers. Under the terms and conditions of their specific waiver agreement, each state is permitted to use federal Title IV-E foster care funds to provide

[33] 42 U.S.C. § 673(d)(3)(A)
[34] 42 U.S.C. § 671(a)(20(D) and 673(d)(3)(A).
[35] U.S. Department of Health and Human Services, Agency for Children and Families, Program Instruction U.S. Department of Health and Human Services, Agency for Children and Families, Program Instruction ACYF-CB-PI-10-01, July 9, 2010.
[36] Emelie Stoltzfus, *Child Welfare: An Overview of Federal Programs and their Current Funding*, CONGRESSIONAL RESEARCH SERVICE, January 10, 2017, p. 13-15, *available at*: https://fas.org/sgp/crs/misc/R43458.pdf. (last accessed February 7, 2018).

services and assistance to children and their families, even if the children or the services or assistance would not otherwise be considered eligible.

Title IV-E waiver projects vary significantly from state to state in terms of geographic and program scope. Some operate on a statewide basis while others are limited to specific regions or counties in the state. The projects may focus on different age groups of children and different service needs or circumstances, such as children:

- Entering care for the first time;
- At risk of entering care;
- Transitioning from group care to home; and
- With substance-abusing parents.[37]

A smaller number of projects address other issues, such as:

- Preventing or reducing the use of group care for children in foster care;
- Addressing behavioral health needs of children;
- Addressing needs of caregivers with substance use disorders; and
- Reducing placement instability for children in foster care.[38]

Florida's Title IV-E Waivers

Florida's original Title IV-E waiver was effective on October 1, 2006, and was in effect for five years. Key features of the waiver were:

- A capped allocation of funds, similar to a block grant, distributed to community-based care lead agencies for service provision;
- Flexibility to use funds for a broader array of services beyond out-of-home care; and
- Ability to serve children who did not meet Title IV-E criteria.[39]

The federal government extended Florida's original waiver to 2014, and then approved a renewal retroactively, beginning October 1, 2013. The renewal is authorized until September 30, 2018. The renewal waiver's terms and conditions include the following goals:

- Improving child and family outcomes through flexible use of Title IV-E funds;
- Providing a broader array of community-based services and increasing the number of children eligible for services; and
- Reducing administrative costs associated with the provision of child welfare services by removing current restrictions on Title IV-E eligibility and on the types of services that may be paid for using Title IV-E funds.[40]

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[37] U.S. Department of Health and Human Services, Administration of Children and Families, Children Bureau, *Summary of Child Welfare Waiver Demonstration by Jurisdictions,* June 2016, *available at*: http://www.acf.hhs.gov/sites/default/files/cb/waiver_summary_table_active.pdf. (last visited February 7, 2018).

[38] James Bell and Associates, *Summary of the Title IV-E Child Welfare Waiver Demonstrations, prepared for Children's Bureau, ACYF, ACF, HHS,* August 2016, *available at*: http://www.acf.hhs.gov/sites/default/files/cb/cw_waiver_summary2016.pdf. (last visited February 7, 2018).

[39] Amy C. Vargo et al., *Final Evaluation Report, IV-E Waiver Demonstration Evaluation, SFY 11-12,* March 15, 2012, *available at*: http://www.centerforchildwelfare.org/kb/LegislativeMandatedRpts/IV-EWaiverFinalReport3-28-12.pdf. (last visited February 7, 2018).

[40] Personal communication from JooYeun Chang, Associate Commissioner with the Children's Bureau, to Esther Jacobo, Interim Secretary of the Department of Children and Families, *available at*:

Like the original waiver, the renewal waiver also involves a capped allocation of funds, flexibility to use the federal IV-E funds for a wider array of services, and expanded eligibility for children.[41]

Under current law, the U.S. Department of Health and Human Services is not authorized to grant any new child welfare waivers, and no state may operate a waiver project after September 30, 2019.[42] Therefore, Florida will revert to more restrictive Title IV-E federal funding requirements after September 30, 2018, or 2019 if the waiver is renewed for an additional year.

Additional Information

Committee staff [43] conducted telephone/video conferences with dependency judges statewide who identified the following issues related to the use of relative caregivers for children placed in out-of-home care:

- **Unexpected caregiving responsibility –** Foster parents are licensed, trained, and expect to take children into their homes; whereas, relatives are more often than not asked to take in children of family members suddenly and without time or help for any preparation.
- **Lack of knowledge about trauma** – While foster parents receive training, relative caregivers do not typically know how to deal with the trauma to which the children may have been exposed.
- **Dysfunctional family dynamics –** Relatives have additional stress and issues due to the fact that they are caring for children of other family members.
- **Increased use of family finding in order to identify family members earlier in the process –** In circuits where it is used, family finding works well to identify more family members and identify them earlier in the process, either during investigations or at the shelter hearing. In some circuits, the use of family finding is sporadic and not utilized throughout the life of the dependency case. Parents are often embarrassed and do not want family members to know they are involved with the child welfare system. Older children who know their relatives are often overlooked as a source of contact information.
- **Delays in process –** Delays in getting the results from home studies and fingerprint submissions is problematic. Also, delays in the Interstate Compact for the Placement of Children (ICPC)[44] process, which establishes procedures for ensuring the safety and stability of placements of children across state lines, cause further delays in placing children with out-of-state relatives. Judicial decisions with interstate placement implications must comply with the Compact.
- **Lack of services and support for families –** In some areas of the state, there is inadequate support for caregivers because there is no formal program to provide information, referral, training, legal services, and other follow-up services. As a result, grandparents and other relatives raising children are not being linked to the benefits and supports that they or the children in their care need.

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http://www.centerforchildwelfare.org/kb/GenIVE/WaiverTErms2013-2018.pdf. (last visited February 7, 2018).
[41] *Id*.
[42] §1130(a)(2) and (d)(2) of the Social Security Act.
[43] Surveys and studies conducted by the staff of the Senate Committee on Children, Families and Elder Affairs.
[44] Section 409.408, F.S.

- **Fewer benefits for children in care –** Children in out-of-home care are only eligible for some benefits if they are or have been in a licensed placement. For example, children in relative care are eligible for tuition and fee exemptions for postsecondary education,[45] but they are *not* typically eligible for independent living financial support and services.[46]
- **Caseworker "neglect" –**When a relative will not or cannot immediately commit to become a fulltime caregiver, the caseworker often forgets about the caregiver. There is little or no effort made to include the relative in other aspects of the child's life or improve the home so that the relative may be able to become a fulltime caregiver.
- **Lack of time and skill to effectively engage with relatives –** A number of circuits reported that while caseworkers generally do a good job, they frequently do not have the time to effectively deal with relatives who may become caregivers for children due either to large caseloads or to a lack of appropriate skills. Caseworkers often feel that placement with a relative is a "safe placement" and pay less attention to those placements.
- **Access to services should be the same regardless of placement –** Currently, access to services and supports for a child in out-of-home care vary depending on what type of placement the child is in.

In addition to speaking with judges around the state, committee staff[47] spoke with leadership, program staff, and relative caregivers with community-based care lead agencies across the state. Four major issues affecting the ability of relatives and nonrelatives to care for children placed in their care were identified:

- Sporadic and ineffective use of family finding. Family finding is defined as an intensive relative search and engagement technique to identify family of and other close adults to children in foster care, who will be involved in developing and carrying out a plan for the emotional and legal permanency of a child.
- Inadequate support of caregivers in some areas of the state due to a lack of formal kinship navigator programs designed to provide information, referral, and follow-up services. As a result, grandparents and other relatives raising children are not being linked to the benefits and supports that they or the children in their care need.
- Inadequate financial support or delays in receiving financial support.
- The obligation for relative caregivers to assume what may be a large portion of child care/early education expenses for a child in their care.

Notably, provisions of the bill address three of these four issues.

[45] Section 1009.25, F.S.
[46] Section 409.1451, F.S.
[47] *See supra*, n. 25.

Circuit	Lead Agency
Shaded rows indicate community-based care lead agencies with whom committee staff communicated.	
1 Escambia, Okaloosa, Santa Rosa, and Walton Counties	Lakeview Center, Families First Network
2 & 14 Franklin, Gadsden, Jefferson, Leon, Liberty, Wakulla Counties and Bay, Calhoun, Gulf, Holmes, Jackson, Washington Counties	Big Bend Community Based Care, Inc.
3 & 8 Columbia, Dixie, Hamilton, Lafayette, Madison, Suwannee, Taylor Counties and Alachua, Baker, Bradford, Gilchrist, Levy, Union Counties	Partnership for Strong Families
4 Duval and Nassau Counties	Family Support Services of North Florida Inc.
4 Clay County	Kids First of Florida, Inc.
7 St. Johns County	St Johns County Board of County Commissioners
7 Flagler, Volusia, and Putnam Counties	Community Partnership for Children, Inc.
12 DeSoto, Manatee, and Sarasota Counties	Sarasota Family YMCA, Inc.
6 Pasco and Pinellas Counties	Eckerd Community Alternatives
13 Hillsborough County	Eckerd Community Alt.,
20 Charlotte, Collier, Glades, Hendry and Lee Counties	Children's Network of SW Florida
5 Citrus, Hernando, Lake, Marion and Sumter Counties	Kids Central, Inc.
9 & 18 Orange, Osceola County and Seminole Counties	Community Based Care of Central Florida
18 Brevard County	Brevard Family Partnership
10 Hardee, Highlands, and Polk Counties	Heartland For Children
19 Indian River, Martin, Okeechobee, and St. Lucie Counties	Devereux CBC
15 & 17 Palm Beach County and Broward County	ChildNet Inc.
11 & 16 Miami-Dade County and Monroe County	Our Kids of Miami-Dade/Monroe, Inc.

Judicial Hearings and Review

When the department removes a child from his or her home, a series of dependency court proceedings must occur to adjudicate the child dependent and place him or her in out-of-home care, as indicated by the chart below:

Proceeding		Reference
Shelter Hearing	A shelter hearing occurs within 24 hours after removal. The court determines whether the child is to remain in out-of-home care.	s. 39.402, F.S.
Arraignment Hearing	An arraignment hearing occurs within 28 days of the shelter hearing. This allows the parent to admit, deny, or consent to the allegations within the petition for dependency and allows the court to review any shelter placement.	s. 39.506, F.S.
Adjudicatory Hearing	An adjudicatory trial is held within 30 days of arraignment, to determine whether a child is dependent.	s. 39.507, F.S.
Disposition Hearing	Disposition occurs within 15 days of arraignment or 30 days of adjudication. The judge reviews and orders the case plan for the family and the appropriate placement of the child.	s. 39.521, F.S.
Review Hearing	The court must review the case plan and placement every 6 months, or upon motion of a party.	s. 39.701, F.S.

As noted above, current law provides for specific findings and determinations to be made by the court at each hearing.

The Rilya Wilson Act

Background

The Rilya Wilson Act is named for a four-year-old girl who disappeared from state custody and whose disappearance went unnoticed for 15 months. Rilya's caregiver provided several stories concerning Rilya's whereabouts, one being that someone from the Department of Children and Families removed Rilya from her home sometime in January 2001. However, the department was unaware that Rilya was missing until April 2002. While Rilya's caregiver (who is suspected, but not convicted, of killing Rilya) was sentenced to 55 years in prison in 2013 for offenses connected to Rilya's disappearance (including aggravated child abuse), Rilya remains missing.[48]

With the disappearance of Rilya Wilson, the responsibility of the state to ensure the safety of children in its care received heightened attention. To ensure the safety and well-being of children in its custody or under its supervision, DCF was required to provide for more frequent and continuous face-to-face contact with children, particularly those under the age of five. The Rilya Wilson Act provides such increased visibility of these very young children by requiring that these children participate in an approved early education or child care program. In turn, these early education or child care programs are bound to report certain incidences of the child's nonattendance or absence to the DCF.[49]

[48] The Miami Herald, Geralyn Graham gets 55 years in Rilya Wilson foster child abuse case, *available at*: http://www.miamiherald.com/latest-news/article1947207.html. (last visited Feb. 5, 2018).
[49] Section 39.604, F.S. ("Rilya Wilson Act").

Early Education and Child Care Programs

Participation in early child care and learning programs under the Rilya Wilson Act is intended not only to minimize further abuse and neglect, but also to reverse the developmental effects that abuse, neglect, and abandonment can have on children.[50]

Early education and child care programs are provided in Florida through the school readiness program under ss. 1001.213 and 1002.82, F.S. With the establishment of the school readiness program, the different early education and child care programs and their funding sources were merged for the delivery of a comprehensive program of school readiness services to be designed and administered through local early learning coalitions.[51] The school readiness program is housed with the Office of Early Learning at the Department of Education.[52]

Current law requires that each early learning coalition give priority for participation in the school readiness program according to specified criteria, with an at-risk child being second on the priority list.[53] An at-risk child is defined as the following:[54]

- A child from a family under investigation by the Department of Children and Families or a designated sheriff's office for child abuse, neglect, abandonment, or exploitation.
- A child who is in a diversion program provided by the Department of Children and Families or its contracted provider and who is from a family that is actively participating and complying in department-prescribed activities, including education, health services, or work.
- A child from a family that is under supervision by the Department of Children and Families or a contracted service provider for abuse, neglect, abandonment, or exploitation.
- A child placed in court-ordered, long-term custody or under the guardianship of a relative or nonrelative after termination of supervision by the Department of Children and Families or its contracted provider.
- A child in the custody of a parent who is a victim of domestic violence residing in a certified domestic violence center.
- A child in the custody of a parent who is considered homeless as verified by a Department of Children and Families certified homeless shelter.

As mentioned earlier, the cost of participating in the school readiness program is subsidized in part or fully by the funding of the local early learning coalition for eligible children.[55] Criteria have been established for the children who are to receive priority for participating in the program

[50] Section 39.604(2), F.S. (**"**The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems. It is the intent of the Legislature that children who are currently in the care of the state be provided with an age-appropriate education program to help ameliorate the negative consequences of abuse, neglect, or abandonment.").
[51] Sections 1002.82 and 1002.83, F.S.
[52] Section 1002.82, F.S.
[53] Section 1002.87, F.S.
[54] Section 1002.81, F.S.
[55] Office of Early Learning, *School Readiness Payment Rates for Children Concurrently Enrolled in the VPK Program*, http://www.floridaearlylearning.com/sites/www/Uploads/files/Oel%20Resources/Rules%20Guidance%20and%20Proposed%20Rules/Issued%20Program%20Guidance/440.50_ConcurrentPaymentRates_Final_ADA.pdf (last visited Feb. 5, 2018).

at no cost or at a subsidized rate.[56] However, to the extent that subsidized child care is not available, the cost of child care is assumed by the caregiver.[57]

Regardless of whether a school readiness program provider is licensed, the program must "comply with the reporting requirements of the Rilya Wilson Act for each at-risk child under the age of school entry who is enrolled in the school readiness program."[58] Under the Rilya Wilson Act, children from birth to the age of school entry who are in the state's care due to abuse, neglect, or abandonment and who are enrolled in early education or child care programs must participate in the program five days a week.[59] This participation must be reflected in any case plan required by ch. 39, F.S. However, the court in approving or revising the case plan, may waive the requirement to participate five days a week.[60]

The Rilya Wilson Act also provides that:

- Withdrawal from the program is prohibited unless prior written approval is provided by the department or the community-based lead agency.[61]
- The person with whom the child is living is required to report any absence to the program on the day of the absence. Failure to report an absence results in the absence being considered unexcused, and the early education or child care program is required to report any unexcused absence or seven consecutive excused absences to the department or community-based lead agency.[62]
- Reports of two consecutive unexcused absences or seven consecutive excused absences are to result in a site visit to the child's residence. Children who are found missing during the site visit are to be reported as missing to law enforcement and the procedures for locating missing children initiated. If the children are not found to be missing, the parent or caregiver is to be informed that it is a violation of the case plan if the child does not attend the early education or child care program.[63]
- After two such site visits, action to notify the court of the parent or caregiver's non-compliance with the care plan is to be initiated.[64]

III. Effect of Proposed Changes:

Section 1 creates s. 39.4015, F.S., relating to family finding, to require the Department of Children and Families (DCF), in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a formal family finding program to be implemented statewide by child protective investigators and community-based care lead agencies. Family finding is required as soon as a child comes to the attention of the DCF and throughout the duration of the case. The DCF or community-based care lead agency

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[56] Office of Early Learning, *School Readiness Eligibility Priorities*, http://www.floridaearlylearning.com/coalitions/school_readiness_eligibility_priorities.aspx (last visited Feb. 5, 2018).
[57] Fla. Admin. Code Ann. r. 65C-13.030(2)(d)4. (2014).
[58] Section 1002.87, F.S.
[59] Section 39.604(3), F.S.
[60] *Id.*
[61] Section 39.604(4)(a), F.S.
[62] Section 39.604(4)(b)1., F.S.
[63] Section 39.604(4)(b)2.-3., F.S.
[64] Section 39.604(4)(b)4., F.S.

must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement are provided in the bill.

The DCF and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond a basic computer search by exploring alternative tools and methodologies. Efforts to be used by the DCF and the community-based care lead agency are provided in the bill.

The court is required to inquire and make a determination regarding family finding at each stage of the case, including the shelter care hearing pursuant to s. 39.402. The court is to place its determinations on the record as to whether the DCF or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and time the DCF or community-based care lead agency has had to begin or continue the process.

Section 1 is effective January 1, 2019, contingent upon the Legislature providing funding specifically for the program.

Section 2 amends s. 39.402, F.S., relating to placement in a shelter, to require educational records of children under the age of school entry to be provided, to require a judge rather than a school superintendent to appoint a surrogate parent for a child under the age of school entry, if necessary, and to require the court to make a determination relating to family finding.

Section 3 amends s. 39.506, F.S., relating to arraignment hearings, to require the court to make a determination relating to family finding.

Section 4 amends s. 39.507, F.S., relating to adjudicatory hearings and orders of adjudication, to require the court to make a determination relating to family finding.

Section 5 amends s. 39.5086, F.S., relating to kinship navigator programs, to require each community-based care lead agency to establish a kinship navigator program that must:

- Be coordinated with other state or local agencies that promote service coordination or provide information and referral services;
- Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;
- Establish a toll-free telephone hotline to provide information to link kinship caregivers to specified entities;
- Provide outreach to kinship care families; and
- Promote partnerships between public and private agencies and relevant governmental agencies to increase their knowledge of the needs of kinship care families to promote better services for those families.

Section 5 is effective January 1, 2019, contingent upon an appropriation by the Legislature.

Section 6 amends s. 39.521, F.S., relating to disposition hearings and powers of disposition, to require the court to make a determination relating to family finding (if the program as authorized

under s. 39.4015, F.S., is funded and implemented), and to require educational records of children under the age of school entry to be provided.

Section 7 amends s. 39.6012, F.S., relating to case plan tasks and services, to require documentation of case plan requirements under s. 39.604, F.S.

Section 8 amends s. 39.604, F.S., relating to the Rilya Wilson Act, to clarify attendance and reporting requirements related to children in out-of-home care who are attending a child care or early education program. The bill also provides for the appointment of a surrogate parent[65], if appropriate, and provides for educational stability and transitions.

Section 9 amends s. 39.6251, F.S., relating to continuing care for young adults, to conform to additional federal requirements for extending foster care to the age of 21.

Section 10 amends s. 39.701, F.S., relating to judicial review, to require the court to appoint a surrogate parent if the child is under the age of school entry, and to require the court to determine if the department and community-based care lead agency has reasonably engaged in family finding (if the program as authorized under s. 39.4015, F.S., is funded and implemented).

Section 11 amends s. 409.166, F.S., relating to the adoption assistance program, to provide, contingent upon a specific appropriation from the Legislature, for the extension of maintenance adoption subsidy payments to the age of 21 for eligible young adults and to provide eligibility requirements. The bill also requires that all prospective adoptive homes complete an adoptive home study in order to qualify for a maintenance adoption subsidy (MAS).

The extension of the MAS to age 21 for those children who were adopted at age 16 or 17 will allow the state to earn additional federal revenues under Title IV-E. At present, the MAS payments expire when a child reaches the age of 18. Without these changes, the state would not meet federal requirements for earning Title IV-E funds associated with extended foster care.

Section 12 creates an unnumbered section of the Florida Statutes, requiring the department to establish a Title IV-E GAP pilot program in two DCF circuits.

The establishment of a GAP program would serve as a means of mitigating the loss of federal revenues to the state that will result from the expiration of Florida's Title IV-E waiver. The program will provide the state with an alternative vehicle for earning federal revenues under Title IV-E, while also offering enhanced cash benefits to certain permanent guardians and the children in their care.

It is currently unknown how many Relative Caregiver Program participants will successfully transition to GAP or how many relatives and fictive kin will enter the program in the future. The federally subsidized GAP will require caregivers to meet many of the licensure standards applicable to family foster homes, set forth in s. 409.175, F.S. The department has the authority

[65] Section 39.0016(1)(c), F.S. (A "surrogate parent" is "an individual appointed to act in the place of a parent in educational decision making and in safeguarding a child's rights under the Individuals with Disabilities Education Act [IDEA] and this section.").

to waive non-safety licensure standards on a case-by-case basis, but some relatives or fictive kin will be unable to, or prefer not to, meet its requirements. This means that under the bill, some relatives and fictive kin will enter GAP, but some will not. For those who do not, relatives will be eligible for child only TANF funding, but non-relatives will not be able to obtain payment to support caring for the child.

Establishment of a pilot program may provide information as to whether statewide implementation of GAP benefits children and their families.

Section 12 is effective August 1, 2018, and is contingent upon a specific appropriation.

Section 13 provides that, except as otherwise expressly provided in the bill, the effective date of the bill is July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill is not expected to have a fiscal impact on the community-based care (CBC) lead agencies since implementation of the family finding program, kinship navigator programs, and GAP pilot are contingent upon the availability of resources.

C. Government Sector Impact:

The bill is not expected to have a fiscal impact on state or local government since implementation of the family finding program, the kinship navigator programs, extended maintenance adoption subsidies, extended foster care, and the GAP pilot are contingent upon the availability of resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 39.402, 39.506, 39.507, 39.5085, 39.521, 39.6012, 39.604, 39.6251, 39.701, 409.166, 414.045, and 1009.25.

The bill creates section 39.4015 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.)

CS/CS by Appropriations on February 27, 2018:
The committee substitute:

- Inserts the phrase "subject to appropriation" or "contingent upon an appropriation" for the Family Finder and Kinship Navigator programs, and a Guardianship Assistance Program (GAP) pilot.
- Eliminates the provision that would begin financial assistance to relative and nonrelative caregivers at the time a child comes into their care.
- Amends s. 39.6251, F.S., extending foster care services to age 21 for young adults who have not achieved permanency and who have met certain requirements, to conform to federal Title IV-E requirements.
- Amends s. 409.166, F.S., extending maintenance adoption subsidy payments to the age of 21 for children who were adopted at age 16 or 17, to conform to federal Title IV-E requirements.
- Requires that all prospective adoptive homes complete an adoption home study in order to qualify for maintenance adoption subsidy payments.
- Removes provisions and requirements related to early intervention referrals to Early Steps or FDLRS Child Find.
- Requires the establishment of a Title IV-E GAP pilot program in two circuits effective August 1, 2018.

CS by Children, Families, and Elder affairs on December 4, 2017:

- Amends ss. 39.402, 39.506, 39.507, 39.521, and 39.701, F.S., relating to judicial hearings, to require a determination by the court relating to family finding.
- Adds a task to the case plan requirements required under s. 39.604, F.S.
- Requires that children under the age of three and children ages 3 to 5 years who are victims of substantiated child abuse or neglect be referred for an early intervention assessment by Early Steps or FDLRS Child Find as appropriate.

- Provides for the appointment of a surrogate parent if appropriate, and provides for educational stability and transitions in child care and early education program settings.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and Senators Garcia and Campbell

586-01782-18 2018590c1

A bill to be entitled

An act relating to child welfare; creating s. 39.4015, F.S.; providing legislative findings and intent; defining terms; requiring the Department of Children and Families, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, to develop a statewide family-finding program; requiring the implementation of family finding by a specified date; requiring the department and community-based care lead agencies to document strategies taken to engage relatives and kin; providing strategies to engage relatives and kin; requiring the department and community-based care lead agencies to use diligent efforts in family finding; providing that certain actions do not constitute family finding; requiring determinations by the court; requiring the department to adopt rules; amending s. 39.402, F.S.; requiring the court to request that parents consent to providing access to additional records; requiring a judge to appoint a surrogate parent for certain children; requiring the court to place on the record its determinations regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; amending ss. 39.506; requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing

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guidelines for determining reasonableness; amending s. 39.507 F.S.; requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding; providing guidelines for determining reasonableness; requiring the court to advise parents that their parental rights may be terminated and the child's out-of-home placement may become permanent under certain circumstances; amending s. 39.5085, F.S.; providing legislative findings and intent; defining terms; requiring the department to provide financial assistance to kinship caregivers who meet certain requirements; providing eligibility criteria for such financial assistance; providing that children living with caregivers who are receiving financial assistance are eligible for Medicaid coverage; providing the purpose of a kinship navigator program; requiring each community-based care lead agency to establish a kinship navigator program by a certain date; providing requirements for programs; requiring the department to adopt rules; deleting provisions related to the Relative Caregiver Program; amending s. 39.521, F.S.; requiring the court to make a determination regarding the department's or the community-based lead agency's reasonable engagement in family finding ; providing guidelines for determining reasonableness; conforming provisions to changes made by the act; amending s. 39.6012, F.S.; revising the types of records that must be attached to a case plan

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and updated throughout the judicial review process; requiring that documentation of the family-finding efforts of the department and the community-based care lead agency be included in certain case plans; amending s. 39.604, F.S.; revising legislative findings and intent; providing requirements and procedures for referring certain children to the Early Steps Program; requiring the Early Steps Program to screen or evaluate all children referred to the program by the department or its contracted agencies; requiring the service coordinator of the Early Steps Program to forward certain information to the department and the community-based care lead agency; requiring the dependency court to appoint a surrogate parent for certain children under certain circumstances; requiring the department or a community-based care lead agency to refer a child to the Child Find program of the Florida Diagnostic and Learning Resources System under certain circumstances; requiring a caregiver to choose certain providers to care for children in out-of-home care; revising enrollment and attendance requirements for children in an early education or child care program; conforming cross-references; providing requirements and procedures for maintaining the educational stability of a child during the child's placement in out-of-home care, or subsequent changes in out-of-home placement; requiring that a child's transition from a child care or early education program be pursuant to a plan that

meets certain requirements; amending s. 39.701, F.S.; requiring the court to appoint a surrogate parent if the child is under the age of school entry; requiring the court to determine if the department and community-based lead agency has continued to reasonably engaged in family finding; providing guidelines for determining the level of reasonableness; amending ss. 414.045 and 1009.25, F.S.; conforming provisions to changes made by the act; providing effective dates.

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

Section 1. Effective January 1, 2019, section 39.4015, Florida Statutes, is created to read:

39.4015 Family finding.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that every child who is in out-of-home care has the goal of finding a permanent home, whether achieved by reunifying the child with his or her parents or finding another permanent connection, such as adoption or legal guardianship with a relative or nonrelative who has a significant relationship with the child.

(b) The Legislature finds that while legal permanency is important to a child in out-of-home care, emotional permanency helps increase the likelihood that children will achieve stability and well-being and successfully transition to independent adulthood.

(c) The Legislature also finds that research has

consistently shown that placing a child within his or her own family reduces the trauma of being removed from his or her home, is less likely to result in placement disruptions, and enhances prospects for finding a permanent family if the child cannot return home.

(d) The Legislature further finds that the primary purpose of family finding is to facilitate legal and emotional permanency for children who are in out-of-home care by finding and engaging their relatives.

(e) It is the intent of the Legislature that every child in out-of-home care be afforded the advantages that can be gained from the use of family finding to establish caring and long-term or permanent connections and relationships for children and youth in out-of-home care, as well as to establish a long-term emotional support network with family members and other adults who may not be able to take the child into their home but who want to stay connected with the child.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Diligent efforts" means the use of methods and techniques including, but not limited to, interviews with immediate and extended family and kin, genograms, eco-mapping, case mining, cold calls, and specialized computer searches.

(b) "Family finding" means an intensive relative search and engagement technique used in identifying family and other close adults for children in out-of-home care and involving them in developing and carrying out a plan for the emotional and legal permanency of a child.

(c) "Family group decisionmaking" is a generic term that includes a number of approaches in which family members and

fictive kin are brought together to make decisions about how to care for their children and develop a plan for services. The term includes family team conferencing, family team meetings, family group conferencing, family team decisionmaking, family unity meetings, and team decisionmaking, which may consist of several phases and employ a trained facilitator or coordinator.

(d) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(3) FAMILY-FINDING PROGRAM.—The department, in collaboration with sheriffs' offices that conduct child protective investigations and community-based care lead agencies, shall develop a formal family-finding program to be implemented statewide by child protective investigators and community-based care lead agencies.

(a) Family finding is required as soon as a child comes to the attention of the department and throughout the duration of the case, and finding and engaging with as many family members and fictive kin as possible for each child who may help with care or support for the child is considered a best practice. The department or community-based care lead agency must specifically document strategies taken to locate and engage relatives and kin. Strategies of engagement may include, but are not limited to, asking the relatives and kin to:

1. Participate in a family group decisionmaking conference, family team conferencing, or other family meetings aimed at developing or supporting the family service plan;

2. Attend visitations with the child;

3. Assist in transportation of the child;

4. Provide respite or child care services; or

5. Provide actual kinship care.

(b) The department and the community-based care lead agencies must use diligent efforts in family finding, must continue those efforts until multiple relatives and kin are identified, and must go beyond basic searching tools by exploring alternative tools and methodologies. Efforts by the department and the community-based care lead agency may include, but are not limited to:

1. Searching for and locating adult relatives and kin.

2. Identifying and building positive connections between the child and the child's relatives and fictive kin.

3. Supporting the engagement of relatives and fictive kin in social service planning and delivery of services and creating a network of extended family support to assist in remedying the concerns that led to the child becoming involved with the child welfare system, when appropriate.

4. Maintaining family connections, when possible.

5. Keeping siblings together in care, when in the best interest of each child and when possible.

(c) A basic computer search using the Internet or attempts to contact known relatives at a last known address or telephone number do not constitute effective family finding.

(d) The court's inquiry and determination regarding family finding should be made at each stage of the case, including a shelter hearing conducted pursuant to s. 39.402. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably

engaged in family finding. The level of reasonableness is to be determined by the length of the case and the amount of time the department or community-based care lead agency has had to begin or continue the process.

(4) RULEMAKING.—The department shall adopt rules to implement this section.

Section 2. Paragraphs (c) and (d) of subsection (11) of section 39.402, Florida Statutes, and subsection (17) of that section are amended to read:

39.402 Placement in a shelter.—

(11)

(c) The court shall request that the parents consent to provide access to the child's child care records, early education program records, or other educational records and provide information to the court, the department or its contract agencies, and any guardian ad litem or attorney for the child. If a parent is unavailable or unable to consent or withholds consent and the court determines access to the records and information is necessary to provide services to the child, the court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer the child to the district school superintendent for appointment of a surrogate parent if the child has or is suspected of having a disability and the parent is unavailable pursuant to s. 39.0016(3)(b). If the child is under the age of school entry, the court must make the appointment.

(17) At the shelter hearing, the court shall inquire of the parent whether the parent has relatives who might be considered as a placement for the child. The parent shall provide to the

court and all parties identification and location information regarding the relatives. The court shall advise the parent that the parent has a continuing duty to inform the department of any relative who should be considered for placement of the child. The court shall place its determinations on the record as to whether the department or community-based care lead agency has reasonably engaged in family finding. The level of reasonableness is to be determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 3. Present subsection (9) of section 39.506, Florida Statutes, is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

39.506 Arraignment hearings.—

(9) The court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

Section 4. Paragraphs (c) and (d) of subsection (7) of section 39.507, Florida Statutes, are amended to read:

39.507 Adjudicatory hearings; orders of adjudication.—

(7)

(c) If a court adjudicates a child dependent and the child is in out-of-home care, the court shall inquire of the parent or parents whether the parents have relatives who might be considered as a placement for the child. ~~The court shall advise~~

~~the parents that, if the parents fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.~~ The parent or parents shall provide to the court and all parties identification and location information of the relatives. The court shall review whether the department or community-based care lead agency has reasonably engaged in family finding and make a written determination as to its findings. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

(d) The court shall advise the parents that, if they fail to substantially comply with the case plan, their parental rights may be terminated and that the child's out-of-home placement may become permanent.

Section 5. Effective January 1, 2019, section 39.5085, Florida Statutes, is amended to read:

39.5085 Kinship Care ~~Relative Caregiver~~ Program.—

(1) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that an increasing number of relatives and fictive kin are assuming the responsibility of raising children because the parents of these children are unable to care for them.

(b) The Legislature also finds that these kinship caregivers perform a vital function by providing homes for children who would otherwise be at risk of foster care placement and that kinship care is a crucial option in the spectrum of out-of-home care available to children in need.

(c) The Legislature finds that children living with kinship

caregivers experience increased placement stability, are less likely to reenter care if they are reunified with their parents, and have better behavioral and mental health outcomes.

(d) The Legislature further finds that these kinship caregivers may face a number of difficulties and need assistance to support the health and well-being of the children they care for. These needs include, but are not limited to, financial assistance, legal assistance, respite care, child care, specialized training, and counseling.

(e) It is the intent of the Legislature to provide for the establishment and implementation of procedures and protocols that are likely to increase and adequately support appropriate and safe kinship care placements.

(2) DEFINITIONS.—As used this section, the term:

(a) "Fictive kin" means an individual who is unrelated to the child by either birth or marriage, but has such a close emotional relationship with the child that he or she may be considered part of the family.

(b) "Kinship care" means the full-time care of a child placed in out-of-home care by the court in the home of a relative or fictive kin.

(c) "Kinship navigator program" means a statewide program designed to ensure that kinship caregivers are provided with necessary resources for the preservation of the family.

(d) "Relative" means an individual who is caring full time for a child placed in out-of-home care by the court and who:

1. Is related to the child within the fifth degree by blood or marriage to the parent or stepparent of the child; or

2. Is related to a half-sibling of that child within the

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fifth degree by blood or marriage to the parent or stepparent.

(3) FINANCIAL ASSISTANCE.—The department shall provide financial assistance to all caregivers who qualify under this subsection.

(a) Relatives or fictive kin caring for a child who has been placed with them by the court shall receive a monthly caregiver benefit, beginning when the child is placed with them. The amount of the benefit payment is based on the child's age within a payment schedule established by rule of the department. The cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.

(b) Caregivers who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services, as needed.

(c) Caregivers who qualify for and receive assistance under this section are not required to meet foster care licensing requirements under s. 409.175.

(d) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.

(d) A caregiver may not receive a benefit payment if the parent or stepparent of the child resides in the home. However, a caregiver may receive the benefit payment for a minor parent who is in his or her care, as well as for the minor parent's

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child, if both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is receiving a benefit payment when a parent, other than an eligible minor parent, or stepparent moves into the home, the payment must be terminated no later than the first day of the month following the move, allowing for 10-day notice of adverse action.

(e) Children living with caregivers who are receiving assistance under this section are eligible for Medicaid coverage.

(4) ADDITIONAL ASSISTANCE AND SERVICES.—

(a) The purpose of a kinship navigator program is to help relative caregivers and fictive kin in the child welfare system to navigate the broad range of services available to them and the children from public, private, community, and faith-based organizations.

(b) By January 1, 2019, each community-based care lead agency shall establish a kinship navigator program. In order to meet the requirements of a kinship navigator program, the program must:

1. Be coordinated with other state or local agencies that promote service coordination or provide information and referral services, including any entities that participate in the Florida 211 Network, to avoid duplication or fragmentation of services to kinship care families;

2. Be planned and operated in consultation with kinship caregivers and organizations representing them, youth raised by kinship caregivers, relevant governmental agencies, and relevant community-based or faith-based organizations;

3. Establish a toll-free telephone hotline to provide information to link kinship caregivers, kinship support group facilitators, and kinship service providers to:

a. One another;

b. Eligibility and enrollment information for federal, state, and local benefits;

c. Relevant training to assist kinship caregivers in caregiving and in obtaining benefits and services; and

d. Relevant knowledge related to legal options available for child custody, other legal assistance, and help in obtaining legal services.

4. Provide outreach to kinship care families, including by establishing, distributing, and updating a kinship care website, or other relevant guides or outreach materials; and

5. Promote partnerships between public and private agencies, including schools, community-based or faith-based organizations, and relevant governmental agencies, to increase their knowledge of the needs of kinship care families to promote better services for those families.

(5) RULEMAKING.—The department shall adopt rules to implement this section.

~~(1) It is the intent of the Legislature in enacting this section to:~~

~~(a) Provide for the establishment of procedures and protocols that serve to advance the continued safety of children by acknowledging the valued resource uniquely available through grandparents, relatives of children, and specified nonrelatives of children pursuant to subparagraph (2)(a)3.~~

~~(b) Recognize family relationships in which a grandparent~~

~~or other relative is the head of a household that includes a child otherwise at risk of foster care placement.~~

~~(c) Enhance family preservation and stability by recognizing that most children in such placements with grandparents and other relatives do not need intensive supervision of the placement by the courts or by the department.~~

~~(d) Recognize that permanency in the best interests of the child can be achieved through a variety of permanency options, including permanent guardianship under s. 39.6221 if the guardian is a relative, by permanent placement with a fit and willing relative under s. 39.6231, by a relative, guardianship under chapter 744, or adoption, by providing additional placement options and incentives that will achieve permanency and stability for many children who are otherwise at risk of foster care placement because of abuse, abandonment, or neglect, but who may successfully be able to be placed by the dependency court in the care of such relatives.~~

~~(e) Reserve the limited casework and supervisory resources of the courts and the department for those cases in which children do not have the option for safe, stable care within the family.~~

~~(f) Recognize that a child may have a close relationship with a person who is not a blood relative or a relative by marriage and that such person should be eligible for financial assistance under this section if he or she is able and willing to care for the child and provide a safe, stable home environment.~~

~~(2)(a) The Department of Children and Families shall establish, operate, and implement the Relative Caregiver Program~~

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~~by rule of the department. The Relative Caregiver Program shall, within the limits of available funding, provide financial assistance to:~~

~~1. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~2. Relatives who are within the fifth degree by blood or marriage to the parent or stepparent of a child and who are caring full-time for that dependent child, and a dependent half-brother or half-sister of that dependent child, in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the relative under this chapter.~~

~~3. Nonrelatives who are willing to assume custody and care of a dependent child in the role of substitute parent as a result of a court's determination of child abuse, neglect, or abandonment and subsequent placement with the nonrelative caregiver under this chapter. The court must find that a proposed placement under this subparagraph is in the best interest of the child.~~

~~4. A relative or nonrelative caregiver, but the relative or nonrelative caregiver may not receive a Relative Caregiver Program payment if the parent or stepparent of the child resides in the home. However, a relative or nonrelative may receive the Relative Caregiver Program payment for a minor parent who is in his or her care, as well as for the minor parent's child, if~~

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~~both children have been adjudicated dependent and meet all other eligibility requirements. If the caregiver is currently receiving the payment, the Relative Caregiver Program payment must be terminated no later than the first of the following month after the parent or stepparent moves into the home, allowing for 10-day notice of adverse action.~~

~~The placement may be court-ordered temporary legal custody to the relative or nonrelative under protective supervision of the department pursuant to s. 39.521(1)(c)3., or court-ordered placement in the home of a relative or nonrelative as a permanency option under s. 39.6221 or s. 39.6231 or under former s. 39.622 if the placement was made before July 1, 2006. The Relative Caregiver Program shall offer financial assistance to caregivers who would be unable to serve in that capacity without the caregiver payment because of financial burden, thus exposing the child to the trauma of placement in a shelter or in foster care.~~

~~(b) Caregivers who receive assistance under this section must be capable, as determined by a home study, of providing a physically safe environment and a stable, supportive home for the children under their care and must assure that the children's well-being is met, including, but not limited to, the provision of immunizations, education, and mental health services as needed.~~

~~(c) Relatives or nonrelatives who qualify for and participate in the Relative Caregiver Program are not required to meet foster care licensing requirements under s. 409.175.~~

~~(d) Relatives or nonrelatives who are caring for children placed with them by the court pursuant to this chapter shall receive a special monthly caregiver benefit established by rule of the department. The amount of the special benefit payment shall be based on the child's age within a payment schedule established by rule of the department and subject to availability of funding. The statewide average monthly rate for children judicially placed with relatives or nonrelatives who are not licensed as foster homes may not exceed 82 percent of the statewide average foster care rate, and the cost of providing the assistance described in this section to any caregiver may not exceed the cost of providing out-of-home care in emergency shelter or foster care.~~

~~(e) Children receiving cash benefits under this section are not eligible to simultaneously receive WAGES cash benefits under chapter 414.~~

~~(f) Within available funding, the Relative Caregiver Program shall provide caregivers with family support and preservation services, flexible funds in accordance with s. 409.165, school readiness, and other available services in order to support the child's safety, growth, and healthy development. Children living with caregivers who are receiving assistance under this section shall be eligible for Medicaid coverage.~~

~~(g) The department may use appropriate available state, federal, and private funds to operate the Relative Caregiver Program. The department may develop liaison functions to be available to relatives or nonrelatives who care for children pursuant to this chapter to ensure placement stability in extended family settings.~~

Section 6. Paragraph (e) of subsection (1) of section

39.521, Florida Statutes, is amended to read:

39.521 Disposition hearings; powers of disposition.—

(1) A disposition hearing shall be conducted by the court, if the court finds that the facts alleged in the petition for dependency were proven in the adjudicatory hearing, or if the parents or legal custodians have consented to the finding of dependency or admitted the allegations in the petition, have failed to appear for the arraignment hearing after proper notice, or have not been located despite a diligent search having been conducted.

(e) The court shall, in its written order of disposition, include all of the following:

1. The placement or custody of the child.

2. Special conditions of placement and visitation.

3. Evaluation, counseling, treatment activities, and other actions to be taken by the parties, if ordered.

4. The persons or entities responsible for supervising or monitoring services to the child and parent.

5. Continuation or discharge of the guardian ad litem, as appropriate.

6. The date, time, and location of the next scheduled review hearing, which must occur within the earlier of:

a. Ninety days after the disposition hearing;

b. Ninety days after the court accepts the case plan;

c. Six months after the date of the last review hearing; or

d. Six months after the date of the child's removal from his or her home, if no review hearing has been held since the child's removal from the home.

7. If the child is in an out-of-home placement, child

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support to be paid by the parents, or the guardian of the child's estate if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child. The court may exercise jurisdiction over all child support matters, shall adjudicate the financial obligation, including health insurance, of the child's parents or guardian, and shall enforce the financial obligation as provided in chapter 61. The state's child support enforcement agency shall enforce child support orders under this section in the same manner as child support orders under chapter 61. Placement of the child shall not be contingent upon issuance of a support order.

8.a. If the court does not commit the child to the temporary legal custody of an adult relative, legal custodian, or other adult approved by the court, the disposition order must ~~shall~~ include the reasons for such a decision and ~~shall include~~ a written determination as to whether ~~diligent efforts were made by~~ the department and the community-based care lead agency reasonably engaged in family finding in attempting to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to begin or continue the process.

b. If no suitable relative is found and the child is placed with the department or a legal custodian or other adult approved by the court, both the department and the court shall consider transferring temporary legal custody to an adult relative approved by the court at a later date, but neither the

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department nor the court is obligated to so place the child if it is in the child's best interest to remain in the current placement.

~~For the purposes of this section, "diligent efforts to locate an adult relative" means a search similar to the diligent search for a parent, but without the continuing obligation to search after an initial adequate search is completed.~~

9. Other requirements necessary to protect the health, safety, and well-being of the child, to preserve the stability of the child's child care, early education program, or any other educational placement, and to promote family preservation or reunification whenever possible.

Section 7. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 39.6012, Florida Statutes, are amended to read:

39.6012 Case plan tasks; services.—

(2) The case plan must include all available information that is relevant to the child's care including, at a minimum:

(b) A description of the plan for ensuring that the child receives safe and proper care and that services are provided to the child in order to address the child's needs. To the extent available and accessible, the following health, mental health, and education information and records of the child must be attached to the case plan and updated throughout the judicial review process:

1. The names and addresses of the child's health, mental health, and educational providers;

2. The child's grade level performance;

3. The child's school record or, if the child is under the age of school entry, any records from a child care program, early education program, or preschool program;

4. Documentation of compliance or noncompliance with the attendance requirements under s. 39.604, if the child is enrolled in a child care program, early education program, or preschool program;

5.~~4.~~ Assurances that the child's placement takes into account proximity to the school in which the child is enrolled at the time of placement;

6. ~~5. A record of~~ The child's immunizations;

7.~~6.~~ The child's known medical history, including any known health problems;

8.~~7.~~ The child's medications, if any; and

9.~~8.~~ Any other relevant health, mental health, and education information concerning the child.

(3) In addition to any other requirement, if the child is in an out-of-home placement, the case plan must include:

(a) A description of the type of placement in which the child is to be living and, if the child has been placed with the department, whether the department and the community-based care lead agency have reasonably engaged in family finding to locate an adult relative, legal custodian, or other adult willing to care for the child in order to present that placement option to the court instead of placement with the department.

Section 8. Section 39.604, Florida Statutes, is amended to read:

39.604 Rilya Wilson Act; short title; legislative intent; early intervention; child care; early education; preschool

~~requirements; attendance and reporting responsibilities~~.—

(1) SHORT TITLE.—This section may be cited as the "Rilya Wilson Act."

(2) LEGISLATIVE FINDINGS AND INTENT.—

(a) The Legislature finds that children from birth to age 5 years are particularly vulnerable to maltreatment and that they enter out-of-home care in disproportionately high numbers.

(b) The Legislature also finds that children who are abused or neglected are at high risk of experiencing physical and mental health problems and problems with language and communication, cognitive development, and social and emotional development.

(c) The Legislature also finds that providing early intervention and services, as well as quality child care and early education programs to support the healthy development of these young children, can have positive effects that last throughout childhood and into adulthood.

(d) The Legislature also finds that the needs of each of these children are unique, and while some children may be best served by a quality child care or early education program, others may need more attention and nurturing that can best be provided by a stay-at-home caregiver ~~The Legislature recognizes that children who are in the care of the state due to abuse, neglect, or abandonment are at increased risk of poor school performance and other behavioral and social problems~~.

(e) It is the intent of the Legislature that children who are ~~currently~~ in out-of-home ~~the~~ care ~~of the state~~ be provided with an age-appropriate developmental child care or early education arrangement that is in the best interest of the child

~~education program~~ to help ameliorate the negative consequences of abuse, neglect, or abandonment.

(3) EARLY INTERVENTION FOR CHILDREN UNDER THE AGE OF THREE.—The Child Abuse Prevention and Treatment Act, 42 U.S.C. ss. 5101, et seq., and federal the Individuals with Disabilities Education Act requires states to have provisions and procedures for referring to early intervention services children who are under the age of 3 years and involved in substantiated cases of child abuse or neglect, or who are affected by substance abuse or withdrawal symptoms from prenatal drug exposure.

(a) *Referral process.*—A child from birth to age 36 months who is determined to be a victim of any substantiated case of child abuse or neglect or who is affected by substance abuse or withdrawal symptoms from prenatal drug exposure, shall be referred to the Early Steps Program under s. 391.301, according to the following criteria:

1. Children who will remain in the home of their parents or legal guardian without referral to a community-based care lead agency for services shall be referred to the Early Steps Program by the protective investigator handling the case within 48 hours of verification of the abuse or neglect.

2. When there is an indication that they may have an established condition or developmental delay, children who will remain in the home of their parents or legal guardian and who are referred to a community-based care lead agency for services must be referred to the Early Steps Program by the community-based care lead agency case worker during the case plan development process within 7 days after the identification of an established condition or possible developmental delay. The

community-based care lead agency shall follow up to determine whether the child has been found eligible for Part C services and shall support the participation of the eligible children's families in the Early Steps Program. Support may include, but need not be limited to:

a. Assistance with transportation, if necessary;

b. Providing written information about the Early Steps Program; and

c. Followup with the family and encouraging the child's participation in the Early Steps Program.

3. Children being placed into shelter care for referral to a community-based care lead agency for out-of-home placement must receive an initial assessment during the case plan development process and may be referred to the Early Steps Program according to the following criteria:

a. Children who are not referred for a comprehensive behavioral health assessment under the Medicaid program must be referred to the Early Steps Program by the case worker during the case plan development process for the child. The referral must be documented in the case plan.

b. Children who are referred for a comprehensive behavioral health assessment under the Medicaid program must be referred to the Early Steps Program by the community-based care lead agency case worker if their comprehensive behavioral health assessment flags them as potentially having a developmental delay or an established condition. The referral must be documented in the case plan. The Early Steps Program referral form must be accompanied by the comprehensive behavioral health assessment that flagged the child as potentially having a developmental

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delay or an established condition.

(b) *Screening and evaluation.*—The local Early Steps Program shall screen or evaluate all children referred by the department or its contracted agencies. The information on the outcome of a child's screening or evaluation, and any recommended services on the child's individualized family support plan, shall be forwarded by the Early Steps Program's service coordinator to the department and the community-based care lead agency for consideration in development of the child's case plan.

(c) *Appointment of surrogate parent.*—Federal law requires parental consent and participation at every stage of the early intervention process after referral. A dependency court shall appoint a surrogate parent under s. 39.0016 for a child from birth to age 36 months whose parents are unavailable or unwilling to provide consent for services when the child has been determined to be a victim of any substantiated case of child abuse or neglect or is affected by substance abuse or withdrawal symptoms from prenatal drug exposure and has been referred to the Early Steps Program under s. 391.301.

(4) EARLY INTERVENTION FOR CHILDREN AGES THREE YEARS TO FIVE YEARS.—The federal Individuals with Disabilities Education Act requires states to develop a comprehensive Child Find program to locate children who are potentially eligible for services, including children who are involved in substantiated cases of child abuse or neglect, and link them to early intervention services. If the department or a community-based care lead agency suspects that a child is a victim of substantiated child abuse or neglect, the child must be referred to the Child Find program of the Florida Diagnostic and Learning

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Resources System for assessment.

(5) CHILD CARE, EARLY EDUCATION PROGRAMS, PRESCHOOL.—Research has found that the quality of child care, early education programs, and preschool programs is important to the cognitive, language, and social development of young children, with consistent and emotionally supportive care being of great benefit to children and their families. Children who receive high-quality early childhood care and education have better math, language, and social skills as they enter school, and, as they grow older, require less remedial education, progress further in school, and have fewer interactions with the justice system. Significant involvement of parents in early childhood care and education may help reduce the incidence of maltreatment of children and may be beneficial to children and families who are already involved in the child welfare system by virtue of establishing caring relationships in a supportive learning environment that assists parents in establishing social support networks, accessing information about parenting and child development, and receiving referrals to other services.

(a) *Early child care and education preference*.—Care for children in out-of-home care shall be chosen by the caregiver according to the following order:

1. Providers who receive a Gold Seal Quality Care designation pursuant to s. 402.281, or providers participating in a quality rating system;

2. Licensed child care providers;

3. Public school providers; and

4. License-exempt child care providers, including religious-exempt and registered providers, and non-public

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schools. These providers must be participating in the school readiness program through the local early learning coalition.

(b) *Enrollment*

~~(3) REQUIREMENTS.—~~

1. A child from birth to the age of school entry, who is under court-ordered protective supervision or in out-of-home care and is ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency, and~~ enrolled in an ~~a licensed~~ early education or child care program must attend the program 5 days a week unless the court grants an exception due to the court determining it is in the best interest of a child from birth to age 3 years:

a. With a stay-at-home caregiver to remain at home.

b. With a caregiver who works less than full time to attend an early education or child care program fewer than 5 days a week.

2. Notwithstanding s. 39.202, the department ~~of Children and Families~~ must notify operators of an ~~the licensed~~ early education or child care program, subject to the reporting requirements of this act, of the enrollment of any child from birth to the age of school entry, under court-ordered protective supervision or in out-of-home care. If ~~the custody of the Family Safety Program Office of the Department of Children and Families or a community-based lead agency. When~~ a child is enrolled in an early education or child care program ~~regulated by the department~~, the child's attendance in the program must be a required task ~~action~~ in the safety plan or the case plan developed for the child pursuant to this chapter. ~~An exemption to participating in the licensed early education or child care~~

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~~program 5 days a week may be granted by the court.~~

(c)~~(4)~~ *Attendance* ~~ATTENDANCE AND REPORTING REQUIREMENTS~~.—

1.~~(a)~~ A child enrolled in an ~~a licensed~~ early education or child care program who meets the requirements of paragraph (b) ~~subsection (3)~~ may not be withdrawn from the program without the prior written approval of the department ~~Family Safety Program Office of the Department of Children and Families~~ or the community-based care lead agency.

2.a.~~(b)1.~~ If a child covered by this section is absent from the program on a day when he or she is supposed to be present, the person with whom the child resides must report the absence to the program by the end of the business day. If the person with whom the child resides, whether the parent or caregiver, fails to timely report the absence, the absence is considered to be unexcused. The program shall report any unexcused absence or seven consecutive excused absences of a child who is enrolled in the program and covered by this act to the ~~local designated staff of the Family Safety Program Office of the~~ department ~~of Children and Families~~ or the community-based care lead agency by the end of the business day following the unexcused absence or seventh consecutive excused absence.

b.~~2.~~ The department or community-based care lead agency shall conduct a site visit to the residence of the child upon receiving a report of two consecutive unexcused absences or seven consecutive excused absences.

c.~~3.~~ If the site visit results in a determination that the child is missing, the department or community-based care lead agency shall follow the procedure set forth in s. 39.0141 ~~report the child as missing to a law enforcement agency and proceed~~

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~~with the necessary actions to locate the child pursuant to procedures for locating missing children~~.

d.~~4.~~ If the site visit results in a determination that the child is not missing, the parent or caregiver shall be notified that failure to ensure that the child attends the ~~licensed~~ early education or child care program is a violation of the safety plan or the case plan. If more than two site visits are conducted pursuant to this paragraph ~~subsection~~, staff shall ~~initiate action to~~ notify the court of the parent or caregiver's noncompliance with the case plan.

(6) EDUCATIONAL STABILITY.—Just as educational stability is important for school-age children, it is also important to minimize disruptions to secure attachments and stable relationships with supportive caregivers of children from birth to school age and to ensure that these attachments are not disrupted due to placement in out-of-home care or subsequent changes in out-of-home placement.

(a) A child must be allowed to remain in the child care or early educational setting that he or she attended before entry into out-of-home care, unless the program is not in the best interest of the child.

(b) If it is not in the best interest of the child for him or her to remain in his or her child care or early education setting upon entry into out-of-home care, the caregiver must work with the case manager, guardian ad litem, child care and educational staff, and educational surrogate, if one has been appointed, to determine the best setting for the child. Such setting may be a child care provider that receives a Gold Seal Quality Care designation pursuant to s. 402.281, a provider

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participating in a quality rating system, a licensed child care provider, a public school provider, or a license-exempt child care provider, including religious-exempt and registered providers, and non-public schools.

(c) The department and providers of early care and education shall develop protocols to ensure continuity if children are required to leave a program because of a change in out-of-home placement.

(7) TRANSITIONS.—In the absence of an emergency, if a child from birth to school age leaves a child care or early education program, the transition must be pursuant to a plan that involves cooperation and sharing of information among all persons involved, that respects the child's developmental stage and associated psychological needs, and that allows for a gradual transition from one setting to another.

Section 9. Paragraph (c) of subsection (2) of section 39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF AGE.—

(c) *Review determinations.*—The court and any citizen review panel shall take into consideration the information contained in the social services study and investigation and all medical, psychological, and educational records that support the terms of the case plan; testimony by the social services agency, the parent, the foster parent or legal custodian, the guardian ad litem or surrogate parent for educational decisionmaking if one has been appointed for the child, and any other person deemed appropriate; and any relevant and material evidence submitted to

the court, including written and oral reports to the extent of their probative value. These reports and evidence may be received by the court in its effort to determine the action to be taken with regard to the child and may be relied upon to the extent of their probative value, even though not competent in an adjudicatory hearing. In its deliberations, the court and any citizen review panel shall seek to determine:

1. If the parent was advised of the right to receive assistance from any person or social service agency in the preparation of the case plan.

2. If the parent has been advised of the right to have counsel present at the judicial review or citizen review hearings. If not so advised, the court or citizen review panel shall advise the parent of such right.

3. If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

4. Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016. If the child is under the age of school entry, the court must make the appointment.

5. The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents' compliance with child support orders.

6. The compliance or lack of compliance with a visitation

contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

7. The frequency, kind, and duration of contacts among siblings who have been separated during placement, as well as any efforts undertaken to reunite separated siblings if doing so is in the best interest of the child.

8. The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply, if applicable.

9. Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child's current placement, including whether the child is in a setting that is as family-like and as close to the parent's home as possible, consistent with the child's best interests and special needs, and including maintaining stability in the child's educational placement, as documented by assurances from the community-based care provider that:

a. The placement of the child takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

b. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

10. Whether the department or community-based care lead agency continues to reasonably engage in family finding. The level of reasonableness is determined by the length of the case and amount of time the department or community-based care lead agency has had to continue the process.

11. ~~10.~~ A projected date likely for the child's return home or other permanent placement.

12. ~~11.~~ When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

13. ~~12.~~ For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child's preparation for adulthood and independent living. For a child who is 15 years of age or older, the court shall determine if appropriate steps are being taken for the child to obtain a driver license or learner's driver license.

14. ~~13.~~ If amendments to the case plan are required. Amendments to the case plan must be made as provided in ~~under~~ s. 39.6013.

Section 10. Effective January 1, 2019, paragraph (b) of subsection (1) of section 414.045, Florida Statutes, is amended to read:

414.045 Cash assistance program.—Cash assistance families include any families receiving cash assistance payments from the state program for temporary assistance for needy families as defined in federal law, whether such funds are from federal funds, state funds, or commingled federal and state funds. Cash

assistance families may also include families receiving cash assistance through a program defined as a separate state program.

(1) For reporting purposes, families receiving cash assistance shall be grouped into the following categories. The department may develop additional groupings in order to comply with federal reporting requirements, to comply with the data-reporting needs of the board of directors of CareerSource Florida, Inc., or to better inform the public of program progress.

(b) *Child-only cases.*—Child-only cases include cases that do not have an adult or teen head of household as defined in federal law. Such cases include:

1. Children in the care of caretaker relatives, if the caretaker relatives choose to have their needs excluded in the calculation of the amount of cash assistance.

2. Families in the Kinship Care ~~Relative Caregiver~~ Program as provided in s. 39.5085.

3. Families in which the only parent in a single-parent family or both parents in a two-parent family receive supplemental security income (SSI) benefits under Title XVI of the Social Security Act, as amended. To the extent permitted by federal law, individuals receiving SSI shall be excluded as household members in determining the amount of cash assistance, and such cases shall not be considered families containing an adult. Parents or caretaker relatives who are excluded from the cash assistance group due to receipt of SSI may choose to participate in work activities. An individual whose ability to participate in work activities is limited who volunteers to

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participate in work activities shall be assigned to work activities consistent with such limitations. An individual who volunteers to participate in a work activity may receive child care or support services consistent with such participation.

4. Families in which the only parent in a single-parent family or both parents in a two-parent family are not eligible for cash assistance due to immigration status or other limitation of federal law. To the extent required by federal law, such cases shall not be considered families containing an adult.

5. To the extent permitted by federal law and subject to appropriations, special needs children who have been adopted pursuant to s. 409.166 and whose adopting family qualifies as a needy family under the state program for temporary assistance for needy families. Notwithstanding any provision to the contrary in s. 414.075, s. 414.085, or s. 414.095, a family shall be considered a needy family if:

a. The family is determined by the department to have an income below 200 percent of the federal poverty level;

b. The family meets the requirements of s. 414.095(2) and (3) related to residence, citizenship, or eligible noncitizen status; and

c. The family provides any information that may be necessary to meet federal reporting requirements specified under Part A of Title IV of the Social Security Act.

Families described in subparagraph 1., subparagraph 2., or subparagraph 3. may receive child care assistance or other supports or services so that the children may continue to be

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cared for in their own homes or in the homes of relatives. Such assistance or services may be funded from the temporary assistance for needy families block grant to the extent permitted under federal law and to the extent funds have been provided in the General Appropriations Act.

Section 11. Paragraph (d) of subsection (1) of section 1009.25, Florida Statutes, is amended to read:

1009.25 Fee exemptions.—

(1) The following students are exempt from the payment of tuition and fees, including lab fees, at a school district that provides workforce education programs, Florida College System institution, or state university:

(d) A student who is or was at the time he or she reached 18 years of age in the custody of a kinship caregiver ~~relative or nonrelative~~ under s. 39.5085 or who was adopted from the Department of Children and Families after May 5, 1997. Such exemption includes fees associated with enrollment in applied academics for adult education instruction. The exemption remains valid until the student reaches 28 years of age.

Section 12. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2.27.18
Meeting Date

590
Bill Number (if applicable)

Topic Child Welfare

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
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 Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 710 (471064)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senator Book
SUBJECT:	Prescription Drug Donation Program
DATE:	February 21, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	**Fav/CS**
2.	Loe	Williams	AHS	**Recommend: Fav/CS**
3.	Loe	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 710 creates the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH) to facilitate the donation and distribution of prescription drugs and supplies to eligible patients in the state. The Program:

- Permits Florida residents with valid prescriptions who are either indigent, uninsured, or underinsured to receive donated prescription drugs and supplies under the Program.
- Limits entities that may donate prescription drugs to those that can ensure the drugs have been maintained entirely by licensed or permitted professionals and not by patients.
- Limits dispensing of prescription drugs under the Program to persons who are licensed, registered, or otherwise permitted by state law.
- Establishes eligibility criteria for prescription drugs donated to the Program.
- Provides procedures for inventorying, storing, dispensing, recalling, and destroying prescription drugs under the Program.
- Provides recordkeeping and reporting requirements for participating facilities.
- Requires DOH to maintain and publish on its website registries of all participating facilities and available donated drugs and supplies.
- Creates a direct-support organization (DSO) to provide funding for the Program.
- Requires DOH to adopt rules necessary to implement the Program.

The bill amends s. 252.36(5), F.S., to allow the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

The DOH will experience an increase in workload to administer the Program; however, these costs should be absorbed through funding collected by the DSO in support of the Program.

The bill is effective July 1, 2018.

II. Present Situation:

State Prescription Drug Donation and Reuse Programs

State prescription drug donation and reuse programs have been in effect for two decades beginning with a pilot program in Georgia in 1997.[1] Such drug donation and reuse programs permit unused prescription or non-prescription drugs to be donated and re-dispensed to patients within certain federal guidelines. More than 38 states have passed laws authorizing such programs; however, many are not currently operational.[2] Georgia's program started with a prescription drug reuse program only in long-term care facilities and has been expanded to a collection and donation program that accepts prescription and non-prescription drugs.[3]

Pharmaceutical donation programs and reuse programs involve the voluntary collection of donated, unused prescription and non-prescription drugs from patients. States vary in the types of drugs and supplies that are accepted, the number and types of sites that are considered eligible locations where patients or donors may deposit donations, participant eligibility requirements, and the dispensing fees for the donated drugs. Generally, the drugs are not controlled substances. Some programs, such as Florida's, are limited to only cancer treatment drugs. Twelve other states besides Florida - Colorado, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, Ohio, Pennsylvania, Utah, Washington, and Wisconsin - have prescription drug donation and reuse programs limited to only cancer treatment drugs.

Pharmacies, charitable clinics, and hospitals are locations where such donations are accepted. In Florida's Cancer Drug Donation Program,[4] only Class II hospital pharmacies that elect or volunteer to participate in the program are eligible to accept donations of cancer drugs from designated individuals or entities.[5]

Individuals may be required to meet certain eligibility requirements beyond a cancer diagnosis to participate in the donation program such as proof of state residency (Minnesota), lack of access to other insurance coverage, or Medicaid ineligibility (Florida). Dispensing fees are set based on a maximum relative threshold above the Medicaid dispensing fee or capped at an absolute dollar amount that typically ranges from $10 to $15.

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[1] National Conference of State Legislatures, *State Prescription Drug Return, Reuse and Recycling Laws* (March 31, 2017), http://www.ncsl.org/research/health/state-prescription-drug-return-reuse-and-recycling.aspx (last visited Nov. 28, 2017).
[2] *Supra* note 1.
[3] GA. CODE ANN. § 31-8-301-304 (2017).
[4] Section 499.029, F.S.
[5] *See* s. 465.019, F.S. Class II institutional pharmacies are those institutional pharmacies that employ the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to the patients of that institution, for use on the premises of that institution.

The statutory provisions of many pharmaceutical donation programs have several common requirements:

- No controlled substances are accepted as donations;
- No adulterated or misbranded medications are allowed;
- All pharmaceuticals must be checked by a pharmacist prior to being dispensed;
- Pharmaceuticals must not be expired and most pharmaceuticals must have at least six months or longer before expiration;
- All pharmaceuticals must be unopened and in original, sealed, tamper-evident packaging; and
- Liability protection is assured for both donors and recipients.[6]

Most states permit the donation of any non-controlled substance to a designated medical facility, clinic, or pharmacy that has elected to participate in the program. Twenty states have operational repository programs – either cancer drug programs or broader collection programs – including states such as Iowa, which has served over 70,000 patients and re-distributed $15 million in donated supplies since 2007.[7] The Iowa program is limited to residents with incomes at or below 200 percent of the federal poverty level (FPL), or $49,200 for a family of four under the current guidelines, who are uninsured or underinsured, and are eligible to receive the donated medications and supplies.[8] The Iowa program accepts donations from any organization or individual in the country with the medication provided in its sealed or original, tamper-resistant packaging. Any pharmacy or medical facility with authorization to dispense under Iowa administrative rules may then re-dispense the donated medication or supplies.[9]

Wyoming has also had a long-running Medication Donation Program. The state's program filled over 150,000 prescriptions since its inception in 2007 and provided more than $2.4 million worth of donated prescriptions in 2016.[10] Assistance under the program is time-limited and recipients must have incomes under 200 percent of the FPL, and be without prescription insurance or Medicaid coverage. A dispensing site may also charge a recipient up to $10 per prescription to cover dispensing fees. Controlled substances are not covered in the program.[11]

Florida Cancer Drug Donation Program

The Florida Cancer Drug Donation Program (CDDP) was created in 2006[12] and is administratively housed within the DBPR. The CDDP allows eligible donors to donate cancer drugs and related supplies to participating facilities that may dispense the donations to eligible cancer patients. Eligible donors include patients, patient representatives, health care facilities,

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[6] *Supra* note 1.
[7] *Supra* note 1.
[8] Iowa Department of Public Health, *SafeNetRx Program*, https://idph.iowa.gov/ohds/rural-health-primary-care/repository, (last visited Nov. 28, 2017).
[9] *Id.*
[10] Wyoming Department of Health, *Wyoming Medication Donation Program*, https://health.wyo.gov/healthcarefin/medicationdonation/ (last visited Nov. 28, 2017).
[11] *Id.*
[12] Chapter 2006-310, Laws of Fla. (creating s. 499.029, effective July 1, 2006). It was originally created within the Department of Health, but was part of a programmatic transfer by the 2010 Legislature to DBPR effective October 1, 2011.

nursing home facilities, hospices, or hospitals with a closed drug delivery system; or pharmacies, drug manufacturers, medical device manufacturers, or suppliers or wholesalers of drugs or supplies.[13]

Eligible participating facilities that may collect donations are limited to only those Florida hospital pharmacies with a Class II institutional pharmacy permit.[14] These pharmacies participate on a voluntary basis and must agree to accept, inspect, and dispense the donated drugs to the eligible patients in accordance with the statute. The DBPR is required to establish and maintain a participant facility registry for the CDDP. The law provides the content for the registry and a requirement for a website posting. Currently, 14 hospital pharmacies participate in the CDDP.[15]

Florida's recipient eligibility requirements limit participation to Florida residents who:

- Have been diagnosed with cancer; and
- Are ineligible for the Medicaid program, or any other prescription drug program funded in whole or in part by the federal government, or do not have third party insurance unless the benefits have been exhausted or a certain cancer drug is not covered.[16]

Donated drugs may only be prescribed by a licensed practitioner and dispensed by a licensed pharmacist to an eligible patient.[17] Dispensed drugs and supplies under the CDDP are not eligible for reimbursement by third parties, either public or private. However, the facility may charge the recipient of the donated drug a handling fee of no more than 300 percent of the Medicaid dispensing fee or no more than $15, whichever is less, for each cancer drug that is dispensed.[18]

The DBPR, Division of Drugs, Devices, and Cosmetics, maintains a list of available donated medications on its website; however, no cancer medications are currently reported on the list.[19] As of November 2017, the DBPR does not require the participating facilities to report the medications that are available for inclusion on the CDDP website or the number of donated drugs that have been administered.[20] A facility is required to maintain its data for three years.[21]

The CDDP will only accept drugs if:

- The drug expires at least six months after the date of donation and the drug's tamper-resistant packaging is intact;
- The drug is in its original, unopened, sealed, tamper-evident unit dose packaging with lot number and expiration date, if so packaged; and
- The drug is not a substance listed on Schedule II, III, IV, or V of s. 893.03, F.S.[22]

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[13] Section 499.029(3)(c), F.S.
[14] Section 499.029(2)(e), F.S.
[15] Florida Department of Business and Professional Regulation, *Cancer Drug Donation Program Participation Report*, http://www.myfloridalicense.com/dbpr/ddc/documents/ParicipatingHospital.pdf (last visited Nov. 28, 2017).
[16] Rule 61N-1.026(1), F.A.C.
[17] Section 499.029(5), F.S.
[18] Section 409.029(7)(b), F.S. and Rule 61N-1.026(5), F.A.C.
[19] Florida Department of Business and Professional Regulation, *Medication Supply Availability List*.
[20] Email correspondence from Colton Madill, Department of Business and Professional Regulation (Nov. 29, 2017) (on file with the Senate Committee on Health Policy).
[21] *Id.*
[22] Rule 61N-1.026(6), F.A.C.

Under the act, a donor or a participant in the program who acts with reasonable care in donating, accepting, distributing, or dispensing prescription drugs or supplies is immune from civil or criminal liability or professional disciplinary action for any kind of injury, death, or loss relating to such activities.[23]

Regulation of Pharmacy

The DBPR is the state agency charged with the regulation and licensure of businesses and professionals.[24] Under the provisions of chapter 499, F.S., the Division of Drugs, Devices, and Cosmetics safeguards the health, safety, and welfare of the state's citizens from injury due to the use of adulterated, contaminated, and misbranded drugs, drug ingredients and cosmetics. The Division oversees: the CDDP; issuance and regulation of licensure and permits for drug manufacturers, wholesalers, and distributers; controlled substance reporting requirements for certain wholesale distributors; issuance and regulation of other permits and licenses; and the Drug Wholesale Distributor Advisory Council.[25]

The Florida Drug and Cosmetic Act (Act) is codified as ss. 499.001 – 499.081, F.S. The Act provides uniform legislation to be administered so far as practicable in conformity with the provisions of, and regulations issued under the authority of, the Federal Food, Drug, and Cosmetic Act and that portion of the Federal Trade Commission Act which expressly prohibits the false advertisement of drugs, devices, and cosmetics. The Act provides definitions for what is considered a device, drug, and, specifically, a prescription drug.[26]

Chapter 465, F.S., governs the regulation of the practice of pharmacy by the Board of Pharmacy in the Department of Health. Section 465.019(2)(b), F.S., provides requirements for institutional pharmacies. "Class II institutional pharmacies" are those institutional pharmacies that employ the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to patients of that institution for use on the premises of that institution.

Section 465.015(2)(c), F.S., makes it unlawful for a pharmacist to sell or dispense drugs without first being furnished a prescription. Section 465.016(1)(l), F.S., prohibits a pharmacist from placing into stock any part of any prescription compounded or dispensed which is returned by the patient. Additionally, the Board of Pharmacy has adopted an administrative rule that prohibits a pharmacist from placing into the stock of any pharmacy any part of any prescription compounded or dispensed, which is returned by a patient, except as specified in the Board of Pharmacy rules.[27] There is an exception for a closed drug delivery system in which unit dose or

[23] Section 409.029(11), F.S.
[24] Section 20.165, F.S.
[25] Department of Business and Professional Regulation, *Division of Drugs, Devices, and Cosmetics*, http://www.myfloridalicense.com/dbpr/ddc/index.html (last visited Nov. 29, 2017).
[26] A "prescription drug" under s. 499.003(40) is defined as a "prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined by, or described by, s. 503(b) of the federal act or s. 465.003(8), s. 499.007(13), subsection (31), or subsection (47), except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.
[27] Rule 64B16-28.118(2), F.A.C.

customized patient medication packages are dispensed to in-patients. The unused medication may be returned to the pharmacy for re-dispensing only if each unit dose or customized patient medication package is individually sealed and if each unit dose or the unit dose system – or the customized patient medication package container or the customized patient medication package unit of which it is clearly a part – is labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any. In the case of controlled substances, such drugs may only be returned as permitted under federal law.[28] A "closed drug delivery system" means a system in which control of the unit-dose medication is maintained by the facility rather than by the individual patient. A "unit dose system" means a system in which all the individually sealed unit doses are physically connected as a unit.[29]

For nursing facility residents, s. 400.141(1)(d), F.S., requires a pharmacist licensed in Florida that is under contract with a nursing home to repackage a resident's bulk prescription medication that has been packaged by another pharmacist into a unit-dose system compatible with the system used by the nursing facility, if requested by the facility. In order to be eligible for the repacking service, the resident or the resident's spouse's prescription medication benefits must be covered through a former employer as part of his or her retirement benefits, a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. part 831, or a long-term care policy as defined under specified state law. A pharmacist who correctly repackages and relabels the medication, and the nursing home who correctly administers the repackaged medication, cannot be held liable in any civil or administrative action arising from the repackaging. The pharmacist may charge a reasonable fee for costs of the repackaging.

A nursing home typically has a Class I institutional permit. This permit authorizes the nursing home to have patient-specific medications that have already been dispensed to the resident. Prescription drugs may not be dispensed in a Class I pharmacy.[30]

Federal Law and Regulations

The federal Controlled Substances Act (CSA) was enacted by Congress in 1970 and codified as 21 U.S.C. §801, et seq. The CSA regulates the manufacture and distribution of controlled substances in the United States. The federal Drug Enforcement Agency (DEA) is responsible for the enforcement of the CSA.

The CSA categorizes drugs into five "schedules" based on their potential for abuse and safety or dependence liability.[31] The CSA provides for specific dispensing requirements for controlled

[28] Rule 64B16-28-118(2), F.A.C.
[29] Rule 64B16-28-118(1), F.A.C.
[30] Section 465.019(2)(a), F.S.
[31] U.S. Department of Justice, Diversion Control Division, *Controlled Substance Security Manual*, https://www.deadiversion.usdoj.gov/pubs/manuals/sec/app_law.htm (last visited Nov. 28, 2017). Drugs classified as Schedule I are those that are considered to have no medical use in the United States and have a high abuse potential and include drugs such as heroin, LSD, and marijuana. Schedule II substances have a high abuse potential with severe psychological or physical dependency, but have accepted medical use. Examples of Schedule II drugs include opium, morphine, codeine, and oxycodone. Schedule III drugs have an abuse potential and dependency liability less than Schedule II with an accepted medical use. Schedule III drugs may also contain limited quantities of certain narcotic and non-narcotic drugs. Schedule IV drugs have an abuse potential and dependency liability less than those drugs in Schedule III and have an

substances, including written prescriptions, retention requirements, and refill restrictions, depending on the drug's schedule.[32] Prescriptions must also meet specific labeling and packaging requirements. For Schedule II, III, and IV drugs, the label must clearly contain a warning that it is a crime to transfer the drug to any person other than the patient.[33]

The CSA permits the delivery of controlled substances by an "ultimate user,"[34] who has lawfully obtained the drug, to a designated covered entity for disposal and destruction such as through a prescription drug take-back program.[35] An authorized covered entity is defined in federal law as:

- A specified law enforcement agency;
- A manufacturer, distributor, or reverse distributor of prescription medications;
- A retail pharmacy;
- A registered narcotic treatment program;
- A hospital or clinic with an onsite pharmacy;
- An eligible long-term care facility; or
- Any other entity authorized by the DEA to dispose of prescription medications.[36]

The last National Prescription Take Back Day sponsored by the DEA resulted in more than 912,305 pounds of expired, unused, and unwanted prescription drugs returned at 5,300 sites on November 7, 2017.[37] The goal of the take-back program is to prevent the diversion of unwanted drugs to misuse and abuse and to avoid the potential safety hazard of drugs flushed down the toilet.[38]

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organization (DSOs) are statutorily created non-profit organizations[39] authorized to carry out specific tasks in support of public entities or public causes.[40] The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO supports.[41]

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accepted medical use and include drugs such as Valium, Xanax, and Darvon. The drugs in the fifth and final schedule, Schedule V, have an abuse potential less than those listed in Schedule IV, have an accepted medical use, and are often available without a prescription, including some for antitussive and antidiarrheal purposes.

[32] 21 U.S.C. §829 and 21 CFR §§1306.21 and 1306.22.

[33] 21 U.S.C. §825.

[34] An "ultimate user" is defined under 21 U.S.C. 802(27), as the person who has lawfully obtained, and who possesses, a controlled substance for his own use or the use of a member of his household or for an animal owned by him or by a member of his household.

[35] 21 U.S.C. 822a.

[36] *Id.*

[37] Drug Enforcement Administration, *Drug Enforcement Administration collects record number of unused pills as part of its 14th Prescription Drug Take Back Day* (November 7, 2017), https://www.dea.gov/divisions/hq/2017/hq110717.shtml (last visited Nov. 28, 2017).

[38] *Id.*

[39] Chapter 617, F.S.

[40] *E.g.*, ss. 1009.983 and 413.0111, F.S.

[41] *See* ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. *See also* Rules of the Florida Auditor General, Audits of Certain Nonprofit Organizations (effective June 30, 2016), Rule 10.720(1)(b) and (d), *available at* http://www.myflorida.com/audgen/pages/pdf_files/10_700.pdf.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.[42] Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:[43]

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's ethics code; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.[44]

Each agency receiving information from a CSO or DSO pursuant to law must make such information available to the public through the agency's website.[45] If the organization maintains a website, the agency's website must provide a link to the organization's website.[46] Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the required information to the agency as specified in law.[47] If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.[48]

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.[49]

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment, unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.[50]

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of $100,000 to provide for an annual financial audit of its accounts and records.[51] An independent certified public accountant in accordance with rules adopted by the Auditor General must

[42] Section 3, ch. 2014-96, L.O.F
[43] Section 20.058(1), F.S.
[44] The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.
[45] Section 20.058(2), F.S.
[46] *Id.*
[47] Section 20.058(4), F.S.
[48] *Id.*
[49] *Id.* at (3).
[50] *Id.* at (5).
[51] The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is $300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

conduct the audit. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.[52] Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.[53]

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.[54] A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.[55]

Governor's Executive Powers

During a declared state of emergency, the Governor has extensive authority to act as he or she deems necessary. Section 252.36(1), F.S., provides, in part, that "in the event of an emergency beyond local control, the Governor…may assume" or delegate "direct operational control over all or any part of the emergency management functions within this state…" In addition, the Governor may "issue executive orders, proclamations, and rules" which "shall have the force and effect of law." Subsection (5) specifically authorizes the Governor to use all resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency.

The Governor is also directed to "take such action and give such direction to state and local law enforcement officers," and state health officials as may be "reasonable and necessary" to secure compliance with the State Emergency Management Act and the Florida Hazardous Materials Emergency Response and Community Right-To-Know Act in ch. 252, F.S.

A declared State of Emergency is limited to 60 days, unless renewed by the Governor or terminated by the Legislature.

III. Effect of Proposed Changes:

Section 1 creates s. 465.1902, F.S., to establish the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH). The purpose of the program is to authorize and facilitate the donation and distribution of prescription drugs and supplies to eligible patients through a system of local and centralized repositories. The DOH may contract with a third party to implement and administer the Program.

The bill authorizes the following individuals or entities to donate prescription drugs and supplies:

- Nursing home facilities with closed drug delivery systems.
- Hospices that have maintained control of a patient's prescription drug.

[52] Section 215.981(1), F.S.
[53] Section 11.45(3), F.S.
[54] Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.
[55] Section 112.3251, F.S.

- Hospitals with closed drug delivery systems.
- Pharmacies.
- Drug manufacturers or wholesale distributors.
- Medical device manufacturers or suppliers.
- Prescribing individuals who receive prescription drugs or supplies directly from a drug manufacturer, wholesale distributor, or pharmacy.

The bill authorizes prescription drugs to be donated at the discretion of the centralized repository or a local repository if the drug:

- Is approved for medical use in the United States;
- Does not include a substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, F.S.;
- Is in its original sealed and tamper-evident packaging, and does not have any physical signs of tampering or adulteration;
- Requires storage at normal room temperature per the manufacturer or the United States Pharmacopeia, and has been stored according to these requirements;
- Packaging contains a lot number and expiration date of the drug, and will not expire within three months after the donation is made;
- Is not eligible for return to the Medicaid program for restocking; and
- Is not subject to a Federal Food and Drug Administration Risk Evaluation and Mitigation Strategy with Elements to Assure Safe Use.

The bill requires prescription drugs or supplies be donated at a repository and prohibits the use of a drop box and donation to a specific patient. Repositories must destroy any donated drug not eligible for dispensing and make a record of the destruction on a form developed by DOH.

The bill requires a licensed pharmacist employed by, or under contract with, a repository to inspect all donated prescription drugs and supplies to determine whether they are eligible for donation under the Program, have been adulterated or misbranded, and are safe and suitable for dispensing. The pharmacist must sign an inspection record affirming the eligibility of the prescription drug or supply, and attach the form to the inventory record. The pharmacist is not required to re-inspect the prescription drug if the inspected drugs are redistributed to another repository under the Program.

The bill requires repositories to store all donated prescription drugs and supplies in a secure storage area, separate from non-donated inventory, and under the environmental conditions required by the manufacturer or the U.S. Pharmacopeia. Repositories must quarantine donated drugs and supplies from dispensing inventory until they have been inspected and approved for dispensing by the pharmacist.

The bill requires local repositories to maintain an inventory of all donated prescription drugs and supplies they receive, and to notify the centralized repository within five days of receipt. The centralized repository maintains an inventory of all prescription drugs and supplies donated to the Program, including donations made at local repositories. The centralized repository may redistribute drugs and supplies to facilitate dispensing as needed throughout the state.

The bill makes participation in the Program voluntary and requires an eligible entity to notify the DOH of its intent to participate before accepting or dispensing any prescription drugs or supplies under the Program. The DOH shall establish in rule a form for such notification, to include, at a minimum:

- The name, street address, website, and telephone number of the local repository, and any state-issued license or registration number issued to the local repository, including the name of the issuing agency;
- The name and telephone number of the pharmacist employed by or under contract with the local repository responsible for the inspection of donated prescription drugs and supplies; and
- A statement signed and dated by the responsible pharmacist affirming that the local repository meets the eligibility requirements.

An eligible patient wishing to receive drugs or supplies under the Program may contact a local repository, and submit an intake collection form. This form, to be created by DOH in rule, shall include, at a minimum:

- The name, street address, and telephone number of the eligible patient;
- The specific basis for eligibility, which must be indigent, uninsured, or underinsured, as defined in the Program;[56] and
- A statement signed and dated by the eligible patient affirming that he or she meets the eligibility requirements of the Program.

The bill requires local repositories to collect an executed intake form from each eligible patient receiving drugs or supplies under the Program. Upon receiving a duly executed intake form, the local repository shall issue the eligible patient an identification card that is valid for up to one year. Local repositories must send a summary of the intake collection form data to the centralized repository within five days of receipt.

The bill permits licensed pharmacists and those health care practitioners already authorized by law to dispense prescription drugs and supplies in Florida to do so under the Program. Prior to dispensing a prescription drug or supply to an eligible patient, the dispenser must:

- Verify that the patient is eligible to receive donations under the Program, either through a Program identification card or a duly executed intake collection form; and
- Inspect the donated prescription drug or supply to confirm it is still eligible for dispensing under the Program.

The bill prohibits repositories from reselling drugs, submitting claims, or otherwise seeking reimbursement from any public or private third-party payor for donated drugs or supplies dispensed under the Program. However, the dispensing facility may charge a nominal handling fee, to be determined by the DOH in rule.

In the event of a prescription drug recall, the bill requires a local or centralized repository to:

[56] The bill defines "indigent" as persons with an income below 200 percent of the federal poverty level, "uninsured" as persons who have no third-party insurance and are not eligible under Medicaid or any other federal program, and "underinsured" as persons who have third-party insurance or are eligible under Medicaid or other federal program, but have exhausted these benefits or do not have prescription drug coverage for the drug prescribed.

- Have an established protocol to notify recipients of the drug;
- Destroy all of the recalled prescription drugs in the repository; and
- Complete a destruction information form for all donated prescription drugs that were destroyed.

The bill requires local repositories to maintain records of all prescription drugs and supplies accepted, donated, dispensed, distributed, or destroyed under the Program. Local repositories must submit these records quarterly to the centralized repository for data collection and the centralized repository submits these records and the collected data in annual reports to the DOH.

The bill requires the DOH to maintain a registry on its website of all available drugs and supplies, including the name, strength, available quantity, and expiration date of each drug and supply, as well as the contact information for the repositories where it is available. The DOH is required to maintain a registry on its website of all participating local repositories, to include each repository's name, address, website, and telephone number.

The bill grants immunity from civil or criminal liability, and professional disciplinary actions, to a donor or participant relating to activities under the Program. Additionally, a pharmaceutical manufacturer who exercises reasonable care is not liable for any claim or injury arising from the transfer of prescription drugs under the Program.

The bill requires the dispenser to provide written notification to the patient, or his or her legal representative, before dispensing a prescription drug that the drug was donated to the Program, the dispenser is not liable for any injury, death, or loss related to the dispensing of the drug, and the requirement of a nominal handling fee.

The bill authorizes the DOH to establish a direct-support organization (DSO) to provide assistance, funding, and promotional support for the activities authorized for the Program. The DSO is repealed on October 1, 2023, unless reviewed and saved from repeal by the Legislature.

The bill provides rulemaking authority to the DOH to administer the Program and establish the DSO.

Section 2 amends s. 252.36(5), F.S., to allow the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

Section 3 provides an effective date of July 1, 2018.

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:

Participation in the program is voluntary. Those hospitals and nursing homes volunteering to participate in the program may incur costs associated with collecting, storing, and re-dispensing of donated prescription drugs. Those same hospitals and nursing homes may enjoy cost savings to the extent their patients may be receiving needed health care services on a more timely basis. Without such donations, some patients could return as sicker, more costly patients at a later date.

Hospitals and facilities participating in the program are permitted to recoup some costs through a small handling fee. Current state regulations permit a handling fee of up to 300 percent of the Medicaid dispensing fee or $15, whichever is less, for each cancer drug or supply dispensed.[57]

C. Government Sector Impact:

The DOH will experience a significant increase in workload to administer the program. The DSO established under the bill is responsible for collecting the necessary funds for the DOH to administer the program effectively. The DOH will need to submit a legislative budget request for the Legislature to appropriate an indeterminate, yet significant, amount of general revenue funds to support the Program if the DSO is unsuccessful in collecting the required resources.

Public facilities that elect to participate in the program will face similar costs associated with collecting, storing, and dispensing the prescription drugs. Likewise, these public facilities may enjoy additional savings through the participation of the uninsured or underinsured from their communities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[57] Rule 61N-1.026(5), F.A.C.

VIII. Statutes Affected:

This bill substantially amends section 252.36 of the Florida Statutes.

This bill creates section 465.1902 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.)

Recommended CS by Appropriations Subcommittee on Health and Human Services on February 14, 2018:
The committee substitute:

- Eliminates the expansion of the Cancer Drug Donation Program and creates the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH) to facilitate the donation and distribution of prescription drugs and supplies to eligible patients in the state.
- Establishes eligibility criteria to donate, dispense, and receive prescription drugs under the program.
- Provides inspection and storage requirements for donated prescription drugs.
- Authorizes the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

CS by Health Policy on December 5, 2017:
The CS amends the term "prescription drug" to exclude the donation of drugs to the program which fall under Schedules II through V of s. 803.03, F.S.

B. Amendments:

None.

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

576-03267-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to the Prescription Drug Donation Repository Program; creating s. 465.1902, F.S.; providing a short title; creating the Prescription Drug Donation Repository Program within the Department of Health; providing purpose; authorizing the department to contract with a third party to implement and administer the program; providing definitions; specifying entities that are eligible donors; providing criteria for eligible donations; prohibiting donations to specific patients; providing that certain prescription drugs eligible for return to stock must be credited to Medicaid under specified conditions and are not program eligible; prohibiting the donation of certain drugs pursuant to federal restrictions; authorizing repositories to refuse to accept donations of prescription drugs or supplies; providing inspection, inventory, and storage requirements for centralized and local repositories; requiring inspection of donated prescription drugs and supplies by a licensed pharmacist; requiring a local repository to notify the centralized repository within a specified timeframe after receiving a donation of prescription drugs or supplies; authorizing a centralized repository to redistribute prescription drugs or supplies; requiring local repositories to notify the department regarding participation in the

576-03267-18

program; providing conditions for dispensing donated prescription drugs and supplies to eligible patients; requiring repositories to establish a protocol for notifying recipients of a prescription drug recall; providing for destruction of donated prescription drugs in the event of a drug recall; providing recordkeeping requirements; requiring the department to maintain and publish a registry of participating local repositories and available donated prescription drugs and supplies; specifying certain notice to patients; providing immunity from civil and criminal liability for participants under certain circumstances; authorizing the department to establish a direct-support organization to provide assistance funding and promotional support for program activities; specifying direct-support organization purposes and objectives; prohibiting such direct-support organization from lobbying and specifying that such direct-support organization is not a lobbying firm; specifying that the direct-support organization mush operate under contract with the department; specifying required contract terms; providing for the direct-support organization board of directors; specifying the membership of such board; specifying requirements relating to a direct-support organization's use of department property; specifying requirements for the deposit of funds by the direct-support organization; providing for audits of a direct-support organization; specifying a repeal,

unless reviewed and saved from repeal by the Legislature on a specified date; requiring the department to adopt rules; amending s. 252.36, F.S.; authorizing the Governor to waive the patient eligibility requirements of s. 465.1902, F.S., during a declared state of emergency; providing an effective date.

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

Section 1. Section 465.1902, Florida Statutes, is created to read:

465.1902 Prescription Drug Donation Repository Program.—

(1) SHORT TITLE.—This section may be cited as the "Prescription Drug Donation Repository Program Act."

(2) PRESCRIPTION DRUG DONATION REPOSITORY PROGRAM.—The Prescription Drug Donation Repository Program is created within the Department of Health for the purpose of authorizing and facilitating the donation of prescription drugs and supplies to eligible patients. The department may contract with a third party to implement and administer the program.

(3) DEFINITIONS.—As used in this section, the term:

(a) "Centralized repository" means a distributor permitted pursuant to chapter 499 which is approved by the department or the contractor to accept, inspect, inventory, and distribute donated drugs and supplies under this section.

(b) "Closed drug delivery system" means a system in which the actual control of the unit-dose medication package is maintained by the facility rather than by the individual

patient.

(c) "Contractor" means the third-party vendor approved by the department to implement and administer the program.

(d) "Controlled substance" means any substance listed under Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

(e) "Department" means Department of Health.

(f) "Direct-support organization" means an entity that is established pursuant to s. 20.058 and is:

1. A Florida corporation not for profit incorporated under chapter 617, exempted from filing fees, and approved by the Department of State.

2. Organized and operated to conduct programs and activities; raise funds and request and receive grants, gifts, and bequests of moneys; acquire, receive, hold, and invest, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures or provide funding to or for the direct or indirect benefit of the program.

(g) "Dispenser" means a dispensing health care practitioner or pharmacist licensed to dispense medicinal drugs in the state.

(h) "Donor" means an entity that meets the requirements of subsection (4).

(i) "Eligible patient" means a Florida resident who is indigent, uninsured, or underinsured and has a valid prescription for a prescription drug or supply that is eligible for dispensing under the program.

(j) "Free clinic" means a clinic that delivers only medical diagnostic services or nonsurgical medical treatment free of

charge to all low-income recipients.

(k) "Health care practitioner" or "practitioner" means a practitioner licensed under chapter 458, chapter 459, chapter 461, chapter 463, chapter 464, chapter 465, or chapter 466.

(l) "Indigent" means a person with an income that is below 200 percent of the federal poverty level as defined by the most recently revised poverty income guidelines published by the United States Department of Health and Human Services.

(m) "Local repository" means a health care practitioner's office, a pharmacy, a hospital with a closed drug delivery system, a nursing home facility with a closed drug delivery system, a free clinic, or a nonprofit health clinic that is licensed or permitted to dispense medicinal drugs in the state.

(n) "Nonprofit health clinic" means a nonprofit legal entity that provides medical care to patients who are indigent, uninsured, or underinsured, including, but not limited to, a federally qualified health center as defined in 42 U.S.C. s. 1396d(l)(2)(B) and a rural health clinic as defined in 42 U.S.C. s. 1396d(l)(1).

(o) "Nursing home facility" has the same meaning as in s. 400.021(12).

(p) "Prescriber" means a prescribing physician, prescribing practitioner, or other health care practitioner authorized by the laws of this state to prescribe medicinal drugs.

(q) "Prescription drug" has the same meaning as defined in s. 465.003(8), but does not include controlled substances or cancer drugs donated under s. 499.029.

(r) "Program" means the Prescription Drug Donation Repository Program created by this section.

(s) "Supplies" means any supply used in the administration of a prescription drug.

(t) "Tamper-evident packaging" means a package that has one or more indicators or barriers to entry which, if breached or missing, can reasonably be expected to provide visible evidence to consumers that tampering has occurred.

(u) "Underinsured" means a person who has third-party insurance or is eligible to receive prescription drugs or supplies through the Medicaid program or any other prescription drug program funded in whole or in part by the Federal Government, but has exhausted these benefits or does not have prescription drug coverage for the drug prescribed.

(v) "Uninsured" means a person who has no third-party insurance and is not eligible to receive prescription drugs or supplies through the Medicaid program or any other prescription drug program funded in whole or in part by the Federal Government.

(4) DONOR ELIGIBILITY.—The program may only accept a donation of a prescription drug or supply from:

(a) Nursing home facilities with closed drug delivery systems.

(b) Hospices that have maintained control of a patient's prescription drug.

(c) Hospitals with closed drug delivery systems.

(d) Pharmacies.

(e) Drug manufacturers or wholesale distributors.

(f) Medical device manufacturers or suppliers.

(g) Prescribers who receive prescription drugs or supplies directly from a drug manufacturer, wholesale distributor, or

pharmacy.

(5) PRESCRIPTION DRUGS AND SUPPLIES ELIGIBLE FOR DONATION.—

(a) All prescription drugs and supplies that have been approved for medical use in the United States and meet the criteria for donation established by this section may be accepted for donation under the program.

(b) The centralized repository or a local repository may accept a prescription drug only if:

1. The drug is in its original sealed and tamper-evident packaging. Single-unit-dose drugs may be accepted if the single-unit-dose packaging is unopened.

2. The drug requires storage at normal room temperature per the manufacturer or the United States Pharmacopeia.

3. The drug has been stored according to manufacturer or United States Pharmacopeia storage requirements.

4. The drug does not have any physical signs of tampering or adulteration and there is no reason to believe that the drug is adulterated.

5. The packaging does not have any physical signs of tampering, misbranding, deterioration, compromised integrity, or adulteration.

6. The packaging contains the lot number and expiration date of the drug. If the lot number is not retrievable, all specified medications must be destroyed in the event of a recall.

7. The drug has an expiration date that is more than 3 months after the date that the drug was donated.

(c) The central repository or a local repository may only accept supplies that are in their original, unopened, sealed

packaging and have not been adulterated or misbranded.

(d) Prescription drugs and supplies may be donated on the premises of the centralized repository or a local repository to a person designated by the repository. A drop box may not be used to accept donations.

(e) Prescription drugs or supplies may not be donated to a specific patient.

(f) Prescription drugs billed to and paid for by Medicaid in long-term care facilities which are eligible for return to stock under federal Medicaid regulations must be credited to Medicaid and are not eligible for donation under the program.

(g) Prescription drugs that are subject to a Federal Food and Drug Administration Risk Evaluation and Mitigation Strategy with Elements to Assure Safe Use are not eligible for donation under the program.

(h) Nothing in this section requires the central repository or a local repository to accept a donation of a prescription drug or supplies.

(6) INSPECTION AND STORAGE.—

(a) A licensed pharmacist employed by or under contract with the centralized repository or a local repository shall inspect donated prescription drugs and supplies to determine whether the donated prescription drugs or supplies:

1. Are eligible for donation under the program;

2. Have been adulterated or misbranded; and

3. Are safe and suitable for dispensing.

(b) The pharmacist who inspects the donated prescription drugs or supplies shall sign an inspection record on a form prescribed by the department and adopted in rule verifying that

576-03267-18

the criteria of paragraph (a) have been met and attach such record to the copy of the inventory record. If a local repository receives drugs and supplies from the centralized repository, the local repository is not required to reinspect the drugs and supplies.

(c) The centralized repository and local repositories shall store donated prescription drugs and supplies in a secure storage area under the environmental conditions specified by the manufacturer or United States Pharmacopeia for the prescription drugs or supplies being stored. Donated prescription drugs and supplies may not be stored with nondonated inventory. A local repository shall quarantine any donated prescription drugs or supplies from all dispensing stock until the donated prescription drugs or supplies are inspected and approved for dispensing under the program.

(d) A local repository shall maintain an inventory of all donated prescription drugs or supplies it receives. Such inventory shall be recorded on a form prescribed by the department and adopted in rule.

(e) A local repository shall notify the centralized repository within 5 days after receipt of any donation of prescription drugs or supplies to the program. The notification shall be on a form prescribed by the department and adopted by rule.

(f) The centralized repository shall maintain an inventory of all prescription drugs and supplies donated to the program.

(g) The centralized repository may redistribute prescription drugs and supplies to facilitate dispensing to either the centralized repository or to a local repository, as

576-03267-18

needed.

(7) LOCAL REPOSITORY NOTICE OF PARTICIPATION.—

(a) A local repository must notify the department of its intent to participate in the program before accepting or dispensing any prescription drugs or supplies pursuant to this section. The notification shall be on a form prescribed by the department and adopted by rule and must, at a minimum, include:

1. The name, street address, website, and telephone number of the local repository and any state-issued license or registration number issued to the local repository, including the name of the issuing agency.

2. The name and telephone number of the pharmacist employed by or under contract with the local repository who is responsible for the inspection of donated prescription drugs and supplies.

3. A statement signed and dated by the responsible pharmacist affirming that the local repository meets the eligibility requirements of this section.

(b) A local repository may withdraw from participation in the program at any time by providing written notice to the department or contractor on a form prescribed by the department and adopted by rule. The department shall adopt rules addressing the disposition of any prescription drugs in the possession of the local repository.

(8) DISPENSING.—

(a) Each eligible patient without a program identification card must submit an intake collection form to a local repository before receiving prescription drugs or supplies under the program. The form shall be prescribed by the department and

adopted by rule and, at a minimum, must include:

1. The name, street address, and telephone number of the eligible patient.

2. The basis for eligibility, which must specify that the patient is indigent, uninsured, or underinsured.

3. A statement signed and dated by the eligible patient affirming that he or she meets the eligibility requirements of this section.

(b) A local repository shall collect a signed and dated intake collection form from each eligible patient receiving prescription drugs or supplies under the program. The local repository must issue a program identification card upon receipt of a duly executed intake collection form. The program identification card is valid for 1 year after issuance and must be in a form prescribed by the department and adopted in rule.

(c) A local repository must send a summary of the intake collection form data to the centralized pharmacy within 5 days after receipt of a duly executed intake collection form.

(d) A dispenser may only dispense a donated prescription drug or supplies, if available, to an eligible patient with a program identification card or a duly executed intake collection form.

(e) A dispenser shall inspect the donated prescription drugs or supplies prior to dispensing such drugs or supplies.

(f) A dispenser may provide dispensing and consulting services to an eligible patient.

(g) Donated prescription drugs and supplies may not be sold or resold under this program.

(h) A dispenser of donated prescription drugs or supplies

may not submit a claim or otherwise seek reimbursement from any public or private third-party payor for donated prescription drugs or supplies dispensed to any patient under this program. However, a repository may charge a nominal handling fee, established by department rule, for the preparation and dispensing of prescription drugs or supplies under the program.

(i) A local repository that receives donated prescription drugs or supplies may, with authorization from the centralized repository, distribute the prescription drugs or supplies to another local repository.

(9) RECALL AND DESTRUCTION OF PRESCRIPTION DRUGS AND SUPPLIES.—

(a) The centralized repository and a local repository shall be responsible for drug recalls and shall have an established protocol to notify recipients in the event of a prescription drug recall.

(b) Local repositories shall destroy all of the recalled or expired prescription drugs or prescription drugs that are not suitable for dispensing in the repository and complete a destruction information form for all donated prescription drugs destroyed, in accordance with rules adopted by the department.

(10) RECORDKEEPING.—

(a) Local repositories shall maintain records of prescription drugs and supplies that were accepted, donated, dispensed, distributed, or destroyed under the program.

(b) All records required to be maintained as a part of the program shall be maintained in accordance with any applicable practice acts. Local repositories shall submit these records quarterly to the centralized repository for data collection, and

the centralized repository shall submit these records and the collected data in annual reports to the department.

(11) REGISTRIES AND FORMS.—

(a) The department shall establish and maintain registries of all local repositories and available drugs and supplies under the program. The registry of local repositories must include the repository's name, address, website, and telephone number. The registry of available drugs and supplies must include the name, strength, available quantity, and expiration date of the drug or supply and the name and contact information of the repositories where such drug or supply is available. The department shall publish the registries on its website.

(b) The department shall publish all forms required by this section on its website.

(12) IMMUNITY.—

(a) Any donor of prescription drugs or supplies, or any participant in the program, who exercises reasonable care in donating, accepting, distributing, or dispensing prescription drugs or supplies under the program, and the rules adopted pursuant thereto, is immune from civil or criminal liability and from professional disciplinary action of any kind for any injury, death, or loss to person or property relating to such activities.

(b) A pharmaceutical manufacturer who exercises reasonable care is not liable for any claim or injury arising from the transfer of any prescription drug under this section, including but not limited to, liability for failure to transfer or communicate product or consumer information regarding the transferred drug, including the expiration date of the

transferred drug.

(13) NOTICE TO PATIENTS.-Before dispensing a prescription drug that has been donated under this program, the dispenser must provide written notification to the patient, or to his or her legal representative, receipt of which must be acknowledged in writing, that:

(a) The prescription drug was donated to the program;

(b) The donors and participants in the program are granted certain immunities as described in subsection (12); and

(c) The patient may not be required to pay for the prescription drug, except for a nominal handling fee which may not exceed the amount established by department rule.

(14) DIRECT-SUPPORT ORGANIZATION.-The department may establish a direct-support organization to provide assistance, funding, and promotional support for the activities authorized for the program.

(a) *Purposes and objectives*.-The purposes and objectives of the direct-support organization of the program must be consistent with the goals of the department, in the best interest of the state, and in accordance with the adopted goals and mission of the department.

(b) *Prohibition against lobbying*.-The direct-support organization is not considered a lobbying firm within the meaning of s. 11.045. All expenditures of the direct-support organization must be used for the program. No expenditures of the direct-support organization may be used for the purpose of lobbying as defined in s. 11.045.

(c) *Contract*.—The direct-support organization shall operate under a written contract with the department. The contract must

provide for a submission by the direct-support organization to the department, by each August 1, and posting on the direct-support organization's and department's websites, the following information:

1. The articles of incorporation and bylaws of the direct-support organization as approved by the department.

2. An annual budget for the approval of the department.

3. The code of ethics of the direct-support organization.

4. The statutory authority or executive order that created the direct-support organization.

5. A brief description of the direct-support organization's mission and any results obtained by the direct-support organization.

6. A brief description of the direct-support organization's plans for the next 3 fiscal years.

7. A copy of the direct-support organization's most recent federal Internal Revenue Service Return Organization Exempt from Income Tax form (Form 990).

8. Certification by the department that the direct-support organization is complying with the terms of the contract and operating in a manner consistent with the goals and purposes of the department and the best interest of the program and the state. Such certification must be made annually and reported in the official minutes of a meeting of the direct-support organization.

9. The reversion, without penalty, of moneys and property held in trust by the direct-support organization for the benefit of the program to the state if the department ceases to exist; or reversion to the department if the direct-support

organization is no longer approved to operate or ceases to exist.

10. The fiscal year of the direct-support organization, which must begin on July 1 of each year and end on June 30 of the following year.

11. The disclosure of material provisions of the contract, and the distinction between the department and the direct-support organization, to donors of gifts, contributions, or bequests, including such disclosure on all promotional and fundraising publications.

12. All prescription drugs solicited by the direct-support organization to be distributed to the centralized repository or a local repository. The direct-support organization may not possess any prescription drugs on behalf of the program.

(d) *Board of directors.*—The State Surgeon General shall appoint a board of directors of the direct-support organization. The board of directors shall consist of at least 5 members, but not more than 15 members, who serve at the pleasure of the State Surgeon General. The board members must elect a chair from among its members. Board members must serve without compensation but may be entitled to reimbursement of travel and per diem expenses in accordance with s. 112.061, if funds are available for this purpose.

(e) *Use of property.*—The department may allow, without charge, appropriate use of fixed property, facilities, and personnel services of the department by the direct-support organization, subject to this subsection. For the purposes of this paragraph, the term "personnel services" includes full-time or part-time personnel, as well as payroll processing services.

1. The department may prescribe any condition with which the direct-support organization must comply in order to use fixed property or facilities of the department.

2. The department may not permit the use of any fixed property or facilities of the department by the direct-support organization if it does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.

3. The department shall adopt rules prescribing the procedures by which the direct-support organization is governed and any conditions with which a direct-support organization must comply to use property or facilities of the department.

(f) *Deposit of funds.*—Any moneys may be held in a separate depository account in the name of the direct-support organization and subject to the provisions of the contract with the department.

(g) *Use of funds.*-Funds designated for the direct-support organization must be used for the enhancement of the projects of the program and used in a manner consistent with that purpose. Any administrative costs of running and promoting the purposes of the corporation or program must be paid by private funds.

(h) *Audit.*—The direct-support organization shall provide for an annual financial audit in accordance with s. 215.981.

(i) *Repeal.*—This subsection shall stand repealed on October 1, 2023, unless reviewed and saved from repeal by the Legislature.

(15) RULEMAKING.—The department shall adopt rules necessary to implement the requirements of this section. When applicable, the rules may provide for the use of electronic forms,

recordkeeping, and meeting by teleconference.

Section 2. Paragraph (o) is added to subsection (5) of section 252.36, Florida Statutes, to read:

252.36 Emergency management powers of the Governor.—

(5) In addition to any other powers conferred upon the Governor by law, she or he may:

(o) Waive the patient eligibility requirements of s. 465.1902.

Section 3. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 710
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senator Book
SUBJECT:	Prescription Drug Donation Program
DATE:	February 27, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	**Fav/CS**
2.	Loe	Williams	AHS	**Recommend: Fav/CS**
3.	Loe	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 710 creates the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH) to facilitate the donation and distribution of prescription drugs and supplies to eligible patients in the state. The Program:

- Permits Florida residents with valid prescriptions who are either indigent, uninsured, or underinsured to receive donated prescription drugs and supplies under the Program.
- Limits entities that may donate prescription drugs to those that can ensure the drugs have been maintained entirely by licensed or permitted professionals and not by patients.
- Limits dispensing of prescription drugs under the Program to persons who are licensed, registered, or otherwise permitted by state law.
- Establishes eligibility criteria for prescription drugs donated to the Program.
- Provides procedures for inventorying, storing, dispensing, recalling, and destroying prescription drugs under the Program.
- Provides recordkeeping and reporting requirements for participating facilities.
- Requires DOH to maintain and publish on its website registries of all participating facilities and available donated drugs and supplies.
- Creates a direct-support organization (DSO) to provide funding for the Program.
- Requires DOH to adopt rules necessary to implement the Program.

The bill amends s. 252.36(5), F.S., to allow the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

The DOH will experience an increase in workload to administer the Program; however, these costs should be absorbed through funding collected by the DSO in support of the Program.

The bill is effective July 1, 2018.

II. Present Situation:

State Prescription Drug Donation and Reuse Programs

State prescription drug donation and reuse programs have been in effect for two decades beginning with a pilot program in Georgia in 1997.[1] Such drug donation and reuse programs permit unused prescription or non-prescription drugs to be donated and re-dispensed to patients within certain federal guidelines. More than 38 states have passed laws authorizing such programs; however, many are not currently operational.[2] Georgia's program started with a prescription drug reuse program only in long-term care facilities and has been expanded to a collection and donation program that accepts prescription and non-prescription drugs.[3]

Pharmaceutical donation programs and reuse programs involve the voluntary collection of donated, unused prescription and non-prescription drugs from patients. States vary in the types of drugs and supplies that are accepted, the number and types of sites that are considered eligible locations where patients or donors may deposit donations, participant eligibility requirements, and the dispensing fees for the donated drugs. Generally, the drugs are not controlled substances. Some programs, such as Florida's, are limited to only cancer treatment drugs. Twelve other states besides Florida - Colorado, Kentucky, Michigan, Minnesota, Montana, Nebraska, Nevada, Ohio, Pennsylvania, Utah, Washington, and Wisconsin - have prescription drug donation and reuse programs limited to only cancer treatment drugs.

Pharmacies, charitable clinics, and hospitals are locations where such donations are accepted. In Florida's Cancer Drug Donation Program,[4] only Class II hospital pharmacies that elect or volunteer to participate in the program are eligible to accept donations of cancer drugs from designated individuals or entities.[5]

Individuals may be required to meet certain eligibility requirements beyond a cancer diagnosis to participate in the donation program such as proof of state residency (Minnesota), lack of access to other insurance coverage, or Medicaid ineligibility (Florida). Dispensing fees are set based on a maximum relative threshold above the Medicaid dispensing fee or capped at an absolute dollar amount that typically ranges from $10 to $15.

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[1] National Conference of State Legislatures, *State Prescription Drug Return, Reuse and Recycling Laws* (March 31, 2017), http://www.ncsl.org/research/health/state-prescription-drug-return-reuse-and-recycling.aspx (last visited Nov. 28, 2017).
[2] *Supra* note 1.
[3] GA. CODE ANN. § 31-8-301-304 (2017).
[4] Section 499.029, F.S.
[5] *See* s. 465.019, F.S. Class II institutional pharmacies are those institutional pharmacies that employ the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to the patients of that institution, for use on the premises of that institution.

The statutory provisions of many pharmaceutical donation programs have several common requirements:

- No controlled substances are accepted as donations;
- No adulterated or misbranded medications are allowed;
- All pharmaceuticals must be checked by a pharmacist prior to being dispensed;
- Pharmaceuticals must not be expired and most pharmaceuticals must have at least six months or longer before expiration;
- All pharmaceuticals must be unopened and in original, sealed, tamper-evident packaging; and
- Liability protection is assured for both donors and recipients.[6]

Most states permit the donation of any non-controlled substance to a designated medical facility, clinic, or pharmacy that has elected to participate in the program. Twenty states have operational repository programs – either cancer drug programs or broader collection programs – including states such as Iowa, which has served over 70,000 patients and re-distributed $15 million in donated supplies since 2007.[7] The Iowa program is limited to residents with incomes at or below 200 percent of the federal poverty level (FPL), or $49,200 for a family of four under the current guidelines, who are uninsured or underinsured, and are eligible to receive the donated medications and supplies.[8] The Iowa program accepts donations from any organization or individual in the country with the medication provided in its sealed or original, tamper-resistant packaging. Any pharmacy or medical facility with authorization to dispense under Iowa administrative rules may then re-dispense the donated medication or supplies.[9]

Wyoming has also had a long-running Medication Donation Program. The state's program filled over 150,000 prescriptions since its inception in 2007 and provided more than $2.4 million worth of donated prescriptions in 2016.[10] Assistance under the program is time-limited and recipients must have incomes under 200 percent of the FPL, and be without prescription insurance or Medicaid coverage. A dispensing site may also charge a recipient up to $10 per prescription to cover dispensing fees. Controlled substances are not covered in the program.[11]

Florida Cancer Drug Donation Program

The Florida Cancer Drug Donation Program (CDDP) was created in 2006[12] and is administratively housed within the DBPR. The CDDP allows eligible donors to donate cancer drugs and related supplies to participating facilities that may dispense the donations to eligible cancer patients. Eligible donors include patients, patient representatives, health care facilities,

[6] *Supra* note 1.
[7] *Supra* note 1.
[8] Iowa Department of Public Health, *SafeNetRx Program*, https://idph.iowa.gov/ohds/rural-health-primary-care/repository, (last visited Nov. 28, 2017).
[9] *Id.*
[10] Wyoming Department of Health, *Wyoming Medication Donation Program*, https://health.wyo.gov/healthcarefin/medicationdonation/ (last visited Nov. 28, 2017).
[11] *Id.*
[12] Chapter 2006-310, Laws of Fla. (creating s. 499.029, effective July 1, 2006). It was originally created within the Department of Health, but was part of a programmatic transfer by the 2010 Legislature to DBPR effective October 1, 2011.

nursing home facilities, hospices, or hospitals with a closed drug delivery system; or pharmacies, drug manufacturers, medical device manufacturers, or suppliers or wholesalers of drugs or supplies.[13]

Eligible participating facilities that may collect donations are limited to only those Florida hospital pharmacies with a Class II institutional pharmacy permit.[14] These pharmacies participate on a voluntary basis and must agree to accept, inspect, and dispense the donated drugs to the eligible patients in accordance with the statute. The DBPR is required to establish and maintain a participant facility registry for the CDDP. The law provides the content for the registry and a requirement for a website posting. Currently, 14 hospital pharmacies participate in the CDDP.[15]

Florida's recipient eligibility requirements limit participation to Florida residents who:

- Have been diagnosed with cancer; and
- Are ineligible for the Medicaid program, or any other prescription drug program funded in whole or in part by the federal government, or do not have third party insurance unless the benefits have been exhausted or a certain cancer drug is not covered.[16]

Donated drugs may only be prescribed by a licensed practitioner and dispensed by a licensed pharmacist to an eligible patient.[17] Dispensed drugs and supplies under the CDDP are not eligible for reimbursement by third parties, either public or private. However, the facility may charge the recipient of the donated drug a handling fee of no more than 300 percent of the Medicaid dispensing fee or no more than $15, whichever is less, for each cancer drug that is dispensed.[18]

The DBPR, Division of Drugs, Devices, and Cosmetics, maintains a list of available donated medications on its website; however, no cancer medications are currently reported on the list.[19] As of November 2017, the DBPR does not require the participating facilities to report the medications that are available for inclusion on the CDDP website or the number of donated drugs that have been administered.[20] A facility is required to maintain its data for three years.[21]

The CDDP will only accept drugs if:

- The drug expires at least six months after the date of donation and the drug's tamper-resistant packaging is intact;
- The drug is in its original, unopened, sealed, tamper-evident unit dose packaging with lot number and expiration date, if so packaged; and
- The drug is not a substance listed on Schedule II, III, IV, or V of s. 893.03, F.S.[22]

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[13] Section 499.029(3)(c), F.S.
[14] Section 499.029(2)(e), F.S.
[15] Florida Department of Business and Professional Regulation, *Cancer Drug Donation Program Participation Report*, http://www.myfloridalicense.com/dbpr/ddc/documents/ParicipatingHospital.pdf (last visited Nov. 28, 2017).
[16] Rule 61N-1.026(1), F.A.C.
[17] Section 499.029(5), F.S.
[18] Section 409.029(7)(b), F.S. and Rule 61N-1.026(5), F.A.C.
[19] Florida Department of Business and Professional Regulation, *Medication Supply Availability List*.
[20] Email correspondence from Colton Madill, Department of Business and Professional Regulation (Nov. 29, 2017) (on file with the Senate Committee on Health Policy).
[21] *Id.*
[22] Rule 61N-1.026(6), F.A.C.

Under the act, a donor or a participant in the program who acts with reasonable care in donating, accepting, distributing, or dispensing prescription drugs or supplies is immune from civil or criminal liability or professional disciplinary action for any kind of injury, death, or loss relating to such activities.[23]

Regulation of Pharmacy

The DBPR is the state agency charged with the regulation and licensure of businesses and professionals.[24] Under the provisions of chapter 499, F.S., the Division of Drugs, Devices, and Cosmetics safeguards the health, safety, and welfare of the state's citizens from injury due to the use of adulterated, contaminated, and misbranded drugs, drug ingredients and cosmetics. The Division oversees: the CDDP; issuance and regulation of licensure and permits for drug manufacturers, wholesalers, and distributers; controlled substance reporting requirements for certain wholesale distributors; issuance and regulation of other permits and licenses; and the Drug Wholesale Distributor Advisory Council.[25]

The Florida Drug and Cosmetic Act (Act) is codified as ss. 499.001 – 499.081, F.S. The Act provides uniform legislation to be administered so far as practicable in conformity with the provisions of, and regulations issued under the authority of, the Federal Food, Drug, and Cosmetic Act and that portion of the Federal Trade Commission Act which expressly prohibits the false advertisement of drugs, devices, and cosmetics. The Act provides definitions for what is considered a device, drug, and, specifically, a prescription drug.[26]

Chapter 465, F.S., governs the regulation of the practice of pharmacy by the Board of Pharmacy in the Department of Health. Section 465.019(2)(b), F.S., provides requirements for institutional pharmacies. "Class II institutional pharmacies" are those institutional pharmacies that employ the services of a registered pharmacist or pharmacists who, in practicing institutional pharmacy, provide dispensing and consulting services on the premises to patients of that institution for use on the premises of that institution.

Section 465.015(2)(c), F.S., makes it unlawful for a pharmacist to sell or dispense drugs without first being furnished a prescription. Section 465.016(1)(l), F.S., prohibits a pharmacist from placing into stock any part of any prescription compounded or dispensed which is returned by the patient. Additionally, the Board of Pharmacy has adopted an administrative rule that prohibits a pharmacist from placing into the stock of any pharmacy any part of any prescription compounded or dispensed, which is returned by a patient, except as specified in the Board of Pharmacy rules.[27] There is an exception for a closed drug delivery system in which unit dose or

[23] Section 409.029(11), F.S.
[24] Section 20.165, F.S.
[25] Department of Business and Professional Regulation, *Division of Drugs, Devices, and Cosmetics*, http://www.myfloridalicense.com/dbpr/ddc/index.html (last visited Nov. 29, 2017).
[26] A "prescription drug" under s. 499.003(40) is defined as a "prescription, medicinal, or legend drug, including, but not limited to, finished dosage forms or active ingredients subject to, defined by, or described by, s. 503(b) of the federal act or s. 465.003(8), s. 499.007(13), subsection (31), or subsection (47), except that an active pharmaceutical ingredient is a prescription drug only if substantially all finished dosage forms in which it may be lawfully dispensed or administered in this state are also prescription drugs.
[27] Rule 64B16-28.118(2), F.A.C.

customized patient medication packages are dispensed to in-patients. The unused medication may be returned to the pharmacy for re-dispensing only if each unit dose or customized patient medication package is individually sealed and if each unit dose or the unit dose system – or the customized patient medication package container or the customized patient medication package unit of which it is clearly a part – is labeled with the name of the drug, dosage strength, manufacturer's control number, and expiration date, if any. In the case of controlled substances, such drugs may only be returned as permitted under federal law.[28] A "closed drug delivery system" means a system in which control of the unit-dose medication is maintained by the facility rather than by the individual patient. A "unit dose system" means a system in which all the individually sealed unit doses are physically connected as a unit.[29]

For nursing facility residents, s. 400.141(1)(d), F.S., requires a pharmacist licensed in Florida that is under contract with a nursing home to repackage a resident's bulk prescription medication that has been packaged by another pharmacist into a unit-dose system compatible with the system used by the nursing facility, if requested by the facility. In order to be eligible for the repacking service, the resident or the resident's spouse's prescription medication benefits must be covered through a former employer as part of his or her retirement benefits, a qualified pension plan as specified in s. 4972 of the Internal Revenue Code, a federal retirement program as specified under 5 C.F.R. part 831, or a long-term care policy as defined under specified state law. A pharmacist who correctly repackages and relabels the medication, and the nursing home who correctly administers the repackaged medication, cannot be held liable in any civil or administrative action arising from the repackaging. The pharmacist may charge a reasonable fee for costs of the repackaging.

A nursing home typically has a Class I institutional permit. This permit authorizes the nursing home to have patient-specific medications that have already been dispensed to the resident. Prescription drugs may not be dispensed in a Class I pharmacy.[30]

Federal Law and Regulations

The federal Controlled Substances Act (CSA) was enacted by Congress in 1970 and codified as 21 U.S.C. §801, et seq. The CSA regulates the manufacture and distribution of controlled substances in the United States. The federal Drug Enforcement Agency (DEA) is responsible for the enforcement of the CSA.

The CSA categorizes drugs into five "schedules" based on their potential for abuse and safety or dependence liability.[31] The CSA provides for specific dispensing requirements for controlled

[28] Rule 64B16-28-118(2), F.A.C.
[29] Rule 64B16-28-118(1), F.A.C.
[30] Section 465.019(2)(a), F.S.
[31] U.S. Department of Justice, Diversion Control Division, *Controlled Substance Security Manual*, https://www.deadiversion.usdoj.gov/pubs/manuals/sec/app_law.htm (last visited Nov. 28, 2017). Drugs classified as Schedule I are those that are considered to have no medical use in the United States and have a high abuse potential and include drugs such as heroin, LSD, and marijuana. Schedule II substances have a high abuse potential with severe psychological or physical dependency, but have accepted medical use. Examples of Schedule II drugs include opium, morphine, codeine, and oxycodone. Schedule III drugs have an abuse potential and dependency liability less than Schedule II with an accepted medical use. Schedule III drugs may also contain limited quantities of certain narcotic and non-narcotic drugs. Schedule IV drugs have an abuse potential and dependency liability less than those drugs in Schedule III and have an

substances, including written prescriptions, retention requirements, and refill restrictions, depending on the drug's schedule.[32] Prescriptions must also meet specific labeling and packaging requirements. For Schedule II, III, and IV drugs, the label must clearly contain a warning that it is a crime to transfer the drug to any person other than the patient.[33]

The CSA permits the delivery of controlled substances by an "ultimate user,"[34] who has lawfully obtained the drug, to a designated covered entity for disposal and destruction such as through a prescription drug take-back program.[35] An authorized covered entity is defined in federal law as:

- A specified law enforcement agency;
- A manufacturer, distributor, or reverse distributor of prescription medications;
- A retail pharmacy;
- A registered narcotic treatment program;
- A hospital or clinic with an onsite pharmacy;
- An eligible long-term care facility; or
- Any other entity authorized by the DEA to dispose of prescription medications.[36]

The last National Prescription Take Back Day sponsored by the DEA resulted in more than 912,305 pounds of expired, unused, and unwanted prescription drugs returned at 5,300 sites on November 7, 2017.[37] The goal of the take-back program is to prevent the diversion of unwanted drugs to misuse and abuse and to avoid the potential safety hazard of drugs flushed down the toilet.[38]

Citizen-Support Organizations and Direct-Support Organizations

Citizen-support organizations (CSOs) and direct-support organization (DSOs) are statutorily created non-profit organizations[39] authorized to carry out specific tasks in support of public entities or public causes.[40] The function and purpose of a CSO or DSO are prescribed by an enacting statute and a written contract with the agency the CSO or DSO supports.[41]

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accepted medical use and include drugs such as Valium, Xanax, and Darvon. The drugs in the fifth and final schedule, Schedule V, have an abuse potential less than those listed in Schedule IV, have an accepted medical use, and are often available without a prescription, including some for antitussive and antidiarrheal purposes.

[32] 21 U.S.C. §829 and 21 CFR §§1306.21 and 1306.22.

[33] 21 U.S.C. §825.

[34] An "ultimate user" is defined under 21 U.S.C. 802(27), as the person who has lawfully obtained, and who possesses, a controlled substance for his own use or the use of a member of his household or for an animal owned by him or by a member of his household.

[35] 21 U.S.C. 822a.

[36] *Id.*

[37] Drug Enforcement Administration, *Drug Enforcement Administration collects record number of unused pills as part of its 14th Prescription Drug Take Back Day* (November 7, 2017), https://www.dea.gov/divisions/hq/2017/hq110717.shtml (last visited Nov. 28, 2017).

[38] *Id.*

[39] Chapter 617, F.S.

[40] *E.g.*, ss. 1009.983 and 413.0111, F.S.

[41] *See* ss. 14.29(9)(a), 16.616(1), and 258.015(1), F.S. *See also* Rules of the Florida Auditor General, Audits of Certain Nonprofit Organizations (effective June 30, 2016), Rule 10.720(1)(b) and (d), *available at* http://www.myflorida.com/audgen/pages/pdf_files/10_700.pdf.

CSO and DSO Transparency and Reporting Requirements

In 2014, the Legislature created s. 20.058, F.S., establishing a comprehensive set of transparency and reporting requirements for CSOs and DSOs.[42] Specifically, the law requires each CSO and DSO to annually submit the following information to the appropriate agency by August 1:[43]

- The name, mailing address, telephone number, and website address of the organization;
- The statutory authority or executive order that created the organization;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the organization's plans for the next three fiscal years;
- A copy of the organization's ethics code; and
- A copy of the organization's most recent Internal Revenue Service (IRS) Form 990.[44]

Each agency receiving information from a CSO or DSO pursuant to law must make such information available to the public through the agency's website.[45] If the organization maintains a website, the agency's website must provide a link to the organization's website.[46] Any contract between an agency and a CSO or DSO must be contingent upon the CSO or DSO submitting and posting the required information to the agency as specified in law.[47] If a CSO or DSO fails to submit the required information to the agency for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.[48]

By August 15 of each year, the agency must report to the Governor, President of the Senate, Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability (OPPAGA) the information submitted by each CSO or DSO along with the agency's recommendation and supporting rationale to continue, terminate, or modify the agency's association with the CSO or DSO.[49]

Any law creating, or authorizing the creation of a CSO or DSO must state that the authorization for the organization repeals on October 1 of the 5th year after enactment, unless reviewed and reenacted by the Legislature. CSOs and DSOs in existence prior to July 1, 2014, must be reviewed by the Legislature by July 1, 2019.[50]

CSO and DSO Audit Requirements

Section 215.981, F.S., requires each CSO and DSO with annual expenditures in excess of $100,000 to provide for an annual financial audit of its accounts and records.[51] An independent certified public accountant in accordance with rules adopted by the Auditor General must

[42] Section 3, ch. 2014-96, L.O.F
[43] Section 20.058(1), F.S.
[44] The IRS Form 990 is an annual information return required to be filed with the IRS by most organizations exempt from federal income tax under 26 U.S.C. 501. 26 C.F.R. 1.6033-2.
[45] Section 20.058(2), F.S.
[46] *Id.*
[47] Section 20.058(4), F.S.
[48] *Id.*
[49] *Id.* at (3).
[50] *Id.* at (5).
[51] The independent audit requirement does not apply to a CSO or DSO for a university, district board of trustees of a community college, or district school board. Additionally, the expenditure threshold for an independent audit is $300,000 for a CSO or DSO for the Department of Environmental Protection and the Department of Agriculture and Consumer Services.

conduct the audit. The audit report must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency the CSO or DSO supports.[52] Additionally, the Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements of a CSO's or DSO's accounts and records.[53]

CSO and DSO Ethics Code Requirement

Section 112.3251, F.S., requires a CSO or DSO to adopt a code of ethics. The code of ethics must contain the specified standards of conduct and disclosures provided in ss. 112.313 and 112.3143(2), F.S.[54] A CSO or DSO may adopt additional or more stringent standards of conduct and disclosure requirements and must post its code of ethics on its website.[55]

Governor's Executive Powers

During a declared state of emergency, the Governor has extensive authority to act as he or she deems necessary. Section 252.36(1), F.S., provides, in part, that "in the event of an emergency beyond local control, the Governor…may assume" or delegate "direct operational control over all or any part of the emergency management functions within this state…" In addition, the Governor may "issue executive orders, proclamations, and rules" which "shall have the force and effect of law." Subsection (5) specifically authorizes the Governor to use all resources of the state government and of each political subdivision of the state, as reasonably necessary to cope with the emergency.

The Governor is also directed to "take such action and give such direction to state and local law enforcement officers," and state health officials as may be "reasonable and necessary" to secure compliance with the State Emergency Management Act and the Florida Hazardous Materials Emergency Response and Community Right-To-Know Act in ch. 252, F.S.

A declared State of Emergency is limited to 60 days, unless renewed by the Governor or terminated by the Legislature.

III. Effect of Proposed Changes:

Section 1 creates s. 465.1902, F.S., to establish the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH). The purpose of the program is to authorize and facilitate the donation and distribution of prescription drugs and supplies to eligible patients through a system of local and centralized repositories. The DOH may contract with a third party to implement and administer the Program.

The bill authorizes the following individuals or entities to donate prescription drugs and supplies:

- Nursing home facilities with closed drug delivery systems.
- Hospices that have maintained control of a patient's prescription drug.

[52] Section 215.981(1), F.S.
[53] Section 11.45(3), F.S.
[54] Some of the standards of conduct and disclosures in ss. 112.313 and 112.3143(2), F.S., include misuse of public position, solicitation or acceptance of gifts, unauthorized compensation, and voting conflicts.
[55] Section 112.3251, F.S.

- Hospitals with closed drug delivery systems.
- Pharmacies.
- Drug manufacturers or wholesale distributors.
- Medical device manufacturers or suppliers.
- Prescribing individuals who receive prescription drugs or supplies directly from a drug manufacturer, wholesale distributor, or pharmacy.

The bill authorizes prescription drugs to be donated at the discretion of the centralized repository or a local repository if the drug:

- Is approved for medical use in the United States;
- Does not include a substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03, F.S.;
- Is in its original sealed and tamper-evident packaging, and does not have any physical signs of tampering or adulteration;
- Requires storage at normal room temperature per the manufacturer or the United States Pharmacopeia, and has been stored according to these requirements;
- Packaging contains a lot number and expiration date of the drug, and will not expire within three months after the donation is made;
- Is not eligible for return to the Medicaid program for restocking; and
- Is not subject to a Federal Food and Drug Administration Risk Evaluation and Mitigation Strategy with Elements to Assure Safe Use.

The bill requires prescription drugs or supplies be donated at a repository and prohibits the use of a drop box and donation to a specific patient. Repositories must destroy any donated drug not eligible for dispensing and make a record of the destruction on a form developed by DOH.

The bill requires a licensed pharmacist employed by, or under contract with, a repository to inspect all donated prescription drugs and supplies to determine whether they are eligible for donation under the Program, have been adulterated or misbranded, and are safe and suitable for dispensing. The pharmacist must sign an inspection record affirming the eligibility of the prescription drug or supply, and attach the form to the inventory record. The pharmacist is not required to re-inspect the prescription drug if the inspected drugs are redistributed to another repository under the Program.

The bill requires repositories to store all donated prescription drugs and supplies in a secure storage area, separate from non-donated inventory, and under the environmental conditions required by the manufacturer or the U.S. Pharmacopeia. Repositories must quarantine donated drugs and supplies from dispensing inventory until they have been inspected and approved for dispensing by the pharmacist.

The bill requires local repositories to maintain an inventory of all donated prescription drugs and supplies they receive, and to notify the centralized repository within five days of receipt. The centralized repository maintains an inventory of all prescription drugs and supplies donated to the Program, including donations made at local repositories. The centralized repository may redistribute drugs and supplies to facilitate dispensing as needed throughout the state.

The bill makes participation in the Program voluntary and requires an eligible entity to notify the DOH of its intent to participate before accepting or dispensing any prescription drugs or supplies under the Program. The DOH shall establish in rule a form for such notification, to include, at a minimum:

- The name, street address, website, and telephone number of the local repository, and any state-issued license or registration number issued to the local repository, including the name of the issuing agency;
- The name and telephone number of the pharmacist employed by or under contract with the local repository responsible for the inspection of donated prescription drugs and supplies; and
- A statement signed and dated by the responsible pharmacist affirming that the local repository meets the eligibility requirements.

An eligible patient wishing to receive drugs or supplies under the Program may contact a local repository, and submit an intake collection form. This form, to be created by DOH in rule, shall include, at a minimum:

- The name, street address, and telephone number of the eligible patient;
- The specific basis for eligibility, which must be indigent, uninsured, or underinsured, as defined in the Program;[56] and
- A statement signed and dated by the eligible patient affirming that he or she meets the eligibility requirements of the Program.

The bill requires local repositories to collect an executed intake form from each eligible patient receiving drugs or supplies under the Program. Upon receiving a duly executed intake form, the local repository shall issue the eligible patient an identification card that is valid for up to one year. Local repositories must send a summary of the intake collection form data to the centralized repository within five days of receipt.

The bill permits licensed pharmacists and those health care practitioners already authorized by law to dispense prescription drugs and supplies in Florida to do so under the Program. Prior to dispensing a prescription drug or supply to an eligible patient, the dispenser must:

- Verify that the patient is eligible to receive donations under the Program, either through a Program identification card or a duly executed intake collection form; and
- Inspect the donated prescription drug or supply to confirm it is still eligible for dispensing under the Program.

The bill prohibits repositories from reselling drugs, submitting claims, or otherwise seeking reimbursement from any public or private third-party payor for donated drugs or supplies dispensed under the Program. However, the dispensing facility may charge a nominal handling fee, to be determined by the DOH in rule.

In the event of a prescription drug recall, the bill requires a local or centralized repository to:

[56] The bill defines "indigent" as persons with an income below 200 percent of the federal poverty level, "uninsured" as persons who have no third-party insurance and are not eligible under Medicaid or any other federal program, and "underinsured" as persons who have third-party insurance or are eligible under Medicaid or other federal program, but have exhausted these benefits or do not have prescription drug coverage for the drug prescribed.

- Have an established protocol to notify recipients of the drug;
- Destroy all of the recalled prescription drugs in the repository; and
- Complete a destruction information form for all donated prescription drugs that were destroyed.

The bill requires local repositories to maintain records of all prescription drugs and supplies accepted, donated, dispensed, distributed, or destroyed under the Program. Local repositories must submit these records quarterly to the centralized repository for data collection and the centralized repository submits these records and the collected data in annual reports to the DOH.

The bill requires the DOH to maintain a registry on its website of all available drugs and supplies, including the name, strength, available quantity, and expiration date of each drug and supply, as well as the contact information for the repositories where it is available. The DOH is required to maintain a registry on its website of all participating local repositories, to include each repository's name, address, website, and telephone number.

The bill grants immunity from civil or criminal liability, and professional disciplinary actions, to a donor or participant relating to activities under the Program. Additionally, a pharmaceutical manufacturer who exercises reasonable care is not liable for any claim or injury arising from the transfer of prescription drugs under the Program.

The bill requires the dispenser to provide written notification to the patient, or his or her legal representative, before dispensing a prescription drug that the drug was donated to the Program, the dispenser is not liable for any injury, death, or loss related to the dispensing of the drug, and the requirement of a nominal handling fee.

The bill authorizes the DOH to establish a direct-support organization (DSO) to provide assistance, funding, and promotional support for the activities authorized for the Program. The DSO is repealed on October 1, 2023, unless reviewed and saved from repeal by the Legislature.

The bill provides rulemaking authority to the DOH to administer the Program and establish the DSO.

Section 2 amends s. 252.36(5), F.S., to allow the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

Section 3 provides an effective date of July 1, 2018.

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:

Participation in the program is voluntary. Those hospitals and nursing homes volunteering to participate in the program may incur costs associated with collecting, storing, and re-dispensing of donated prescription drugs. Those same hospitals and nursing homes may enjoy cost savings to the extent their patients may be receiving needed health care services on a more timely basis. Without such donations, some patients could return as sicker, more costly patients at a later date.

Hospitals and facilities participating in the program are permitted to recoup some costs through a small handling fee. Current state regulations permit a handling fee of up to 300 percent of the Medicaid dispensing fee or $15, whichever is less, for each cancer drug or supply dispensed.[57]

C. Government Sector Impact:

The DOH will experience a significant increase in workload to administer the program. The DSO established under the bill is responsible for collecting the necessary funds for the DOH to administer the program effectively. The DOH will need to submit a legislative budget request for the Legislature to appropriate an indeterminate, yet significant, amount of general revenue funds to support the Program if the DSO is unsuccessful in collecting the required resources.

Public facilities that elect to participate in the program will face similar costs associated with collecting, storing, and dispensing the prescription drugs. Likewise, these public facilities may enjoy additional savings through the participation of the uninsured or underinsured from their communities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[57] Rule 61N-1.026(5), F.A.C.

VIII. Statutes Affected:

This bill substantially amends section 252.36 of the Florida Statutes.

This bill creates section 465.1902 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/CS by Appropriations on February 27, 2018:
The committee substitute:

- Eliminates the expansion of the Cancer Drug Donation Program and creates the Prescription Drug Donation Repository Program (Program) within the Department of Health (DOH) to facilitate the donation and distribution of prescription drugs and supplies to eligible patients in the state.
- Establishes eligibility criteria to donate, dispense, and receive prescription drugs under the program.
- Provides inspection and storage requirements for donated prescription drugs.
- Authorizes the Governor to waive the patient eligibility requirements of the Program during a declared state of emergency.

CS by Health Policy on December 5, 2017:
The CS amends the term "prescription drug" to exclude the donation of drugs to the program which fall under Schedules II through V of s. 803.03, F.S.

B. Amendments:

None.

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

By the Committee on Health Policy; and Senator Book

588-01792-18 2018710c1

A bill to be entitled

An act relating to the Prescription Drug Donation Program; amending s. 499.029, F.S.; renaming the Cancer Drug Donation Program as the Prescription Drug Donation Program; authorizing the donation of prescription drugs, including cancer drugs, and supplies to eligible patients; revising definitions; authorizing nursing home facilities to participate in the program; providing an effective date.

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

Section 1. Section 499.029, Florida Statutes, is amended to read:

499.029 Prescription ~~Cancer~~ Drug Donation Program.—

(1) This section may be cited as the "Prescription ~~Cancer~~ Drug Donation Program Act."

(2) There is created a Prescription ~~Cancer~~ Drug Donation Program within the department for the purpose of authorizing and facilitating the donation of prescription ~~cancer~~ drugs and supplies to eligible patients.

(3) As used in this section:

(a) "Cancer drug" means a prescription drug that has been approved under s. 505 of the Federal Food, Drug, and Cosmetic Act and is used to treat cancer or its side effects or is used to treat the side effects of a prescription drug used to treat cancer or its side effects. The term ~~"Cancer drug"~~ does not include a substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

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

588-01792-18 2018710c1

(b) "Closed drug delivery system" means a system in which the actual control of the unit-dose medication package is maintained by the facility rather than by the individual patient.

(c) "Donor" means a patient or patient representative who donates prescription ~~cancer~~ drugs or supplies needed to administer prescription ~~cancer~~ drugs that have been maintained within a closed drug delivery system; health care facilities, nursing home facilities ~~homes~~, hospices, or hospitals with closed drug delivery systems; or pharmacies, drug manufacturers, medical device manufacturers or suppliers, or wholesalers of drugs or supplies, in accordance with this section. The term ~~"Donor"~~ includes a physician licensed under chapter 458 or chapter 459 who receives prescription ~~cancer~~ drugs or supplies directly from a drug manufacturer, wholesale distributor, or pharmacy.

(d) "Eligible patient" means a person who the department determines is eligible to receive prescription ~~cancer~~ drugs from the program.

(e) "Participant facility" means a hospital that operates a class II institutional ~~hospital~~ pharmacy or a nursing home facility licensed under part II of chapter 400 with a closed drug delivery system that has elected to participate in the program and that accepts donated prescription ~~cancer~~ drugs and supplies under the rules adopted by the department for the program.

(f) "Prescribing practitioner" means a physician licensed under chapter 458 or chapter 459 or any other medical professional with authority under state law to prescribe

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

prescription drugs ~~cancer medication~~.

(g) "Prescription drug" has the same meaning as provided in s. 499.003, and includes cancer drugs. The term does not include a substance listed in Schedule II, Schedule III, Schedule IV, or Schedule V of s. 893.03.

(h)~~(g)~~ "Program" means the Prescription ~~Cancer~~ Drug Donation Program created by this section.

(i)~~(h)~~ "Supplies" means any supplies used in the administration of a prescription ~~cancer~~ drug.

(4) Any donor may donate prescription ~~cancer~~ drugs or supplies to a participant facility that elects to participate in the program and meets criteria established by the department for such participation. Prescription ~~Cancer~~ drugs or supplies may not be donated to a specific ~~cancer~~ patient, and donated drugs or supplies may not be resold by the program. Prescription ~~Cancer~~ drugs billed to and paid for by Medicaid in long-term care facilities that are eligible for return to stock under federal Medicaid regulations shall be credited to Medicaid and are not eligible for donation under the program. A participant facility may provide dispensing and consulting services to individuals who are not patients of the hospital or nursing home facility.

(5) The prescription ~~cancer~~ drugs or supplies donated to the program may be prescribed only by a prescribing practitioner for use by an eligible patient and may be dispensed only by a pharmacist.

(6)(a) A prescription ~~cancer~~ drug may only be accepted or dispensed under the program if the drug is in its original, unopened, sealed container, or in a tamper-evident unit-dose

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

packaging, except that a prescription ~~cancer~~ drug packaged in single-unit doses may be accepted and dispensed if the outside packaging is opened but the single-unit-dose packaging is unopened with tamper-resistant packaging intact.

(b) A prescription ~~cancer~~ drug may not be accepted or dispensed under the program if the drug bears an expiration date that is less than 6 months after the date the drug was donated or if the drug appears to have been tampered with or mislabeled as determined in paragraph (c).

(c) Prior to being dispensed to an eligible patient, the prescription ~~cancer~~ drug or supplies donated under the program shall be inspected by a pharmacist to determine that the drug and supplies do not appear to have been tampered with or mislabeled.

(d) A dispenser of donated prescription ~~cancer~~ drugs or supplies may not submit a claim or otherwise seek reimbursement from any public or private third-party payor for donated prescription ~~cancer~~ drugs or supplies dispensed to any patient under the program, and a public or private third-party payor is not required to provide reimbursement to a dispenser for donated prescription ~~cancer~~ drugs or supplies dispensed to any patient under the program.

(7)(a) A donation of prescription ~~cancer~~ drugs or supplies shall be made only at a participant facility. A participant facility may decline to accept a donation. A participant facility that accepts donated prescription ~~cancer~~ drugs or supplies under the program shall comply with all applicable provisions of state and federal law relating to the storage and dispensing of the donated prescription ~~cancer~~ drugs or supplies.

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

(b) A participant facility that voluntarily takes part in the program may charge a handling fee sufficient to cover the cost of preparation and dispensing of prescription ~~cancer~~ drugs or supplies under the program. The fee shall be established in rules adopted by the department.

(8) The department, upon the recommendation of the Board of Pharmacy, shall adopt rules to carry out the provisions of this section. ~~Initial rules under this section shall be adopted no later than 90 days after the effective date of this act.~~ The rules shall include, but not be limited to:

(a) Eligibility criteria, including a method to determine priority of eligible patients under the program.

(b) Standards and procedures for participant facilities that accept, store, distribute, or dispense donated prescription ~~cancer~~ drugs or supplies.

(c) Necessary forms for administration of the program, including, but not limited to, forms for use by entities that donate, accept, distribute, or dispense prescription ~~cancer~~ drugs or supplies under the program.

(d) The maximum handling fee that may be charged by a participant facility that accepts and distributes or dispenses donated prescription ~~cancer~~ drugs or supplies.

(e) Categories of prescription ~~cancer~~ drugs and supplies that the program will accept for dispensing; however, the department may exclude any drug based on its therapeutic effectiveness or high potential for abuse or diversion.

(f) Maintenance and distribution of the participant facility registry established in subsection (10).

(9) A person who is eligible to receive prescription ~~cancer~~

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

drugs or supplies under the state Medicaid program or under any other prescription drug program funded in whole or in part by the state, by any other prescription drug program funded in whole or in part by the Federal Government, or by any other prescription drug program offered by a third-party insurer, unless benefits have been exhausted, or a certain prescription ~~cancer~~ drug or supply is not covered by the prescription drug program, is ineligible to participate in the program created under this section.

(10) The department shall establish and maintain a participant facility registry for the program. The participant facility registry shall include the participant facility's name, address, and telephone number. The department shall make the participant facility registry available on the department's website to any donor wishing to donate prescription ~~cancer~~ drugs or supplies to the program. The department's website shall also contain links to prescription ~~cancer~~ drug manufacturers that offer drug assistance programs or free medication.

(11) Any donor of prescription ~~cancer~~ drugs or supplies, or any participant in the program, who exercises reasonable care in donating, accepting, distributing, or dispensing prescription ~~cancer~~ drugs or supplies under the program and the rules adopted under this section shall be immune from civil or criminal liability and from professional disciplinary action of any kind for any injury, death, or loss to person or property relating to such activities.

(12) A pharmaceutical manufacturer is not liable for any claim or injury arising from the transfer of any prescription ~~cancer~~ drug under this section, including, but not limited to,

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liability for failure to transfer or communicate product or consumer information regarding the transferred drug, as well as the expiration date of the transferred drug.

(13) If any conflict exists between the provisions in this section and the provisions in this chapter or chapter 465, the provisions in this section shall control the operation of the Prescription ~~Cancer~~ Drug Donation Program.

Section 2. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

February 19, 2018

Chair Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Bradley,

I respectfully request that you place CS/SB 710, relating to Prescription Drug Donation Program, on the agenda of the Committee on Appropriations at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
Alicia Weiss, Administrative Assistant

REPLY TO:
❒ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
❒ 202 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

412K
11:00 AM

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 710
Bill Number (if applicable)

Topic PRESCRIPTION DRUG DONATION PROGRAM

Amendment Barcode (if applicable)

Name STEPHEN R. WINN

Job Title EXECUTIVE DIRECTOR

Address 2544 BLARSTONE PINES DRIVE
Street

Phone 878-7364

TALLAHASSEE FL 32301
City *State* *Zip*

Email

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

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

Representing

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

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

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 744
INTRODUCER:	Appropriations Committee; Health Policy Committee; and Senator Grimsley
SUBJECT:	Laser Hair Removal or Reduction
DATE:	March 5, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-VanWinkle	Stovall	HP	**Fav/CS**
2.	Davis	Hansen	AP	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 744 revises the framework for the oversight of electrology by eliminating the Electrolysis Council (EC) and its oversight of the practice of electrology. The Board of Medicine (board) is solely responsible for regulating the practice of electrology.

The definition of "electrolysis or electrology" is revised to reflect technological advancements; removing reference to the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system from the definition. The bill defines "electrolysis or electrology" as the permanent removal of hair using equipment and devices that have been cleared by and registered with the United States Food and Drug Administration (FDA) and that are used pursuant to protocols approved by the board.

The bill requires that a licensed electrologist who uses a laser or pulsed-light device in a laser hair removal or reduction procedure must be certified in the use of these devices.

The bill has no fiscal impact on state revenues or expenditures.

The bill takes effect October 1, 2018.

II. Present Situation:

State Regulation of Electrology

The board within the Florida Department of Health (department) licenses, monitors, disciplines, educates, and rehabilitates physicians and other practitioners to assure their fitness and competence in the service of the people of Florida.[1] Electrology is a practice that is regulated by the board, with input by the EC.[2] The EC is a body that is housed within the board. These entities are given authority to investigate complaints, impose discipline on a license, and perform inspections related to electrolysis.[3]

"Electrolysis or electrology" is defined as the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system, using equipment and devices approved by the board which have been cleared by, and registered with, the FDA and that are used pursuant to protocols approved by the board.[4]

The EC consists of five members appointed by the board. The EC meets quarterly and has the following responsibilities:[5]

- Approval and denial of applicants by examination and endorsement;
- Approval and denial of continuing education providers and electrolysis training programs;
- Authority to accept non-disciplinary voluntarily relinquishments;
- Authority to notice rules for development and to propose rules to the board; and
- Initial consideration of rulemaking proposals, petitions to adopt, amend, or repeal rules related to electrology and making recommendations to the board as to the appropriate action to be taken.

A person may not practice electrolysis or hold himself or herself out as an electrologist unless that person has an active valid Florida license.[6] Specifically, an applicant for a license must:

- Be at least 18 years old;
- Be of good moral character;
- Possess a high school diploma or high school equivalency diploma;
- Have not committed in any jurisdiction an act that constitutes grounds for discipline as an electrologist in Florida;
- Have successfully completed the 120-hour electrolysis training program and board approved 200-hour practical application; and
- Have passed a written examination developed by the department or a national examination approved by the board.[7]

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[1] FLORIDA BOARD OF MEDICINE, http://flboardofmedicine.gov/ (last visited Feb. 19, 2018).
[2] *See* ch. 478, F.S., and Fla. Admin. Code R. 64B8-50 through 64B8-56.
[3] ss. 478.43, 478.51, and 478.52, F.S.
[4] Section 478.42(5), F.S.
[5] Section 478.44, F.S., and Fla. Admin. Code R. 64B8-50.003.
[6] Section 478.49(1), F.S.
[7] Section 478.45(1) and (2), F.S., and Florida Department of Health, *Analysis of SB 744* (November 2, 2017)(on file with the Senate Subcommittee on General Government).

The department may issue temporary permits to qualified applicants to practice electrology that are valid until the next board meeting at which licensing decisions occur, or the next exam results are issued.[8]

The board, with the assistance of the EC,[9] establishes minimum standards for the delivery of electrolysis services and adopts rules to implement ch. 478, F.S.[10]

Electrology facilities must be licensed by the department. The board is responsible for rulemaking to govern the licensure, operation, personnel, and safety and sanitary requirements of electrology facilities.[11]

Use of Laser and Light-based Devices for Hair Removal or Reduction

The board has established by rule an allowance for a Florida electrologist to use laser and light-based devices for hair removal or reduction, which are procedures above the initial scope of licensure, if he or she:

- Has completed a 30-hour continuing education course approved by the EC;[12]
- Is certified in the use of laser and light-based devices for the removal or reduction of hair by a national certification organization approved by the EC and the board (i.e. passed the Certified Medical Electrologist Exam (CME) given by the Society for Clinical & Medical Hair Removal, Inc. (SCMHR));
- Is using only the laser and light-based hair removal or reduction devices upon which they have been trained; and
- Is operating under the direct supervision and responsibility of a physician[13] properly trained in laser hair removal and licensed pursuant to chs. 458 or 459, F.S.[14]

The EC and the board have approved the SCMHR,[15] as the national certification organization to certifiy Florida electrologists in the use of laser and pulse-light devices for the removal or reduction of hair.[16] The SCMHR offers certification for use of laser and light-based devices, education programs for hair removal procedures, and membership services.[17] The CME test that is required by the department is $200 for members of the organization and $300 for non-

[8] Section 478.46, F.S.
[9] Section 478.44, F.S., creates the Electrolysis Council, and specifies its membership and meeting requirements.
[10] Section 478.43, F.S. *See* Rules 64B8-50 through 64B8-56, F.A.C., which regulate the licensure, practice, continuing education, and discipline of electrologists.
[11] Section 478.51, F.S.
[12] Fla. Admin. Code R. 64B8-52.004.
[13] A physician cannot supervise more than four electrologists at any one time. Fla. Admin. Code R. 64B8-56.002(6).
[14] Fla. Admin. Code R. 64B8-56.002(2).
[15] The Society for Clinical & Medical Hair Removal, Inc., is an international non-profit organization with members in the United States, Canada, and abroad. The Society for Clinical & Medical Hair Removal offers four certifications through International Commission for Hair Removal Certification (ICHRC) competency-based certification examinations. These certifications enhance the professional growth of members and the Society, and all allied health practitioners, including physicians, electrologists, nurses and others authorized to practice in the jurisdiction in which they practice. *See* The Society of Clinical & Medical Hair Removal, Inc., *Certification* https://www.scmhr.org/certification/ (last visited Feb. 8, 2018).
[16] Department of Health, Licensing and Regulation, Electrolysis, *Laser Information* http://www.floridahealth.gov/licensing-and-regulation/electrolysis/laser/index.html (last visited Feb. 8, 2018).
[17] THE SOCIETY FOR CLINICAL & MEDICAL HAIR REMOVAL, INC., *About Us*, https://www.scmhr.org/ (last visited Feb. 20, 2018).

members.[18] Certification that is obtained by passing the test lasts for five years, at which time either taking continuing education units (7.5 units at $25 per[19]) or a reexamination is required to renew.[20] Membership costs $195 annually.[21] Currently, Florida electrologists using laser or light-based devices do not need to renew or maintain such certification to continue to use such devices.[22]

If a licensee violates the Electrology Practice Act, he or she can be disciplined[23] and be given penalties set forth in s. 456.072, F.S., which include suspension, probation, fines, reprimands, refunds, and remedial education.[24]

There are currently 1,329 active electrologist licenses, and 310 licensed electrolysis facilities, in Florida. The department does not distinguish in its reporting between those electrologists certified and those not certified in the use of lasers or pulse-light devices.[25]

III. Effect of Proposed Changes:

The bill eliminates the EC and its oversight of the practice of electrology. The board is solely responsible for regulating the practice of electrology.

The definition of "electrolysis or electrology" is revised to reflect technological advancements; removing reference to the permanent removal of hair by destroying the hair-producing cells of the skin and vascular system from the definition. The bill defines "electrolysis or electrology" as the permanent removal of hair using equipment and devices that have been cleared by and registered with the FDA and that are used pursuant to protocols approved by the board.

The bill requires a licensed electrologist who uses a laser or pulsed-light device in a laser hair removal or reduction procedure must be certified by a nationally recognized electrology organization in the use of these devices.

The bill conforms changes in assigned responsibilities or authorizations to reflect that the EC is eliminated and the board is solely responsible for regulating the practice of electrology.

The bill takes effect October 1, 2018.

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[18] *Id*. at Certified Medical Electrologist (CME) Examination Application.
[19] *Id*. at Membership (Membership Benefits).
[20] *Id*. at Certified Medical Electrologist (CME) Examination Application.
[21] *Id*. at Membership Application.
[22] Florida Department of Health, *Analysis of SB 744* (November 2, 2017)(on file with the Senate Subcommittee on General Government).
[23] Section 478.52, F.S.
[24] Section 456.072(2), F.S.
[25] The number of active Florida licenses was calculated by adding "In State Active," "Out of State Active," and "Military Active" practitioners. *See* Department of Health, Division of Medical Quality Assurance, Annual Report and Long Range Plan, Fiscal Year 2016-2017, *Summary of Licensed Practitioners*, pp. 11 and 14, http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/_documents/annual-report-1617.pdf (last visited Feb. 8, 2018).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will increase costs on individuals to maintain an electrology license for those who use laser and pulsed-light devices because the licensee will have to maintain their SCMHR certification and pay costs associated with doing so every five years. Current policy is that after initial certification, licensees are not required to maintain CME certification to practice or renew licensure.

C. Government Sector Impact:

The department may incur costs related to rulemaking to remove the EC's regulation of the practice of electrology. According to the department, current resources are adequate to absorb these costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 478.42, 478.43, 478.45, 478.49, 478.50, 478.52, and 478.53.

The bill repeals section 478.44 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/CS by Appropriations on March 2, 2018:
The committee substitute:

- Restores the board's oversight of electrology but maintains elimination of the Electrolysis Council;
- Revises the definition of electrolysis/electrology;
- Removes language from the medical practice acts which requires electrologists and other licensees to be directly supervised by a physician during laser and light-based hair removal procedures;
- Restores department's authority to issue a temporary permit prior to issuing an electrologist license; and
- Deletes one year phase out provision for valid permits in good standing that exist on the effective date of the bill.

CS by Health Policy February 13, 2018:
The committee substitute:

- Retains the regulation of electrology in the department through the Division of Medical Quality Assurance, rather than transferring it to the Department of Business and Professional Regulation;
- References the direct physician supervision requirements;
- Provides a one year phase out for valid permits in good standing that exist on the effective date of the bill; and
- Preserves the electrology rules in place unless they are changed by the department or superseded by other laws.

B. Amendments:

None.

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

128446

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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	.	
	.	

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 478.42, Florida Statutes, is amended to read:

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

(1) "Board" means the Board of Medicine.

~~(2) "Council" means the Electrolysis Council.~~

(2)~~(3)~~ "Department" means the Department of Health.

(3) ~~(4)~~ "Electrologist" means a person who engages in the practice of electrolysis.

(4) ~~(5)~~ "Electrolysis or electrology" means the permanent removal of hair ~~by destroying the hair-producing cells of the skin and vascular system,~~ using equipment and devices approved by the board which have been cleared by and registered with the United States Food and Drug Administration and that are used pursuant to protocols approved by the board.

Section 2. Section 478.43, Florida Statutes, is amended to read:

478.43 Board of Medicine; powers and duties.—

(1) The board~~, with the assistance of the Electrolysis Council,~~ is authorized to establish minimum standards for the delivery of electrolysis services and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(2) The board may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter.

~~(3) The board may delegate such powers and duties to the council as it may deem proper.~~

(3) ~~(4)~~ The board~~, in consultation with the council, shall recommend proposed rules, and the board~~ shall adopt rules for a code of ethics for electrologists and rules related to the curriculum and approval of electrolysis training programs, sanitary guidelines, the delivery of electrolysis services, continuing education requirements, and any other area related to the practice of electrology.

Section 3. Section 478.44, Florida Statutes, is repealed.

Section 4. Subsections (2), (3), and (6) of section 478.45, Florida Statutes, are amended to read:

478.45 Requirements for licensure.—

(2) Each applicant for licensure must ~~shall~~ successfully pass a written examination developed by the department or a national examination that has been approved by the board. The examinations must ~~shall~~ test the applicant's knowledge relating to the practice of electrology, including the applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects that ~~which~~ are useful to determine the applicant's fitness to practice.

(3) The department, upon approval of the board, may adopt a national examination in lieu of any part of the examination required by this section. The board~~, with the assistance of the council,~~ shall establish standards for acceptable performance.

(6) The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense that ~~which~~ would be a violation of this chapter, until such investigation is complete. Upon completion of such investigation, if the applicant is found guilty of such offense, the board shall apply the applicable provisions of s. 478.52.

Section 5. Section 478.49, Florida Statutes, is amended to read:

478.49 License required.—

(1) A person may not ~~No person may~~ practice electrology or hold herself or himself out as an electrologist in this state unless she or he ~~the person~~ has been issued a license by the department and holds an active license pursuant to ~~the requirements of~~ this chapter.

(2) A licensee shall display her or his license in a conspicuous location in her or his place of practice and provide it to the department or the board upon request.

(3) A licensee who uses a laser or pulsed-light device in a laser hair removal or reduction procedure must be certified by a nationally recognized electrology organization in the use of such device.

Section 6. Subsection (4) of section 478.50, Florida Statutes, is amended to read:

478.50 Renewal of license; delinquent status; address notification; continuing education requirements.—

(4)(a) An application for license renewal must be accompanied by proof of the successful completion of 20 hours of continuing education courses or proof of successfully passing a reexamination for licensure within the immediately preceding biennium which meets the criteria established by the board. Both the continuing education and reexamination shall contain education on blood-borne diseases.

(b) The board~~, with the assistance of the council,~~ shall approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in this chapter.

(c) Continuing education programs shall be approved by the board. Applications for approval shall be submitted to the board not less than 60 days or ~~nor~~ more than 360 days before they are held.

Section 7. Paragraph (t) of subsection (1) and subsection (4) of section 478.52, Florida Statutes, is amended to read:

478.52 Disciplinary proceedings.—

128446

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(4) ~~s. 478.42(5)~~.

(4) The board~~, with the assistance of the council,~~ may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a license.

Section 8. Subsection (6) of section 478.53, Florida Statutes, is amended to read:

478.53 Penalty for violations.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to:

(6) Practice or attempt to practice any permanent hair removal except as described in s. 478.42(4) ~~s. 478.42(5)~~.

Section 9. This act shall take effect October 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to laser hair removal or reduction; amending s. 478.42, F.S.; revising definitions; repealing s. 478.44, F.S., relating to the Electrolysis Council; amending s. 478.49, F.S.; providing certification requirements for licensed

128446

electrologists who perform laser hair removal or reduction; amending ss. 478.43, 478.45, 478.50, 478.52, and 478.53, F.S.; conforming provisions to changes made by the act; providing an effective date.

By the Committee on Health Policy; and Senator Grimsley

588-03141-18 2018744c1

A bill to be entitled

An act relating to laser hair removal or reduction; amending s. 478.42, F.S.; revising definitions; amending s. 478.43, F.S.; providing rulemaking authority to the Department of Health for regulating electrolysis services; repealing ss. 478.44 and 478.46, F.S., relating to the Electrolysis Council and temporary permits, respectively; providing for the validity of temporary permits previously issued by the Board of Medicine; providing for the expiration of such permits by a specified date, upon the issuance of a license to practice electrology, or upon notice that the applicant failed a written examination; amending s. 478.49, F.S.; providing certification requirements for licensed electrologists who perform laser hair removal or reduction; specifying that licensed electrologists must meet certain direct supervision requirements; providing an exception; amending ss. 478.45, 478.47, 478.50, 478.51, 478.52, 478.53, and 478.55, F.S.; conforming provisions to changes made by the act; specifying that current rules relating to the practice of electrology remain in full force and effect unless revised by the department or superseded by other laws; providing an effective date.

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

Section 1. Section 478.42, Florida Statutes, is amended to read:

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

588-03141-18 2018744c1

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

~~(1) "Board" means the Board of Medicine.~~

~~(2) "Council" means the Electrolysis Council.~~

(1)~~(3)~~ "Department" means the Department of Health.

(2)~~(4)~~ "Electrologist" means a person who engages in the practice of electrolysis.

(3)~~(5)~~ "Electrolysis or electrology" means the permanent removal of hair ~~by destroying the hair-producing cells of the skin and vascular system,~~ using equipment and devices that ~~approved by the board which~~ have been cleared by and registered with the United States Food and Drug Administration ~~and that are used pursuant to protocols approved by the board~~.

Section 2. Section 478.43, Florida Statutes, is amended to read:

478.43 Department ~~Board of Medicine~~; powers and duties.—

(1) The department ~~board, with the assistance of the Electrolysis Council,~~ is authorized to establish minimum standards for the delivery of electrolysis services and to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter.

(2) The department ~~board~~ may administer oaths, summon witnesses, and take testimony in all matters relating to its duties under this chapter.

~~(3) The board may delegate such powers and duties to the council as it may deem proper.~~

(3)~~(4)~~ The department ~~board, in consultation with the council, shall recommend proposed rules, and the board~~ shall adopt ~~rules for a code of ethics for electrologists and~~ rules related to the curriculum and approval of electrolysis training

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

programs, sanitary guidelines, the delivery of electrolysis services, continuing education requirements, and any other area related to the practice of electrology.

Section 3. Section 478.44, Florida Statutes, is repealed.

Section 4. Section 478.46, Florida Statutes, is repealed.

Section 5. A valid temporary permit issued pursuant to s. 478.46, Florida Statutes, before October 1, 2018, remains valid until October 1, 2019, until the applicant receives notice that he or she has failed the written examination required under s. 478.45, Florida Statutes, or until the Department of Health issues the applicant a license to practice electrology, whichever occurs first. If the department has not issued the applicant a license to practice electrology by October 1, 2019, or if the applicant receives notice that he or she has failed the written examination, the applicant's temporary permit is automatically revoked.

Section 6. Section 478.49, Florida Statutes, is amended to read:

478.49 License and certification required.—

(1) A person may not ~~No person may~~ practice electrology or hold herself or himself out as an electrologist in this state unless she or he ~~the person~~ has been issued a license by the department and holds an active license pursuant to ~~the requirements of~~ this chapter.

(2) A licensee shall display her or his license in a conspicuous location in her or his place of practice and provide it to the department ~~or the board~~ upon request.

(3) A licensee who uses a laser or pulsed-light device in a laser hair removal or reduction procedure must be certified by a

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nationally recognized electrology organization in the use of these devices.

(4) A licensee must follow the direct supervision requirements of ss. 458.348(2) and 459.025(2) unless exempt under s. 458.348(3)(e) or s. 459.025(3)(e).

Section 7. Section 478.45, Florida Statutes, is amended to read:

478.45 Requirements for licensure.—

(1) An applicant applying for licensure as an electrologist shall file a written application, accompanied by the application for licensure fee prescribed in s. 478.55, on a form provided by the department ~~board~~, showing to the satisfaction of the department ~~board~~ that the applicant:

(a) Is at least 18 years old.

(b) Is of good moral character.

(c) Possesses a high school diploma or a high school equivalency diploma.

(d) Has not committed an act in any jurisdiction which would constitute grounds for disciplining an electrologist in this state.

(e) Has successfully completed the academic requirements of an electrolysis training program, not to exceed 120 hours, and the practical application thereof as approved by the department ~~board~~.

(2) Each applicant for licensure must ~~shall~~ successfully pass a written examination developed by the department or a national examination that has been approved by the department ~~board~~. The examinations must ~~shall~~ test the applicant's knowledge relating to the practice of electrology, including the

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applicant's professional skills and judgment in the use of electrolysis techniques and methods, and any other subjects that ~~which~~ are useful to determine the applicant's fitness to practice.

(3) The department~~, upon approval of the board,~~ may adopt a national examination in lieu of any part of the examination required by this section. The department ~~board, with the assistance of the council,~~ shall establish standards for acceptable performance.

(4) The department shall issue a license to practice electrology to any applicant who passes the examination, pays the licensure fee as set forth in s. 478.55, and otherwise meets the requirements of this chapter.

(5) The department shall conduct licensure examinations at least two times a year. The department shall give public notice of the time and place of each examination at least 60 days before it is administered and shall mail notice of such examination to each applicant whose application is timely filed, pursuant to department ~~board~~ rule.

(6) The department may not issue a license to any applicant who is under investigation in another jurisdiction for an offense that ~~which~~ would be a violation of this chapter, until such investigation is complete. Upon completion of such investigation, if the applicant is found guilty of such offense, the department ~~board~~ shall apply the applicable provisions of s. 478.52.

Section 8. Section 478.47, Florida Statutes, is amended to read:

478.47 Licensure by endorsement.—The department shall issue

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a license by endorsement to any applicant who submits an application and the required fees as set forth in s. 478.55 and who holds an active license or other authority to practice electrology in a jurisdiction whose licensure requirements are determined by the department ~~board~~ to be equivalent to the requirements for licensure in this state.

Section 9. Subsections (2) and (4) of section 478.50, Florida Statutes, are amended to read:

478.50 Renewal of license; delinquent status; address notification; continuing education requirements.—

(2) A license that is not renewed at the end of the biennium prescribed by the department automatically reverts to delinquent status. The department ~~board~~ shall adopt rules establishing procedures, criteria, and fees as set forth in s. 478.55 for reactivation of an inactive license.

(4)(a) An application for license renewal must be accompanied by proof of the successful completion of 20 hours of continuing education courses or proof of successfully passing a reexamination for licensure within the immediately preceding biennium which meets the criteria established by the department ~~board~~. Both the continuing education and reexamination shall contain education on blood-borne diseases.

(b) The department ~~board, with the assistance of the council,~~ shall approve criteria for, and content of, electrolysis training programs and continuing education courses required for licensure and renewal as set forth in this chapter.

(c) Continuing education programs shall be approved by the department ~~board~~. Applications for approval shall be submitted to the department ~~board~~ not less than 60 days or ~~nor~~ more than

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360 days before they are held.

Section 10. Subsections (2), (3), and (11) of section 478.51, Florida Statutes, are amended to read:

478.51 Electrology facilities; requisites; facility licensure; inspection.—

(2) The facility license shall be displayed in a conspicuous place within the facility and shall be made available upon request of the department ~~or board~~.

(3) The department ~~board~~ shall adopt rules governing the licensure and operations of such facilities, personnel, safety and sanitary requirements, and the licensure application and granting process.

(11) Renewal of license registration for electrology facilities shall be accomplished pursuant to rules adopted by the department ~~board~~.

Section 11. Section 478.52, Florida Statutes, is amended to read:

478.52 Disciplinary proceedings.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in s. 456.072(2):

(a) Obtaining or attempting to obtain a license by bribery, fraud, or knowing misrepresentation.

(b) Having a license or other authority to deliver electrolysis services revoked, suspended, or otherwise acted against, including denial of licensure, in another jurisdiction.

(c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime, in any jurisdiction, which directly relates to the practice of electrology.

(d) Willfully making or filing a false report or record, willfully failing to file a report or record required for electrologists, or willfully impeding or obstructing the filing of a report or record required by this act or inducing another person to do so.

(e) Circulating false, misleading, or deceptive advertising.

(f) Unprofessional conduct, including any departure from, or failure to conform to, acceptable standards related to the delivery of electrolysis services.

(g) Engaging or attempting to engage in the illegal possession, sale, or distribution of any illegal or controlled substance.

(h) Willfully failing to report any known violation of this chapter.

(i) Willfully or repeatedly violating a rule adopted under this chapter, or an order of the ~~board or~~ department previously entered in a disciplinary hearing.

(j) Engaging in the delivery of electrolysis services without an active license.

(k) Employing an unlicensed person to practice electrology.

(l) Failing to perform any statutory or legal obligation placed upon an electrologist.

(m) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, she or he is not competent to perform.

(n) Delegating professional responsibilities to a person the licensee knows, or has reason to know, is unqualified by training, experience, or licensure to perform.

(o) Gross or repeated malpractice or the inability to practice electrology with reasonable skill and safety.

(p) Judicially determined mental incompetency.

(q) Practicing or attempting to practice electrology under a name other than her or his own.

(r) Being unable to practice electrology with reasonable skill and safety because of a mental or physical condition or illness, or the use of alcohol, controlled substances, or any other substance that ~~which~~ impairs one's ability to practice.

1. The department may, upon probable cause, compel a licensee to submit to a mental or physical examination by physicians designated by the department. The cost of an examination shall be borne by the licensee, and her or his failure to submit to such an examination constitutes an admission of the allegations against her or him, consequent upon which a default and a final order may be entered without the taking of testimony or presentation of evidence, unless the failure was due to circumstances beyond her or his control.

2. A licensee who is disciplined under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that she or he can resume the practice of electrology with reasonable skill and safety.

3. In any proceeding under this paragraph, the record of proceedings or the orders entered by the department ~~board~~ may not be used against a licensee in any other proceeding.

(s) Disclosing the identity of or information about a patient without written permission, except for information which does not identify a patient and which is used for training purposes in an approved electrolysis training program.

(t) Practicing or attempting to practice any permanent hair removal except as described in s. 478.42(3) ~~s. 478.42(5)~~.

(u) Operating any electrolysis facility unless it has been duly licensed as provided in this chapter.

(v) Violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

(2) The department ~~board~~ may enter an order denying licensure, ~~or~~ imposing any of the penalties in s. 456.072(2), or imposing costs as provided in s. 456.072(4) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

(3) The department ~~board~~ may not issue or reinstate a license to a person it has deemed unqualified until it is satisfied that such person has complied with the terms and conditions of the final order and that the licensee can safely practice electrology.

(4) The department ~~board, with the assistance of the council,~~ may, by rule, establish guidelines for the disposition of disciplinary cases involving specific types of violations. The guidelines may include minimum and maximum fines, periods of supervision on probation, or conditions upon probation or reissuance of a license.

Section 12. Subsection (6) of section 478.53, Florida Statutes, is amended to read:

478.53 Penalty for violations.—It is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, to:

(6) Practice or attempt to practice any permanent hair

removal except as described in s. 478.42(3) ~~s. 478.42(5)~~.

Section 13. Subsection (1) of section 478.55, Florida Statutes, is amended to read:

478.55 Fees; facility; disposition.—

(1) The department ~~board~~ shall establish by rule the collection of fees for the following purposes:

(a) License application fee: a fee not to exceed $100.

(b) Examination fee: a fee not to exceed $300.

(c) Initial licensure fee: a fee not to exceed $100.

(d) Renewal fee: a fee not to exceed $100 biennially.

(e) Reactivation fee: a fee not to exceed $100.

(f) Inspection fee for facility: a fee not to exceed $100 biennially.

Section 14. Any current rules adopted by the Department of Health, the Board of Medicine, or the Electrolysis Council which relate to the practice of electrology remain in full force and effect unless revised by the Department of Health pursuant to this act or superseded by other laws.

Section 15. This act shall take effect October 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 15, 2018

I respectfully request that **Senate Bill #744**, relating to Laser Hair Removal or Reduction, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Denise Grimsley
Florida Senate, District 26

cc: Mike Hansen, Staff Director
Alicia Weiss, Committee Administrative Assistant

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 774
INTRODUCER:	Judiciary Committee; Children, Families, and Elder Affairs Committee; and Senator Bean
SUBJECT:	Dependency Proceedings
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	**Fav/CS**
2.	Tulloch	Cibula	JU	**Fav/CS**
3.	Sneed	Hansen	AP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 774 provides that, in private adoptions, the adoption entity conducting the preliminary home study is responsible for determining the counseling and educational needs of the adoptive parents.

The bill clarifies that the training mandated by the Department of Children and Families (DCF) for foster families applies only when children are being adopted from the department and does not apply to private adoptions.

The bill also requires that the DCF provide a copy of its record check from the central abuse registry to the adoption entity conducting the preliminary home study of the adoptive parents.

The bill has no fiscal impact on state government.

The bill is effective July 1, 2018.

II. Present Situation:

Section 63.092(3), F.S., requires prospective adoptive parents in private adoption proceedings to undergo a preliminary home study to determine their suitability as adoptive parents.[1] A DCF-licensed child-placing agency or child-caring agency generally conducts the preliminary home study, which includes, among other things, a records check of the prospective parents in DCF's central abuse registry and counseling and education of the intended adoptive parents on adoptive parenting.[2]

Currently, the statute does not require the results of the DCF record check to be given directly to the entity conducting the preliminary home study. This provision also does not specify what the counseling and education requirements are for prospective adoptive parents in private proceedings; however, the DCF imposes the same training requirements it uses for licensing and training prospective foster care parents and emergency shelter parents pursuant to s. 407.175, F.S.[3] This training is designed to prepare prospective foster care parents and emergency shelter parents for the unique difficulties they will have to face when caring for children in dependency proceedings with a history of abuse, neglect, or prior placement disruptions.[4]

III. Effect of Proposed Changes:

Section 1 amends s. 63.092(3), F.S., relating to the requirements of preliminary home studies of intended adoptive parents, to:

- Require the DCF to provide records checks of its central abuse registry directly to the adoption entity conducting the home study, to ensure integrity of the results and protect the best interest of the child being placed for adoption, and
- Allow licensed adoption agencies in private adoptions to use their professional judgement to determine the appropriate counseling and education for the intended adoptive parents. The bill exempts adoptive parents in private adoptions from the training requirements in s. 409.175(14), F.S.

Section 2 provides an effective date of October 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[1] Section 63.092(3), F.S.
[2] *Id.*
[3] Rules 65C-15.028, 65C-16.005(4), and 65C-13.024, F.A.C; and s. 409.175(14), F.S.
[4] Section 409.175(14), F.S. One of the training requirements for these parents is 21 hours of preservice training to: orient them; explain their role as a treatment team member; prepare them for issues involved in the transition of a child into and out of foster care and emergency shelter care; teach them to manage difficult child behavior intensified by placement, prior abuse or neglect, or prior placement disruptions; prevent placement disruptions; teach them how to care for children at various developmental levels; and educate them on the effects of foster parenting on their families.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Children and Families expects no fiscal impact to state government.[5]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends s. 63.092 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/CS by Judiciary on February 20, 2018:
The committee substitute no longer includes sections 1 through 7 of the underlying bill. These sections imported the more expeditious procedures of the adoption act, ch. 63, F.S., into the dependency law, ch. 39, F.S., for identifying prospective parents or unmarried biological fathers prior to terminating all parental rights.

CS by Children, Families, and Elder Affairs on January 22, 2018:
The amendment does the following:

[5] Dept. of Children & Families, *2018 Agency Legislative Bill Analysis, Senate Bill 774*, (Jan. 29, 2018) (on filed with Senate Judiciary Committee).

- Makes a number of technical and conforming changes including replacing the term "individually served" with the term "personally served" and replacing the term "alleged parent" with the term "prospective parent."
- Requires certain records check of the Department of Children and Families' Central Abuse Registry be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allows licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted.
- Removes the provision that allows the community-based lead care agencies to receive credit for specified adoptions.

B. Amendments:

None.

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

By the Committees on Judiciary; and Children, Families, and Elder Affairs; and Senator Bean

590-03466-18 2018774c2

A bill to be entitled

An act relating to dependency proceedings; amending s. 63.092, F.S.; requiring the Department of Children and Families to provide specified records to entities conducting preliminary home studies; limiting certain training requirements to persons who adopt children from the department; providing an effective date.

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

Section 1. Subsection (3) of section 63.092, Florida Statutes, is amended to read:

63.092 Report to the court of intended placement by an adoption entity; at-risk placement; preliminary study.—

(3) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, a licensed professional, or an agency described in s. 61.20(2), unless the adoptee is an adult or the petitioner is a stepparent or a relative. If the adoptee is an adult or the petitioner is a stepparent or a relative, a preliminary home study may be required by the court for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, child-caring agency registered under s. 409.176, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to

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Florida Senate - 2018 CS for CS for SB 774

590-03466-18 2018774c2

identification of a prospective adoptive minor. A favorable preliminary home study is valid for 1 year after the date of its completion. Upon its completion, a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the home study. A minor may not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(a) An interview with the intended adoptive parents;

(b) Records checks of the department's central abuse registry, which the department shall provide to the entity conducting the preliminary home study, and criminal records correspondence checks under s. 39.0138 through the Department of Law Enforcement on the intended adoptive parents;

(c) An assessment of the physical environment of the home;

(d) A determination of the financial security of the intended adoptive parents;

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting as determined by the entity conducting the preliminary home study. The training specified in s. 409.175(14) shall only be required for persons who adopt children from the department;

(f) Documentation that information on adoption and the adoption process has been provided to the intended adoptive parents;

(g) Documentation that information on support services available in the community has been provided to the intended adoptive parents; and

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(h) A copy of each signed acknowledgment of receipt of disclosure required by s. 63.085.

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the adoption entity may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home. A minor may not be placed in a home in which there resides any person determined by the court to be a sexual predator as defined in s. 775.21 or to have been convicted of an offense listed in s. 63.089(4)(b)2.

Section 2. This act shall take effect October 1, 2018.

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

774
Bill Number (if applicable)

Topic Adoption - homestudy

Amendment Barcode (if applicable)

Name Madonna Finney

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Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Adoption Council

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.27.18
Meeting Date

774
Bill Number (if applicable)

Topic Dependency Proceedings

Amendment Barcode (if applicable)

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Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 848
INTRODUCER:	Health Policy Committee and Senator Grimsley
SUBJECT:	Telepharmacy
DATE:	February 26, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	**Fav/CS**
2.	Loe	Hansen	AP	**Favorable**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 848 creates a new pharmacy permit specific to remote dispensing site pharmacies (RDSP). The bill defines "remote dispensing site pharmacy" and provides exceptions to current law for the operation of an RDSP. In an RDSP, a registered pharmacy technician may dispense medicinal drugs under the supervision of an offsite pharmacist. The bill establishes requirements for RDSP permits including:

- Ownership and video surveillance for remote supervision by a Florida licensed pharmacist;
- A restriction that a remote dispensing site pharmacy must be located in a rural area and may not be located within 10 miles of a community pharmacy, with exceptions; and
- Policies and procedures that an RDSP must maintain.

The bill allows an RDSP to store, hold, and dispense all medicinal drugs,[1] including controlled substances listed in s. 893.03(3)-(5), F.S., but restricts an RDSP from storing, holding, and dispensing schedule II narcotic controlled substances. The bill restricts an RDSP from performing centralized prescription filling[2] and a registered pharmacy technician working in an RDSP from performing sterile or complex nonsterile compounding.

[1] "Medicinal drugs" are defined in s. 465.003(8), F.S., as those substances or preparations commonly known as "prescription" or "legend" drugs, which are required by federal or state law to be dispensed only on a prescription.

[2] "Centralized prescription filling" is defined in s. 465.003(16), F.S., as the filling of a prescription by one pharmacy upon request by another pharmacy to fill or refill the prescription. The term includes the performance by one pharmacy for another pharmacy of other pharmacy duties such as drug utilization review, therapeutic drug utilization review, claims adjudication, and the obtaining of refill authorizations.

The bill will increase costs in the DOH by an indeterminate amount; however, these costs will be absorbed within existing resources of the DOH.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Pharmacy Regulation

The Florida Pharmacy Act (act) regulates the practice of pharmacy in Florida and contains the minimum requirements for safe practice.[3] The Board of Pharmacy (board) is tasked with adopting rules to implement the provisions of the act and setting standards of practice within the state.[4] Any person who operates a pharmacy in Florida must have a permit, and as of July 1, 2017, there were 9,835 permitted pharmacies in the state.[5] The Department of Health (DOH) issues the following permits:

- Community pharmacy – A permit is required for each location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.[6]
- Institutional pharmacy – A permit is required for every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility where medicinal drugs are compounded, dispensed, stored, or sold.[7]
- Nuclear pharmacy – A permit is required for every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under ch. 395, F.S., or the nuclear medicine facilities of such hospitals.[8]
- Special pharmacy – A permit is required for every location where medicinal drugs are compounded, dispensed, stored, or sold if the location does not otherwise meet an applicable pharmacy definition in s. 465.003, F.S.[9]
- Internet pharmacy – A permit is required for a location not otherwise licensed or issued a permit under this chapter, within or outside this state, which uses the Internet to communicate with, or obtain information from, consumers in this state to fill or refill prescriptions or to dispense, distribute, or otherwise practice pharmacy in this state.[10]
- Nonresident sterile compounding pharmacy – A permit is required for a registered nonresident pharmacy or an outsourcing facility to ship, mail, deliver, or dispense, in any manner, a compounded sterile product into this state.[11]

[3] Chapter 465, F.S.
[4] Sections 465.005, 465.0155, and 465.022, F.S.
[5] Department of Health, *Senate Bill 848 Analysis* (Nov. 13, 2017) (on file with the Senate Committee on Health Policy).
[6] Sections 465.003(11)(a)1. and 465.018, F.S.
[7] Sections 465.003(11)(a)2. and 465.019, F.S.
[8] Sections 465.003(11)(a)3. and 465.0193, F.S.
[9] Sections 465.003(11)(a)4. and 465.0196, F.S.
[10] Sections 465.003(11)(a)5. and 465.0197, F.S.
[11] Section 465.0158, F.S.

- Special sterile compounding – A separate permit is required for a pharmacy holding an active pharmacy permit that engages in sterile compounding.[12]

A pharmacy must pass an on-site inspection for a permit to be issued,[13] and the permit is valid only for the name and address to which it is issued.[14]

Regulation of Pharmacists and Pharmacy Technicians

Pharmacists

Licensure Requirements

A pharmacist is a person who is licensed under the act to practice the profession of pharmacy.[15] To be licensed as a pharmacist in Florida, a person must:[16]

- Be at least 18 years of age;
- Complete an application and remit an examination fee;
- Hold a degree from an accredited and approved school or college of pharmacy;[17]
- Have completed a board-approved internship; and
- Successfully complete the board-approved examination.

During each biennial licensure renewal cycle, a pharmacist must complete at least 30 hours of board-approved continuing education courses.[18] If a pharmacist is certified to administer vaccines or epinephrine, the pharmacist must complete a three-hour continuing education course on the safe and effective administration of vaccines and epinephrine autoinjections as a part of the biennial licensure renewal.[19]

Scope of Practice

The practice of the profession of pharmacy includes:[20]

- Compounding,[21] dispensing, and consulting concerning contents, therapeutic values, and uses of a medicinal drug;

[12] Rules 64B16-2.100 and 64B16-28.802, F.A.C. An outsourcing facility is considered a pharmacy and needs to hold a special sterile compounding permit if it engages in sterile compounding.
[13] Id.
[14] Rule 64B16-28.100, F.A.C.
[15] Section 465.003(10), F.S.
[16] Section 465.007, F.S. DOH may also issue a license by endorsement to a pharmacist who is licensed in another state upon meeting the applicable requirements set forth in law and rule. See s. 465.0075, F.S.
[17] If the applicant has graduated from a four-year undergraduate pharmacy program of a school or college of pharmacy located outside the United States, the applicant must demonstrate proficiency in English, pass the board-approved Foreign Pharmacy Graduate Equivalency Examination, and complete a minimum of 500 hours in a supervised work activity program within Florida under the supervision of a DOH-licensed pharmacist.
[18] Section 465.009, F.S.
[19] Section 465.009(6), F.S.
[20] Section 465.003(13), F.S.
[21] Rule 64B16-27.700, F.A.C., defines compounding as a professional act by a pharmacist incorporating ingredients to create a finished product for dispensing to a patient or to a practitioner for administration to a patient. The American Pharmacists Association, citing the U.S. Pharmacopeia Convention (USP), defines compounding as "the preparation, mixing, assembling, altering, packaging, and labeling of a drug, drug-delivery device, or device in accordance with a licensed practitioner's prescription, medication order, or initiative based on the practitioner/patient/ pharmacist/compounder relationship in the

- Consulting concerning therapeutic values and interactions of patent or proprietary preparations;
- Monitoring a patient's drug therapy and assisting the patient in the management of his or her drug therapy, including the review of the patient's drug therapy and communication with the patient's prescribing health care provider or other persons specifically authorized by the patient, regarding the drug therapy;
- Transmitting information from prescribers to their patients;
- Administering vaccines to adults;[22]
- Administering epinephrine injections;[23] and
- Administering antipsychotic medications by injection.[24]

Pharmacists are specifically prohibited from altering a prescriber's directions, diagnosing or treating any disease, initiating any drug therapy, and practicing medicine or osteopathic medicine unless permitted by law.[25]

Only a pharmacist or registered intern may:[26]
- Supervise or be responsible for the controlled substance inventory;
- Receive verbal prescriptions from a prescriber;
- Interpret and identify prescription contents;
- Engage in consultation with a health care practitioner regarding the interpretation of a prescription and date in a patient's profile record;
- Engage in professional communication with health care practitioners;
- Advise or consult with a patient, both as to the prescription and the patient profile record; and
- Perform certain duties related to the preparation of parenteral and bulk solutions.

Pharmacists must perform the final check of a completed prescription, thereby assuming complete responsibility for its preparation and accuracy.[27] A pharmacist must be personally available at the time of dispensing.[28] A prescription department is considered closed if a Florida-licensed pharmacist is not present and on duty unless the pharmacist leaves the prescription department to:[29]
- Consult, respond to inquiries, or provide assistance to customers or patients;
- Attend to personal hygiene needs; or
- Perform functions for which the pharmacist is responsible if such activities are performed in a manner that is consistent with the pharmacist's responsibility to provide pharmacy services.

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course of professional practice." See http://www.pharmacist.com/frequently-asked-questions-about-pharmaceutical-compounding (last visited Feb. 1, 2018).
[22] See s. 465.189, F.S.
[23] Id.
[24] Section 465.1893, F.S.
[25] Supra note 21.
[26] Rule 64B16-27.1001(1)-(2), F.A.C. Section 465.003(12), F.S., defines a pharmacy intern as a person who is currently registered in, and attending, or is a graduate of a duly accredited college or school of pharmacy and is properly registered with DOH.
[27] Rule 64B16-27.1001(3), F.A.C.
[28] Rule 64B16-27.1001(4), F.A.C.
[29] Section 465.003(11)(b), F.S.

Prescription Department Managers

Each community pharmacy must designate a licensed pharmacist as a prescription department manager.[30] The prescription department manager is responsible for maintaining all drug records, providing for the security of the prescription department, and ensuring that all regulations of the practice of the profession of pharmacy are followed.[31] A pharmacist may only serve as the prescription department manager of one pharmacy.[32] However, the board may grant an exception based on circumstances, such as the proximity of the pharmacies and the workload of the pharmacist.

Pharmacy Technicians

Registration Requirements

Pharmacy technicians assist pharmacists in dispensing medications and are accountable to a supervising pharmacist who is legally responsible for the care and safety of the patients served.[33] A person must register with DOH to practice as a pharmacy technician. To register, an individual must:[34]

- Be at least 17 years of age;
- Submit an application and pay an application fee; and
- Complete a board-approved pharmacy technician-training program.[35]

The pharmacy technician must renew the registration biennially. For each renewal cycle, a pharmacy technician must complete 20 continuing education hours.[36]

Pharmacy Technician Training Programs

A pharmacy technician may only be registered with DOH if he or she completes a board-approved training program. These include pre-approved training programs that were accredited on or before April 1, 2017, by certain accreditation entities, such as the Accreditation Council on Pharmacy Education, as well as pharmacy technician training programs provided by a branch of the United States Armed Forces whose curriculum was developed on or before April 1, 2017.[37]

The board may review and approve other training programs that do not meet the criteria for pre-approval. Such programs must be licensed by the Commission for Independent Education or equivalent licensing authority or be within the public school system of this state and offer a course of study that includes:[38]

- Introduction to pharmacy and health care systems;

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[30] Rules 64B16-27.104 and 64B16-27.450, F.A.C.
[31] Id.
[32] Id.
[33] Pharmacy Technician Certification Board, Pharmacy Technicians, *available at* https://www.ptcb.org/who-we-serve/pharmacy-technicians#.WnjALPwUlPZ (last visited on Feb. 1, 2018).
[34] Section 465.014(2), F.S.
[35] An individual is exempt from the training program if he or she was registered as a pharmacy technician before January 1, 2011, and either worked as a pharmacy technician at least 1,500 hours under a licensed pharmacists or received certification from an accredited pharmacy technician program.
[36] Section 465.014(6), F.S.
[37] Rule 64B16-26.351(1)-(2), F.A.C.
[38] Rule 64B16-26.351(3)(b), F.A.C.

- Confidentiality;
- Patient rights and the Health Insurance Portability and Accountability Act (HIPAA);
- Relevant state and federal law;
- Pharmaceutical topics, including medical terminology, abbreviations, and symbols; medication safety and error prevention; and prescriptions and medication orders;
- Records management and inventory control, including pharmaceutical supplies, medication labeling, medication packaging and storage, controlled substances, and adjudication and billing;
- Interpersonal relations and ethics, including diversity of communications, empathetic communications, ethics governing pharmacy practice, patient and caregiver communications; and
- Pharmaceutical calculations.

The training program must provide the board with educational and professional background of its faculty.[39] A licensed pharmacist or registered pharmacy technician with appropriate expertise must be involved with planning and instruction and must supervise learning experiences.[40]

The board may also review and approve employer-based pharmacy technician training programs. An employer-based program must be offered by a Florida-permitted pharmacy or affiliated group of pharmacies under common ownership. [41] The program must include 160 hours of training over a period of no more than six months and may be provided only to the employees of that pharmacy.[42] The employer-based training program must:[43]

- Meet the same qualifications as required for non-employment based pharmacy technician training programs as indicated above;
- Provide an opportunity for students to evaluate learning experiences, instructional methods, facilitates, and resources;
- Ensure that self-directed learning experience, such as home study or web-based courses, evaluate the participant's knowledge at the completion of the learning experience; and
- Designate a person to assume responsibility for the registered pharmacy technician-training program.

Scope of Practice

A registered pharmacy technician may not engage in the practice of the profession of pharmacy; however, a licensed pharmacist may delegate those duties, tasks, and functions that do not fall within the definition of the practice of professional pharmacy.[44] Registered pharmacy technicians' responsibilities include: [45]

- Retrieval of prescription files;
- Data entry;
- Label preparation;

[39] Rule 64B16-26.351(3)(e), F.A.C.
[40] Id.
[41] Rule 64B16-26.351(4), F.A.C.
[42] Id.
[43] Id.
[44] Section 465.014(1), F.S.
[45] Rule 64B16-27.420(1), F.A.C.

- Counting, weighing, measuring, and pouring of prescription medication;
- Initiation of communication with a prescribing practitioner regarding requests for prescription refill authorization, obtaining clarification on missing or illegible information on prescriptions, and confirmation of information such as names, medication, strength, directions, and refills;
- Acceptance of authorization for prescription renewals; and
- Any other mechanical, technical, or administrative tasks that do not themselves constitute the practice of the profession of pharmacy.

A licensed pharmacist must directly supervise the performance of a registered pharmacy technician[46] and is responsible for acts performed by persons under his or her supervision.[47] A pharmacist may use technological means to communicate with or observe a registered pharmacy technician who is performing delegated tasks.[48]

The board specifies, by rule, certain acts that registered pharmacy technicians are prohibited from performing, which include:[49]

- Receiving new verbal prescriptions or any change in the medication, strength, or directions of an existing prescription;
- Interpreting a prescription or medication order for therapeutic acceptability and appropriateness;
- Conducting a final verification of dosage and directions;
- Engaging in prospective drug review;
- Monitoring prescription drug usage;
- Transferring a prescription;
- Overriding clinical alerts without first notifying the pharmacist;
- Preparing a copy of a prescription or reading a prescription to any person for the purpose of providing reference concerning treatment of the patient for whom the prescription was written;
- Engaging in patient counseling; or
- Engaging in any other act that requires the exercise of a pharmacist's professional judgment.

A registered pharmacy technician must wear an identification badge with a designation as a "registered pharmacy technician" and identify herself or himself as a registered pharmacy technician in telephone or other forms of communication.[50]

[46] Direct supervision means supervision by a pharmacist who is on the premises at all times the delegated tasks are being performed; who is aware of delegated tasks being performed; and who is readily available to provide personal assistance, direction, and approval throughout the time the delegated tasks are being performed (Rule 64B16-27.4001(2)(a), F.A.C.)
[47] Rule 64B16-27.1001(7), F.A.C.
[48] Rule 64B16-27.4001(2)(b), F.A.C.
[49] Rule 64B16-27.420(2), F.A.C.
[50] Rule 64B16-27.100(2), F.A.C.

Pharmacist-to-Technician Ratios

Florida law prohibits a pharmacist from supervising more than one registered pharmacy technician, unless otherwise permitted by guidelines adopted by the board.[51] The guidelines include the following restrictions:[52]

- A pharmacist engaging in sterile compounding may supervise up to three registered pharmacy technicians.
- A pharmacist who is not engaged in sterile compounding may supervise up to four registered pharmacy technicians.
- In a pharmacy that does not dispense medicinal drugs, a pharmacist may supervise up to six registered pharmacy technicians, as long as the pharmacist or pharmacy is not involved in sterile compounding.
- In a pharmacy that dispenses medicinal drugs in a physically separate area[53] of the pharmacy from which medicinal drugs are not dispensed, a pharmacist may supervise up to six registered pharmacy technicians.

Telehealth

There is no universally accepted definition of telehealth. In broad terms, telehealth is:

The delivery of health care services, where distance is a critical factor, by all health care professionals using information and communication technologies for the exchange of valid information for diagnosis, treatment,[54] and prevention of disease and injuries,[55] research and evaluation, and for the continuing education of health care providers, all in the interests of advancing the health of individuals and their communities.[56]

Definitions that are more specific vary by state and occasionally by profession; however,[57] there are common elements among the varied definitions of telehealth.

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[51] Section 465.014(1), F.S.
[52] Rule 64B16-27.410, F.A.C.
[53] A "physically separate area" is a part of the pharmacy that is separated by a permanent wall or other barrier, which restricts access between the two areas.
[54] The University of Florida's Diabetes Institute utilizes telehealth to deliver treatment to children with diabetes and other endocrine problems who live in Volusia County. This allows the children to receive specialized treatment without the necessity of traveling from Volusia County to Gainesville. The Florida Department of Health's Children's Medical Services underwrites the program. See https://ufhealth.org/diabetes-center-excellence/telemedicine (last visited on Feb. 1, 2018).
[55] The University of South Florida has partnered with American Well to provide health care services to the residents of the Villages via telehealth. The goal is to reduce hospital admissions, readmission rates, and pharmacy costs, while maintaining Medicare beneficiaries in their homes rather than long-term care settings. See http://hscweb3.hsc.usf.edu/blog/2012/06/22/usf-health-and-american-well-to-bring-telehealth-to-seniors-living-at-the-villages/ (last visited on Feb. 1, 2018).
[56] World Health Organization, Telemedicine: Opportunities and Developments in Member States, Global Observatory for Ehealth Series- Volume 2, Section 1.2, page 9 (2010), *available at* http://apps.who.int/iris/bitstream/10665/44497/1/9789241564144_eng.pdf (last visited on Feb. 1, 2018).
[57] Center for Connected Health Policy, The National Telehealth Policy Resource Center, *State Telehealth Laws and Medicaid Program Policies* (August 2016), *available at* http://www.cchpca.org/sites/default/files/resources/50%20STATE%20COMPLETE%20REPORT%20PASSWORD%20AUG%202016_1.pdf (last visited on Feb. 1, 2018)

Telehealth generally consists of synchronous and/or asynchronous transmittal of information.[58] Synchronous refers to the live[59] transmission of information between patient and provider during the same time period.[60] Asynchronous telehealth is the transfer of data over a period of time and typically in separate time frames.[61] This is commonly referred to as "store and forward." Definitions of telehealth also commonly contain restrictions related to the location where telehealth may be used. For example, the use of the "hub and spoke" model is a common location restriction. A hub site is the location from which specialty or consultative services originate from the provider.[62] A spoke site is a remote site where the patient is presented during the telehealth encounter.[63] Under this model, health services may be provided through telehealth only if the patient is located at a designated spoke site and the provider is located at a designated hub site.

Telehealth is not a type of health care service but rather is a mechanism for the delivery of health care services. Health care professionals use telehealth as a platform to provide traditional health care services in a non-traditional manner. These services include, among others, preventative medicine and the treatment of chronic conditions.[64]

Telepharmacy

Telepharmacy is the provision of pharmaceutical care by pharmacies and pharmacists using telepharmacy technologies to patients or their agents at a distance.[65] Telepharmacy operations include, but are not limited to, drug review and monitoring, dispensing of medications, medication therapy management, clinical consultation, and patient counseling.[66]

In 2001, North Dakota became the first state to regulate telepharmacy.[67] North Dakota created a pilot project using telepharmacy to save rural pharmacies from closing and to provide

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[58] The majority of telehealth definitions allow for both synchronous and asynchronous transmittal of information, but some definitions omit asynchronous from the definition of telehealth.
[59] This is also referred to as "real time" or "interactive" telehealth.
[60] American Telemedicine Association, Telemedicine Glossary, *available at* http://thesource.americantelemed.org/resources/telemedicine-glossary (last visited on Feb. 1, 2018). The use of live video to evaluate and diagnosis a patient would be considered synchronous telehealth.
[61] Id. A common example of synchronous telehealth is the transfer of X-rays or MRI images from one health care provider to another health care provider for review in the future.
[62] Id.
[63] Id.
[64] U.S. Department of Health and Human Services, Report to Congress: E-Health and Telemedicine, (August 2016), *available at* https://aspe.hhs.gov/system/files/pdf/206751/TelemedicineE-HealthReport.pdf (last visited Feb. 1, 2018).
[65] National Association of Boards of Pharmacy, "Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy," (Aug. 2017), *available at* https://nabp.pharmacy/publications-reports/resource-documents/model-pharmacy-act-rules/ (last visited Feb. 1, 2018). Telepharmacy technologies means secure electronic communications, information exchange, or other methods that meet state and federal requirements.
[66] E. Alexander et al, ASHP Statement on Telepharmacy, 74 Am J Health-System Pharm., e236 (May 2017), available at http://www.ajhp.org/content/74/9/e236?sso-checked=true (last visited Feb. 1, 2018).
[67] George Tzanetakos et al, RUPRI Center for Rural Health Policy Analysis, University of Iowa College of Public Health, Rural Policy Brief: Telepharmacy Rules and Statutes: A 50-State Survey, Brief No. 2017-4, (April 2017), *available at* https://www.public-health.uiowa.edu/rupri/publications/policybriefs/2017/Telepharmacy%20Rules%20and%20Statutes.pdf (last visited Feb. 1, 2018).

telepharmacy services to underserved rural communities in that state.[68] The pilot project authorized community pharmacies to open and operate telepharmacy sites in rural communities without a pharmacist being physically present to supervise a registered pharmacy technician working at the remote site.[69] A pharmacist supervises the pharmacy technician and speaks with patients using real-time communications technology.[70] Almost 80,000 rural citizens had pharmacy services established, restored, or retained under the pilot project.[71]

At least 23 states have enacted laws or regulations that allow for the use of telepharmacy and/or remote dispensing sites since 2001.[72] The regulation of telepharmacy and remote dispensing varies by state. Some states geographically limit the provision of telepharmacy services to ensure that remote dispensing sites are only established in rural areas or medically underserved areas[73] while others restrict it by facility type such as rural health centers.[74] Many states have included minimum staffing and education requirements, such as requiring a minimum level of experience for the pharmacy technicians or limiting the number of pharmacy technicians that a pharmacist may supervise.[75]

III. Effect of Proposed Changes:

Section 1 amends s. 465.003, F.S., to define an RDSP to include every location where medicinal drugs are prepared by a registered pharmacy technician who is electronically supervised by an offsite pharmacist and dispensed pursuant to s. 465.014(1), F.S., to the patient after verification, certification, and counseling by the pharmacist. The bill exempts an RDSP from the requirement to close when a pharmacist is not present and on duty if the pharmacist is remotely supervising a registered pharmacy technician at an RDSP.

Section 2 amends s. 465.014(1), F.S., to allow a registered pharmacy technician to dispense medicinal drugs at an RDSP when operating under electronic supervision of an offsite Florida licensed pharmacist.

Section 3 amends s. 465.015, F.S., to exempt any person who owns, operates, maintain, opens, establishes, conducts, or has charge of an RDSP from the requirement that a licensed pharmacist

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[68] Daniel L. Friesner et al, Do Remote Community Telepharmacies Have Higher Medication Error Rates than Traditional Community Pharmacies? Evidence from the North Dakota Telepharmacy Project, 51 J Am Pharm Assoc., 580 (Sept./Oct. 2011), available at https://www.ndsu.edu/fileadmin/telepharmacy/APhA_article_2011_-_Copy.pdf (last visited Feb. 1, 2018).
[69] Id at 582.
[70] Id.
[71] National Association of Boards of Pharmacy, Telepharmacy: The New Frontier of Patient Care and Professional Practice, 46 Innovations 46 (June/July 2017), *available at* https://nabp.pharmacy/wp-content/uploads/2016/07/Innovations_June_July_Final.pdf (last visited Feb.1, 2018).
[72] Supra note 678. These states include Alaska, Colorado, Hawaii, Idaho, Illinois, Indiana, Iowa, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.
[73] Id. For example, Colorado requires that a telepharmacy outlet be more than 20 miles from the nearest prescription drug outlet or another telepharmacy outlet. (Colo. Rev. Stat. s. 12-12.5-102 (2017)).
[74] Id. For example, Wisconsin limits the operation of a remote dispensing site to a health care facility, office or clinic of a practitioner, county jail, rehabilitation facility, state prison, county house of correction, juvenile correctional facility, juvenile detention center, or residential care center for children and youth. (Wis. Admin. Code s. Phar. 7.095(3)).
[75] Id. For example, Illinois requires a pharmacy technician to have at least one year of experience and prohibits a pharmacist from supervising more than three sites that are simultaneously open. (Ill. Admin. Code tit. 68, s. 1330.510).

or registered intern must fill, compound, or dispense any prescription or medicinal drugs. The bill also exempts a registered pharmacy technician working in an RDSP from the restriction on dispensing medicinal medications without an active pharmacist's license or without being a registered pharmacy intern.

Section 4 creates s. 465.0198, F.S., to allow for the operation of RDSPs. The bill:

- Requires any person desiring to operate an RDSP to apply to the DOH for a permit. To receive a permit, the application must comply with the laws and board rules governing pharmacy and must designate a licensed pharmacist or consultant pharmacist as the prescription department manager responsible for oversight of the RDSP. The bill requires an RDSP to notify the DOH within 10 days if the prescription department manager changes.
- Requires an RDSP to pass an onsite inspection before receiving an initial permit or changing locations. The DOH is required to inspect the RDSP within 90 days before issuing the permit.
- Establishes requirements for an RDSP, including that:
  - An RDSP be jointly owned, or operated under contract with, a supervising pharmacy. A "supervising pharmacy" is defined as a licensed pharmacy in Florida that employs a Florida licensed pharmacist who remotely supervises the registered pharmacy technician at the RDSP.
  - An RDSP must be under 24-hour video surveillance, display a sign indicating that the RDSP is an RDSP and is under video surveillance, and must keep video surveillance recordings for at least 45 days.
  - An RDSP must be located in a rural area[76] and at least 10 miles from an existing community pharmacy unless the RDSP is located in a hospital or a clinic. For the purposes of this requirement, a "clinic" is defined as an entity where health care services are provided to individuals and which tenders charges for reimbursement for such services, excluding a mobile clinic and a portable equipment provider. The bill specifies that an RDSP may not lose its permit if a community pharmacy opens within 10 miles of the RDSP subsequent to the opening of the RDSP.
  - The prescription department manager or other pharmacist employed by the supervising pharmacy visits the RDSP on a schedule determined by the board to inspect the pharmacy, address personnel matters, and provide clinic services for patients.
  - A registered pharmacy technician must have completed at least 2,080 hours of experience at a pharmacy within the two years immediately preceding the date on which the registered pharmacy technician begins employment at the RDSP.
- Allows an RDSP to store, hold, and dispense all medicinal drugs[77] including schedule III-V controlled substances listed in s. 893.03(3)-(5), F.S.
- Restricts an RDSP from storing, holding, or dispensing schedule II narcotic controlled substances and performing centralized prescription filling. [78]
- Restricts a registered pharmacy technician from performing sterile or complex nonsterile compounding.

[76] As defined in s. 381.0406, F.S. A map of rural counties is *available at* http://www.floridahealth.gov/programs-and-services/community-health/rural-health/_documents/ruralcountiespdf.12.pdf. (Last visited on Feb. 6, 2018).
[77] Supra note 1
[78] Supra note 2

- Requires an RDSP to maintain a policy and procedures manual that must be made available to the board upon request. The manual must include:
  - A description of how the RDSP will comply with state and federal laws, rules, and regulations.
  - The procedure for supervising the RDSP and counseling its patients before the dispensing of any medicinal drug.
  - The procedure for reviewing the prescription drug inventory and drug records maintained by the RDSP.
  - The policy and procedure for providing appropriate security to protect the confidentiality and integrity of patient information.
  - The written plan for recovery from an event that interrupts or prevents the pharmacist from supervising the RDSP's operation.
  - The procedure by which the supervising pharmacist consults the state prescription drug-monitoring program (PDMP) before authorizing any controlled substance for dispensing and reports the dispensing of controlled substances to the PDMP.
  - The specific duties, tasks, and functions that a registered pharmacy technician is authorized to perform at the RDSP.

Section 5 amends s. 460.022, F.S., to allow a Florida licensed pharmacist to serve as a prescription manager for up to two RDSPs that are under common control and to make a technical change.

Section 6 amends s. 465.0265, F.S., to conform its provisions to the restriction on RDSPs performing centralized prescription filling.

Section 7 establishes an effective date of July 1, 2018.

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:

CS/SB 848 may have an indeterminate fiscal impact on persons who open and run an RDSP pursuant to the provisions of the bill. It may also have an indeterminate fiscal impact on community pharmacies that are nearby but beyond the 10-mile zone.

C. Government Sector Impact:

The DOH will incur indeterminate costs to establish the RDSP permit and regulate permitted RDSPs; however, these costs will be absorbed within existing resources of the DOH.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Lines 158-162 of the bill specify that a RDSP may store, hold, and dispense medicinal drugs listed as a controlled substance in schedules III-V but may not store, hold, and dispense narcotic controlled substances listed in schedule II. The bill does not specify whether an RDSP may store, hold, and dispense nonnarcotic schedule II controlled substances. The bill should be clarified to specify whether an RDSP may or may not store, hold, and dispense nonnarcotic controlled substances listed in schedule II.

Lines 201-203 of the bill restrict a registered pharmacy technician working in an RDSP from performing sterile and complex nonsterile compounding. The use of the term "complex" nonsterile compounding implies that a pharmacy technician may perform noncomplex nonsterile compounding at an RDSP. However, it is unclear what the definitions of "complex" and "noncomplex" nonsterile compounding include. The bill should be amended to clarify what compounding, if any, a registered pharmacy technician is authorized to perform at an RDSP.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 465.003, 465.014, 465.015, 465.022, and 465.0265.

This bill creates section 465.0198 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 Health Policy on February 6, 2018:
The CS changes the title of the bill to Telepharmacy and:

- Tightens the regulation of RDSPs by:
  - Requiring that RDSPs be supervised by Florida licensed pharmacists;

  - Restricting a pharmacy technician at an RDSP from performing sterile or complex nonsterile compounding;
  - Restricting a pharmacy technician at an RDSP from dispensing narcotic drugs listed as a schedule II controlled substance; and
  - Requiring a registered pharmacy technician who works in a RDSP to have certain experience.
- Requires all RDSPs to be located in rural areas (as defined in s. 381.0406, F.S.) and be located at least 10 miles from an existing community pharmacy unless the RDSP is located in a hospital or a clinic.
- Requires each RDSP to be inspected by the DOH before being issued an initial permit or a permit for a change of location.
- Specifies that the section establishing RDSPs does not alter supervisory requirements for pharmacy technicians.
- Removes the provision that an RDSP may not be counted toward network adequacy in managed care programs.
- Makes a number of technical changes to clean up the bill's provisions.

B. Amendments:

None.

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

By the Committee on Health Policy; and Senator Grimsley

588-02911-18 2018848c1

A bill to be entitled

An act relating to telepharmacy; amending s. 465.003, F.S.; revising and providing definitions; amending s. 465.014, F.S.; authorizing a registered pharmacy technician to dispense medicinal drugs under certain conditions; amending s. 465.015, F.S.; conforming provisions to changes made by the act; creating s. 465.0198, F.S.; providing permit requirements for remote dispensing site pharmacies; providing operating requirements and prohibitions for a remote dispensing site pharmacy; defining the term "clinic"; requiring the prescription department manager or other pharmacist employed by the supervising pharmacy to visit the remote dispensing site pharmacy; providing an experience requirement for a registered pharmacy technician working at a remote site pharmacy; prohibiting a registered pharmacy technician from performing sterile or nonsterile compounding; providing construction; amending s. 465.022, F.S.; authorizing a Florida licensed pharmacist to serve as the prescription drug manager at more than one remote dispensing site pharmacy under certain conditions; amending s. 465.0265, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Subsection (11) of section 465.003, Florida Statutes, is amended to read:

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

588-02911-18 2018848c1

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

(11)(a) "Pharmacy" includes a community pharmacy, an institutional pharmacy, a nuclear pharmacy, a special pharmacy, ~~and~~ an Internet pharmacy, and a remote dispensing site pharmacy.

1. The term "community pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold or where prescriptions are filled or dispensed on an outpatient basis.

2. The term "institutional pharmacy" includes every location in a hospital, clinic, nursing home, dispensary, sanitarium, extended care facility, or other facility, hereinafter referred to as "health care institutions," where medicinal drugs are compounded, dispensed, stored, or sold.

3. The term "nuclear pharmacy" includes every location where radioactive drugs and chemicals within the classification of medicinal drugs are compounded, dispensed, stored, or sold. The term "nuclear pharmacy" does not include hospitals licensed under chapter 395 or the nuclear medicine facilities of such hospitals.

4. The term "special pharmacy" includes every location where medicinal drugs are compounded, dispensed, stored, or sold if such locations are not otherwise defined in this subsection.

5. The term "Internet pharmacy" includes locations not otherwise licensed or issued a permit under this chapter, within or outside this state, which use the Internet to communicate with or obtain information from consumers in this state and use such communication or information to fill or refill prescriptions or to dispense, distribute, or otherwise engage in the practice of pharmacy in this state. Any act described in

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

this definition constitutes the practice of pharmacy as defined in subsection (13).

6. The term "remote dispensing site pharmacy" includes every location where medicinal drugs are prepared by a registered pharmacy technician who is electronically supervised by an offsite pharmacist and dispensed pursuant to s. 465.014(1) to the patient after verification, certification, and counseling by the pharmacist.

(b) The pharmacy department of any permittee shall be considered closed whenever a Florida licensed pharmacist is not present and on duty. The term "not present and on duty" may ~~shall~~ not be construed to prevent:

1. A pharmacist from exiting the prescription department for the purposes of consulting or responding to inquiries or providing assistance to patients or customers~~;~~;

2. A pharmacist attending to personal hygiene needs~~;~~; ~~or~~

3. A pharmacist performing any other function for which the pharmacist is responsible, provided that such activities are conducted in a manner consistent with the pharmacist's responsibility to provide pharmacy services; or

4. An offsite pharmacist from remotely supervising a registered pharmacy technician at a remote dispensing site pharmacy.

Section 2. Subsection (1) of section 465.014, Florida Statutes, is amended to read:

465.014 Pharmacy technician.—

(1) A person other than a licensed pharmacist or pharmacy intern may not engage in the practice of the profession of pharmacy, except that a licensed pharmacist may delegate to

pharmacy technicians who are registered pursuant to this section those duties, tasks, and functions that do not fall within the purview of s. 465.003(13). However, a registered pharmacy technician may dispense medicinal drugs when operating under the electronic supervision of an offsite Florida licensed pharmacist pursuant to s. 465.0198. All such delegated acts must be performed under the direct supervision of a licensed pharmacist who is responsible for all such acts performed by persons under his or her supervision. A registered pharmacy technician, under the supervision of a pharmacist, may initiate or receive communications with a practitioner or his or her agent, on behalf of a patient, regarding refill authorization requests. A licensed pharmacist may not supervise more than one registered pharmacy technician unless otherwise permitted by the guidelines adopted by the board. The board shall establish guidelines to be followed by licensees or permittees in determining the circumstances under which a licensed pharmacist may supervise more than one pharmacy technician.

Section 3. Subsections (1) and (2) of section 465.015, Florida Statutes, are amended to read:

465.015 Violations and penalties.—

(1) It is unlawful for any person to own, operate, maintain, open, establish, conduct, or have charge of, either alone or with another person or persons, a pharmacy:

(a) Which is not registered under ~~the provisions of~~ this chapter.

(b) In which a person not licensed as a pharmacist in this state or not registered as an intern in this state or in which an intern who is not acting under the direct and immediate

personal supervision of a licensed pharmacist fills, compounds, or dispenses any prescription or dispenses medicinal drugs. This paragraph does not apply to any person who owns, operates, maintains, opens, establishes, conducts, or has charge of a remote dispensing site pharmacy pursuant to s. 465.0198.

(2) It is unlawful for any person:

(a) To make a false or fraudulent statement, either for herself or himself or for another person, in any application, affidavit, or statement presented to the board or in any proceeding before the board.

(b) To fill, compound, or dispense prescriptions or to dispense medicinal drugs if such person does not hold an active license as a pharmacist in this state, is not registered as an intern in this state, or is an intern not acting under the direct and immediate personal supervision of a licensed pharmacist. This paragraph does not apply to a registered pharmacy technician dispensing medicinal drugs pursuant to s. 465.0198.

(c) To sell or dispense drugs as defined in s. 465.003(8) without first being furnished with a prescription.

(d) To sell samples or complimentary packages of drug products.

Section 4. Section 465.0198, Florida Statutes, is created to read:

465.0198 Remote dispensing site pharmacy permits.—

(1) Any person desiring a permit to operate a remote dispensing site pharmacy must apply to the department for a remote dispensing site pharmacy permit. If the board certifies that the application complies with the laws and board rules

governing the practice of the profession of pharmacy, the department must issue the permit. A permit may not be issued unless a licensed pharmacist or consultant pharmacist is designated as the prescription department manager responsible for the oversight of the remote dispensing site pharmacy. The permittee must notify the department within 10 days after any change of the prescription department manager.

(2) As a prerequisite to issuance of an initial permit or a permit for a change of location, the remote dispensing site pharmacy must pass an onsite inspection. The department must make the inspection within 90 days before issuance of the permit.

(3) The remote dispensing site pharmacy must:

(a) Be jointly owned by a supervising pharmacy or operated under a contract with a supervising pharmacy. For purposes of this subsection, "supervising pharmacy" means a licensed pharmacy in this state which employs a Florida licensed pharmacist who remotely supervises a registered pharmacy technician at a remote dispensing site pharmacy.

(b) Display a sign visible to the public indicating that the location is a remote dispensing site pharmacy and that the facility is under 24-hour video surveillance. The remote dispensing site pharmacy must retain the video surveillance recordings for at least 45 days.

(c) Be located in an area defined as rural pursuant to s. 381.0406 and be at least 10 miles from an existing community pharmacy, unless the remote dispensing site pharmacy is located in a hospital licensed under chapter 395 or in a clinic. For purposes of this paragraph, the term "clinic" means an entity

where health care services are provided to individuals and which tenders charges for reimbursement for such services, excluding a mobile clinic and a portable equipment provider.

(4) A remote dispensing site pharmacy may not lose its permit based on the subsequent opening of a community pharmacy within 10 miles of the remote dispensing site pharmacy.

(5) A remote dispensing site pharmacy may store, hold, and dispense all medicinal drugs including those listed in s. 893.03(3)-(5). A remote dispensing pharmacy may not store, hold, or dispense narcotic controlled substances listed in s. 893.03(2).

(6) A remote dispensing site pharmacy may not perform centralized prescription filling, as defined in s. 465.003(16).

(7) A remote dispensing site pharmacy must maintain a policy and procedures manual, which shall be made available to the board or its agent upon request. The policy and procedures manual shall include:

(a) A description of how the pharmacy will comply with federal and state laws, rules, and regulations.

(b) The procedure for supervising the remote dispensing site pharmacy and counseling its patients before the dispensing of any medicinal drug pursuant to this section.

(c) The procedure for reviewing the prescription drug inventory and drug records maintained by the remote dispensing site pharmacy.

(d) The policy and procedure for providing appropriate security to protect the confidentiality and integrity of patient information.

(e) The written plan for recovery from an event that

interrupts or prevents the pharmacist from supervising the remote dispensing site pharmacy's operation.

(f) The procedure by which a supervising pharmacist consults the state prescription drug monitoring program before authorizing any controlled substance for dispensing and reports the dispensing of a controlled substance as required under s. 893.055.

(g) The specific duties, tasks, and functions that a registered pharmacy technician is authorized to perform at the remote dispensing site pharmacy.

(8) The prescription department manager or other pharmacist employed by the supervising pharmacy must visit the remote dispensing site pharmacy, based on a schedule designated by the board, to inspect the pharmacy, address personnel matters, and provide clinical services for patients.

(9) A registered pharmacy technician must have completed at least 2,080 hours of experience at a pharmacy within the 2 years immediately preceding the date on which the registered pharmacy technician begins employment at the remote dispensing site pharmacy.

(10) A registered pharmacy technician working at a remote dispensing site pharmacy may not perform sterile or complex nonsterile compounding.

(11) This section does not alter the supervision requirements established in s. 465.014.

Section 5. Paragraph (c) of subsection (11) of section 465.022, Florida Statutes, is amended to read:

465.022 Pharmacies; general requirements; fees.—

(11) A permittee must notify the department of the identity

of the prescription department manager within 10 days after employment. The prescription department manager must comply with the following requirements:

(c) A Florida licensed ~~registered~~ pharmacist may not serve as the prescription department manager in more than one location unless approved by the board. However, a Florida licensed pharmacist may serve as a prescription department manager for no more than two remote dispensing site pharmacies, if such pharmacies are under common control.

Section 6. Subsection (1) of section 465.0265, Florida Statutes, is amended to read:

465.0265 Centralized prescription filling.—

(1) Except as otherwise provided in this chapter, a pharmacy licensed under this chapter may perform centralized prescription filling for another pharmacy, provided that the pharmacies have the same owner or have a written contract specifying the services to be provided by each pharmacy, the responsibilities of each pharmacy, and the manner in which the pharmacies will comply with federal and state laws, rules, and regulations.

Section 7. This act shall take effect July 1, 2018.

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

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 18, 2018

I respectfully request that **CS/Senate Bill #848**, relating to Telepharmacy, **CS/Senate Bill #1486 relating to Department of Health**, be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Senator Denise Grimsley
Florida Senate, District 26

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 852 (859872)
INTRODUCER:	Appropriations Committee (Recommended by Subcommittee on Transportation, Tourism, and Economic Development); Transportation Committee; and Senator Brandes and others
SUBJECT:	Florida Smart City Challenge Grant Program
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Fav/CS**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	McAuliffe	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 852 creates the Florida Smart City Challenge Grant Program to provide opportunities to cities and other regions of the state for developing smart mobility solutions to local transportation challenges. The bill authorizes certain state, county, municipal, regional, or other agencies to submit applications to the Florida Department of Transportation (FDOT) for grants to fund certain innovative transportation projects.

The bill requires the FDOT to issue a request for proposals by September 1, 2018, and sets out information and documentation requirements for inclusion in grant proposals. The FDOT must award at least three grants, and each grant is limited to $6 million. Grant awards may be used to fund up to 50 percent of project implementation costs. A grant recipient must fund at least 10 percent of project costs. The FDOT must distribute awards by January 1, 2019.

The bill provides project selection, matching funds, and reporting requirements. The FDOT is directed to provide administrative support and to conduct expedited proposal reviews to facilitate smart city technology deployment within the state.

Related to electric vehicles, the bill requires the Florida Transportation Commission (FTC) to review all funding sources for transportation infrastructure and maintenance projects when it is determined that electric and hybrid vehicles make up two percent or more of the total number of registered vehicles in this state. The report must assess the effect of projected electric and hybrid

vehicle use on future revenues from existing fuel taxes and other fees related to nonelectric vehicles. The report must also make recommendations to: provide continued funding to maintain existing infrastructure; continue to meet projected infrastructure demand; and improve infrastructure to support emergency evacuations by users of electric vehicles.

The report must be submitted to the Governor and the Legislature by September 1 of the year immediately after the year in which the FTC determines that electric and hybrid vehicles make up two percent or more of the total number of vehicles registered in Florida. The FTC may complete the review and report before the two-percent threshold if the FTC determines it appropriate.

The bill also requires the FTC, in consultation with the Florida Division of Emergency Management (FDEM), to assess transportation infrastructure with respect to emergency evacuations and electric vehicles, including the availability of electric vehicle charging stations in this state. Lastly, the bill requires metropolitan planning organization's long-range transportation plans to include an assessment of the increased use of autonomous technology and electric vehicles.

The FTC will incur indeterminate expenses associated with the reporting requirements of this bill. The DHSMV expects the bill to have no impact on expenditures. The FDEM may incur indeterminate expenses associated with its participation in the emergency evacuation assessment.

The bill appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund to the FDOT implement the Florida Smart City Challenge Grant Program.

The bill takes effect on July 1, 2018.

II. Present Situation:

Smart City Challenge Grant Program

According to the National League of Cities, 66 percent of cities are investing in smart city technology, and 25 percent of cities with no smart city technology are investigating how to implement it.[1] A single definition of smart city technology is difficult to identify, but in the context of transportation, it relates to "using sensors to collect data about the movement of people, all forms of vehicles and bikes. A smart city is one that greatly reduces vehicle traffic and allows people and goods to be moved easily through various means."[2] Examples include intelligent vehicle systems and autonomous vehicle transportation. Outcomes of smart city efforts are reduced vehicle related deaths, reduced pollution, reduced traffic times, and healthier populations.[3]

[1] National League of Cities, *Cities and Innovation Economy: Perceptions of Local Leaders (October 18, 2017)*, available at: http://www.nlc.org/resource/cities-and-innovation-economy-perceptions-of-local-leaders (Last visited January 14, 2018).
[2] TechRepublic, *Smart Cities: 6 Essential Technologies*, available at: https://www.techrepublic.com/article/smart-cities-6-essential-technologies/ (Last visited January 13, 2018).
[3] *Id.*

The Federal Smart City Challenge

The United States Department of Transportation (USDOT) launched a Smart City Challenge in December 2015. The challenge asked mid-sized cities "to develop ideas for an integrated, first-of-its-kind smart transportation system that would use data, applications, and technology to help people and goods move more quickly, cheaply, and efficiently."[4] The USDOT committed up to $40 million to one winning city.[5] The USDOT received 78 applications from cities across America, including the following cities in Florida: Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa.[6] However, no Florida city received any funding.

Ultimately, Columbus, Ohio won the challenge by proposing "a comprehensive, integrated plan addressing challenges in residential, commercial, freight, and downtown districts using a number of new technologies, including connected infrastructure, an integrated data platform, autonomous vehicles, and more."[7] The USDOT then worked with selected finalists to further develop the ideas proposed by the cities and, in October 2016, announced an additional $65 million in grants to support advanced technology transportation projects.[8] Again, no city in Florida was selected for project funding.[9]

The State Smart City Challenge Grant Program

The 2017 Legislature enacted legislation[10] requiring the FDOT, in consultation with the Department of Highway Safety & Motor Vehicles and *subject to appropriation*, to develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. The law requires grant applications to demonstrate and document the adoption of emerging technologies and their impact on transportation systems and to address at least the following focus areas: autonomous vehicles, connected vehicles, sensor-based infrastructure, collecting and using data, electric vehicles (including charging stations), and developing strategic models and partnerships. The law also specifies a non-exclusive list of goals of the grant program.

The law requires the FDOT to develop eligibility, application, and selection criteria for the program grants and a plan for promotion of the grant program to municipalities or regions of the state as an opportunity to compete for the grant funding. Criteria must include the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The law authorizes the FDOT to contract with a third party demonstrating knowledge and expertise in the focuses and goals of the program to provide guidance in the development of the program requirements. By January 1, 2018, the FDOT was to submit the

[4] US Department of Transportation, *Smart City Challenge (June 29, 2017)*, available at: https://www.transportation.gov/smartcity (Last visited January 14, 2018).
[5] *Id.*
[6] US Department of Transportation, *Smart City Challenge Vision Statements (September 29, 2016)*, available at: https://www.transportation.gov/smartcity/visionstatements/index (Last visited January 14, 2018).
[7] US Department of Transportation, *The Winner: Columbus Ohio (January 3, 2017)*, available at: https://www.transportation.gov/smartcity/winner (Last visited January 14, 2018).
[8] US Department of Transportation, *What Comes Next (April 28, 2016)*, available at: https://www.transportation.gov/smartcity/what-comes-next (Last visited January 12, 2018).
[9] The USDOT advises that no further funding rounds under the federal program are currently anticipated. Telephone conversation with the USDOT staff and Senate Transportation Committee staff, January 12, 2018.
[10] Chapter 2017-42, Laws of Florida. Section 316.0898, F.S.

grant program guidelines and plans for promotion of the grant program to the Governor, the Senate President, and the House Speaker.

The 2017 General Appropriations Act contained an appropriation for the Smart City Challenge Grant program, authorizing the FDOT to use up to $325,000 from the State Transportation Trust Fund (STTF) to establish the program. However, that appropriation was vetoed.[11] The program, currently codified in s. 316.0898, F.S., expires on July 1, 2018.

Electric and Hybrid Vehicles

Florida law currently defines two types of vehicles powered, in whole or in part, by electricity: an electric vehicle and a hybrid vehicle. An "electric vehicle," defined for purposes of vehicle registration under ch. 320, F.S., is "a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current."[12] A "hybrid vehicle," defined for purposes of use of high-occupancy-vehicle lanes, is a motor vehicle:

- That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system;
- That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act…and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle;[13] and
- That, in the case of a tri-vehicle,[14] is an inherently low-emission vehicle.[15]

Florida has enacted a number of EV-related provisions that may incentivize people to purchase EVs. They include:

- Authorizing a local government to enact a program to allow property owners to apply for financing from the local government to install EV charging equipment on his or her property. The local government can collect the loan payments through ad valorem assessments.[16]
- Authorizing a local government to use the proceeds of a levied infrastructure surtax (discretionary sales surtax) to provide loans to property owners to install EV charging equipment.[17]
- Allowing hybrid electric vehicles to use high-occupancy-vehicle lanes regardless of occupancy and to use such lanes without paying a toll if one is otherwise required.[18]

[11] Specific Appropriation 1869, proviso, ch. 2017-70, Laws of Florida.
[12] Section 320.01(36), F.S.
[13] For detailed information on California's Low-Emission Vehicle Program, *see* California Air Resources Board, *Low-Emission Vehicle Program (January 25, 2017)*, available at: https://www.arb.ca.gov/msprog/levprog/levprog.htm (Last visited February 21, 2018).
[14] Defined in s. 316.003(93), F.S.
[15] Section 316.0741, F.S.
[16] Section 163.08, F.S.
[17] Section 212.055, F.S.
[18] Generally, a high-occupancy-vehicle lane is a lane designed for use by vehicles in which there is more than one occupant. Section 316.0741, F.S.

In addition, local Florida entities offer EV incentives. The National Conference of State Legislatures reports that, through June 30 of this year or until funds were depleted,[19] Duke Energy and Orlando Utilities Commission customers and employees were eligible for a $10,000 rebate for the purchase of a new, all-electric, 2017 Nissan Leaf at participating dealerships; and the Jacksonville Electric Authority offers rebates for plug-in HEVs with a battery less than 15 kilowatt hours in capacity to receive $500, and plug-in HEVs with larger battery capacity are eligible for $1,000.[20] The federal government also allows an income tax credit of up to $7,500 for certain EVs.[21]

Impact of Electric and Hybrid Vehicles on Transportation Funding/Prior Studies

Taxes on gas and diesel fuel are a primary source of revenue for both the federal highway fund and the State Transportation Trust Fund.[22] Transportation funding has generally experienced a continuing shortfall attributed to static federal gas tax rates, more fuel efficient vehicles, and increasing transportation construction and maintenance costs.[23]

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because electric vehicles (EV) are not powered by gasoline or diesel, and because hybrid electric vehicles (HEV) use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of these vehicles operating in Florida results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

There are a limited number of studies specifically focused on the impact of EVs[24] on fuel tax revenues. A 2015 study conducted by the University of Central Florida acknowledges the increasing national EV sales trend for the 5-year period prior to the study but concludes:

> Of course, despite the increase, electric and plug-in electric vehicles still represent a small portion of the US auto market. With total vehicles sales for 2014 coming in at around 16.5 million, EVs made up less than 1 percent of total sales.[25]

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[19] US Department of Energy, Alternative Fuels Data Center reports this rebate expired on July 1 of this year. *See* AFDC, *Expired, Repealed, and Archived Florida Incentives and Laws*, available at: https://www.afdc.energy.gov/laws/laws_expired?jurisdiction=FL (Last visited February 22, 2018).

[20] *See* National Conference of State Legislature's website for additional details on available incentives related to EVs, *State Efforts to Promote Hybrid and Electric Vehicles (September 26, 2017)*, available at: http://www.ncsl.org/research/energy/state-electric-vehicle-incentives-state-chart.aspx#other (Last visited February 22, 2018).

[21] *See* Internal Revenue Service, *Plug-In Electric Drive Vehicle Credit (IRC 30D) (January 24, 2018)*, available at: https://www.irs.gov/credits-deductions/individuals/plug-in-electric-drive-vehicle-credit-section-30d (Last visited February 22, 2018).

[22] *See* Florida Department of Transportation, *Florida's Transportation Tax Sources, A Primer (January 2017)*, at p. 4, for a listing of federal and state transportation tax sources and rates for calendar year 2017, available at: http://www.fdot.gov/comptroller/pdf/GAO/RevManagement/Tax%20Primer.pdf (Last visited February 21, 2018).

[23] *See* US Department of Energy National Renewable Energy Laboratory, *Primer on Motor Fuel Excise Taxes and the Role of Alternative Fuels and Energy Efficient Vehicles (August 2015)*, at p. 7, available at: https://www.afdc.energy.gov/uploads/publication/motor_fuel_tax_primer.pdf (Last visited February 22, 2018).

[24] Unless otherwise noted, EV includes both EVs and HEVs.

[25] *See* Electric Vehicle Transportation Center, *Implications of Electric Vehicles on Gasoline Tax Revenues*, December 2015, at p. 8 available at: http://www.fsec.ucf.edu/en/publications/pdf/FSEC-CR-2011-15.pdf (Last visited February 22, 2018).

The study further concludes that EVs, for now and in the near future, will have only a small impact on fuel tax revenues but notes a University of Texas study on EV market share suggesting that by 2050, over 50 percent of fuel tax funds may be lost.[26] The authors highlight the importance of understanding that "the rate at which revenue declines depends on many factors. The relationship among these factors is complex and continued investigation is warranted to better understand vehicle fleet mix, fuel economy, and fuel tax revenue."[27]

According to the study, a number of states are exploring or implementing revenue generating alternatives, both to increase transportation funding in general and also to prepare for revenue reduction due to increased EV sales. These alternatives include a fee based on the number of miles a given vehicle travels,[28] as well as increased direct taxes and surcharges on EV purchases.[29]

For example, in 2015, the Georgia Legislature repealed "one of the nation's most generous state tax credits for electric cars." The Legislature also voted to impose a $200 annual registration fee on owners of some plug-in hybrids and all zero-emissions vehicles to make up for the lost fuel taxes. EV sales then experienced a sharp reduction, a result attributed to the repealed credit and imposed fee.[30]

EV Registration in Florida

The license tax for EVs is the same as that for a vehicle that is not electrically powered.[31] The exact number of EVs registered in Florida is somewhat unclear. Under the Department of Highway Safety and Motor Vehicles' (DHSMV) current vehicle registration system programming, a "fuel type" classification is an optional field and therefore the precise number of EVs registered is unknown.[32]

The DHSMV analyzed vehicle identification numbers (VINs) in its motor vehicle registration database using available software and estimated that of the 16.2 million vehicles with VINs that could be analyzed, approximately 247,131 EVs and HEVs, are registered in Florida, or about 1.53 percent.[33]

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[26] *Id.* at p. 12.
[27] *Id.*
[28] Known as VMT (vehicle miles traveled) and MBUF (mileage-based user fee). Fees are assessed based on the actual amount of road use, not on fuel consumption.
[29] *See* US Department of Energy National Renewable Energy Laboratory, *Primer on Motor Fuel Excise Taxes and the Role of Alternative Fuels and Energy Efficient Vehicles*, August 2015, at p. 29-31, available at: https://www.afdc.energy.gov/uploads/publication/motor_fuel_tax_primer.pdf (Last visited February 22, 2018).
[30] *See* Politifact Georgia, *Electric car sales hit the brakes as tax credit axed and fee added*, (November 2, 2015), available at: http://www.politifact.com/georgia/statements/2015/nov/02/don-francis/electric-car-sales-hit-brakes-tax-credit-axed-and-/ (Last visited February 22, 2018).
[31] Section 320.08001, F.S. Registration fees differ based on factors such as the type of vehicle, its weight, the license plate chosen, and whether the registration period is one or two years.
[32] The DHSMV also advises a system change is underway to make "fuel type" a mandatory field. *See* email from DHSMV staff dated September 22, 2017, to staff of the Senate Transportation Committee.
[33] *See* DHSMV, *SB 384 Bill Analysis* (November 9, 2017), at p. 5.

Emergency Evacuation

The Florida Division of Emergency Management (FDEM) is responsible for maintaining a comprehensive statewide program of emergency management. Among the FDEM's duties is a requirement to prepare a state comprehensive emergency management plan containing provisions that will ensure the state is prepared for emergencies and minor, major, and catastrophic disasters.[34] As part of the plan, the FDEM must include an evacuation component including specific regional and interregional planning provisions and promoting intergovernmental coordination of evacuation activities. Among other items, this part of the plan must establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes.[35] A review of available documents and information on the FDEM's website did not identify an assessment of electric vehicle charging stations for the purpose of emergency evacuations.

Section 377.815, F.S., authorizes the Florida Department of Agriculture and Consumer Services to post information on its website relating to alternative fueling stations or EV charging stations that are available for public use in this state. The department's website provides a list of stations, however, the list is not specific to emergency evacuations.[36]

According to the U.S Department of Energy's Alternative Fuels Data Center, 949 electric vehicle charging stations (2,130 outlets) are currently available in the State of Florida, excluding private stations.[37] The DHSMV notes that no EV charging stations within Florida's transportation infrastructure are specifically designated for use during emergency evacuations.[38]

III. Effect of Proposed Changes:

The bill creates a new Florida Smart City Challenge Grant Program to provide opportunities for grants to fund certain innovative transportation projects. The FDOT must issue a request for proposals by September 1, 2018, and distribute awards by January 1, 2019. The bill establishes goals and eligibility requirements for the program; provides project selection criteria and matching funds requirements; sets out reporting requirements; provides for administrative support for the program; and provides an appropriation from the STTF to implement the program.

Section 1 creates s. 316.0899, F.S., effective July 1, 2018, to create a new Florida Smart City Challenge Grant Program within the FDOT. The bill identifies the goals of the program to include:

- Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.

[34] Section 252.35(2)(a), F.S.
[35] *Id.*
[36] *See* Florida Department of Agriculture and Consumer Services, Florida Energy Clearinghouse, Transportation, available at: http://www.freshfromflorida.com/Energy/Florida-Energy-Clearinghouse/Transportation (Last visited February 22, 2018).
[37] *See* US Department of Energy, Alternative Fuels Data Center, Electric Vehicles Charging Station Locations, available at: https://www.afdc.energy.gov/fuels/electricity_locations.html, including a map and a download spreadsheet of locations and related information (Last visited February 22, 2018).
[38] *See* DHSMV, *SB 384 Bill Analysis* (November 9, 2017), at p. 5.

- Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.
- Advancing autonomous, connected, grid-integrated,[39] and electric vehicle readiness and deployment throughout the state.
- Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.
- Meeting the mobility needs of residents of this state, particularly transportation disadvantaged persons[40] by increasing access to and convenience of transportation within municipalities and other regions of the state.
- Facilitating the efficient movement of freight within the state, especially in and around airports and seaports.
- Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electric technologies.
- Creating a smart mobility demonstration community in the state that serves as a model for municipalities and other regions nationwide.

The bill authorizes the various government entities to apply to the FDOT for project funding under the program. These government entities include:

- A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to chs. 343,[41] 348,[42] or 349,[43] F.S.
- A metropolitan planning organization (MPO) or transportation planning organization (TPO), with a requirement that each entity responsible for deploying or operating a project on behalf of an MPO or TPO must submit to the FDOT a letter detailing its commitment to the implementation, operation, and maintenance of the project.
- A state university.

The bill requires an applicant to have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

- Autonomous vehicle deployment or demonstration.
- Connected vehicle technology deployment.
- Shared mobility services innovation and deployment.
- Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including the deployment of grid-integrated vehicles.

[39] The bill defines this term to mean "a motor vehicle that has the ability for two-way power flow between the vehicle and the electric grid and the communications hardware and software that allow for external control of battery charging and discharging."
[40] Section 427.011(1), F.S., defines a "transportation disadvantaged person" as a person who, because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.
[41] Chapter 343, F.S., creates the Northeast Florida Regional Transportation Commission, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transit Authority.
[42] Chapter 348, F.S., creates the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.
[43] Chapter 349, F.S., creates the Jacksonville Transportation Authority.

The FDOT is required to issue a request for proposals for the award of program grants by September 1, 2018. Each submitted proposal must include:

- A statement by the applicant certifying that the project will be implement within 2 years after receipt of the grant.
- A plan for fulfilling documentation requirements under the FDOT's Statewide Systems Engineering Management Plan within such 2-year period.[44]
- A description of how operation and maintenance costs for the project will be funded in order to ensure that the FDOT's investment in the project is sustained.
- A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area served by the project.
- The procedure for integrating the project's transportation-related data into the FDOT's Data Integration and Video Aggregation System.[45]

The FDOT must award a grant to at least three recipients, with each award limited to no more than $6 million. The FDOT must distribute awards by January 1, 2019. An award may fund up to 50 percent of project costs. A grant recipient must fund at least 10 percent of project costs. Grant funds must be used exclusively for startup costs, including acquisition of hardware, software, and assets associated with implementing a project. Grant funds may not be used for costs associated with operation, maintenance, or evaluation of the project.

When selecting grant recipients, the FDOT must give priority to proposals that:

- Demonstrate the availability of matching funds;[46]
- Include a plan for documenting the acquisition and expenditure of matching funds; and
- Include matching funds from private sector partner organizations.

Matching funds may be used for costs associated with operation, maintenance, and evaluation of the project.

Each grant recipient must submit a quarterly report to the FDOT regarding the development, implementation, and operation of the project. A grant recipient that receives matching funds must document the contribution of such funds in the quarterly report that details the manner in

[44] A Systems Engineering Management Plan (SEMP) enables an engineer "to manage a project using systems engineering principles and methods to maximize the quality of the system being implemented, while minimizing the budget and schedule required for its completion." For extensive details, see the FDOT's systems engineering website available at: http://www.fdot.gov/traffic/its/projects_deploy/semp.shtm (Last visited January 12, 2018). Federal regulations require all Intelligent Transportation System projects funded with federal highway funds to be based on a systems engineering analysis on a scale commensurate with the project scope. See 23 C.F.R. s. 940.11. Required documentation in a SEMP can be extensive. See the list of document templates on the identified FDOT website.

[45] This system integrates and manages real-time information. It consists of a data integration subsystem, which collects and integrates transportation and related data from numerous sources and integrates that data for internal and external dissemination and consumption; and a video aggregation subsystem, which aggregates "live streaming video from FDOT and external agency cameras for distribution using ubiquitous, modern video streaming technologies, such that video is made available to users regardless of their specific location or device platform. See the FDOT's *TSM&O Disseminator*, July-August 2017, at p. 9, available at: http://www.fdot.gov/traffic/Newsletters/2017/2017-AUG.pdf (Last visited January 12, 2018).

[46] Under the bill, "matching funds" includes in-kind services, goods, equipment, or other noncash contributions calculated at fair market value.

which the value of such contribution is calculated. The FDOT must submit a quarterly report to the Senate President and House Speaker regarding the overall status of the grant program.

After a project is implemented, each grant recipient must submit a report to the Governor, the Senate President, and the House Speaker detailing: the project's impact on the transportation system within the area served by the project; the extent to which the goals of the grant program have been met; and recommendations for project revisions or improvements to guide future deployment activities. A final report must be submitted 2 years after submission of the initial report.

The bill requires the FDOT to provide administrative support to the grant program to facilitate the deployment of smart city technology within the state, including expedited review of submitted proposals.

The FDOT may select an independent nongovernmental entity to assist in project construction, management, and evaluation; to oversee the implementation of the project; and to analyze and document lessons learned during, and benefits derived from, implementation of the project. The nongovernmental entity must have experience with the national (federal) Smart Cities Initiative, advanced transportation deployment experience in this state, extensive engineering experience, or expertise in stakeholder engagement of potential partners to create a demonstration community.

Section 2 appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund for the 2018-2019 fiscal year to the FDOT to implement the program.

Electric and Hybrid Vehicles

Section 3 requires the FTC to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the FTC determines that electric vehicles, as defined in s. 320.01(36), F.S., and hybrid vehicles, as defined in s. 316.0741, F.S., make up two percent or more of the total number of vehicles registered in this state.

The FTC, in consultation with the DHSMV, is authorized to use commercially available data that the FTC deems reliable to support its determination and report. In consultation with the FDEM, the FTC is also required to assess transportation infrastructure with respect to emergency evacuations and EVs, including, but not limited to, the availability of EV charging stations in this state.

At a minimum, the report must assess the effect of projected electric and hybrid vehicle use in this state on future revenue from existing taxes, fees, and surcharges related to nonelectric, private-use motorcycles, mopeds, automobiles, tri-vehicles, and trucks. The report must include recommendations to the Legislature to:

- Ensure continued funding for necessary maintenance that provides for adequate levels of service on existing transportation infrastructure;
- Accomplish improvements and capacity projects on transportation infrastructure which meet the demand from projected population and economic growth; and

- Accomplish necessary improvements to transportation infrastructure that would support emergency evacuations by users of electric vehicles.

The bill requires the report to be submitted to the Governor and the Legislature by September 1 of the year immediately after the year in which the FTC determines that electric and hybrid vehicles make up two percent or more of the total number of vehicles registered in this state. The FTC is authorized to complete the review and report before the two-percent threshold is reached if the FTC determines that earlier completion is appropriate to maintain a financially stable long-term transportation work program.

Section 4 amends s. 339.175(7)(c)2., F.S., requiring each metropolitan planning organization to consider the increased use of autonomous technology and electric vehicles, and other developments, when making its capital investment assessment as part of development of its long-range transportation plan.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not implicate the mandates provisions of the State Constitution. Counties and cities are not required to apply to the program, but those that do apply for funding from the Florida Smart City Challenge Grant Program will be required to provide matching funds.

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:

Private-sector partners who invest in innovative transportation projects may benefit to the extent that the project receives state grant funding.

C. Government Sector Impact:

The bill appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund for Fiscal Year 2018-2019 to the FDOT to implement the program. This appropriation may be used to fund the costs incurred by FDOT to implement the Florida Smart City Challenge Grant Program as noted below.

The FDOT will incur administrative expenses associated with:
- Issuing the request for proposals.
- Conducting expedited reviews of proposals and awarding grants.
- Preparing the required quarterly reports.
- Providing administrative support.

Related to the report on EVs in Florida, the FTC will incur indeterminate expenses associated with:
- Determining when EVs make up two percent of vehicle registrations;
- Assessing transportation revenue impacts of EV registrations;
- Assessing infrastructure related to emergency evacuations for EVs; and
- Preparing the report required by the bill.

The DHSMV expects the bill to have no impact on its expenditures.

The FDEM may incur indeterminate expenses associated with its participation in the emergency evacuation assessment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 316.0899 of the Florida Statutes.

This bill creates an undesignated section of Florida Law.

This bill amends section 339.175 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.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 21, 2018:
The committee substitute changes the bill to "[a]n act relating to transportation infrastructure" and adds the substance of CS/SB 384 (2017) to the bill.

The committee substitute requires the FTC to review all revenue sources for transportation infrastructure and maintenance projects and assess the effect of projected electric and hybrid vehicle use on future revenue from existing taxes, fees, and surcharges; make an assessment with the FDEM of transportation infrastructure with respect to emergency evacuations and electric vehicles; and prepare a report containing certain recommendations at the specified time.

The committee substitute revises planning requirements related to autonomous technology and electric vehicles to be considered as part of each metropolitan planning organization's development of the long-range transportation plan.

CS by Transportation on January 18, 2018:
The Committee Substitute:

- Creates a "Definitions" subsection, defines "grid-integrated vehicle," and relocates the definition of "matching funds" to this subsection.
- Revises one of the categories for which an applicant must have in place a plan or framework for project implementation to include acceleration of deployment of grid-integrated vehicles.
- Requires the FDOT to award at least three grants, rather than a awarding a maximum of three.
- Requires a grant recipient to fund at least ten percent of project costs and correspondingly removes a reference to partner organizations funding "50 percent of" projects costs in the provisions relating to priority selection of proposals.
- Revises the authorized uses of grant funds to specifically include acquisition of hardware, software, and assets associated with project implementation.
- Requires each recipient's initial report to be submitted to the Governor, in addition to the Senate President and the House Speaker.
- Authorizes the FDOT to select an independent nongovernmental entity to assist in project construction, management, and evaluation; and requires such entity to have certain prior experience.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 94 - 147
and insert:
2. An independent special district with powers that include or are related to infrastructure development or transportation systems and services.
3. A metropolitan planning organization or transportation planning organization. Each entity responsible for deploying or operating the project on behalf of a metropolitan planning

136690

organization or transportation planning organization must submit a letter to the department detailing its commitment to the implementation, operation, and maintenance of the project.

4. A state university.

(b) An applicant for a Florida Smart City Challenge Grant must have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

1. Autonomous vehicle deployment or demonstration.

2. Connected vehicle technology deployment.

3. Shared mobility services innovation and deployment.

4. Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including deployment of grid-integrated vehicles.

(4) PROPOSALS.—By September 1, 2018, the Department of Transportation shall issue a request for proposals for the award of a Florida Smart City Challenge Grant. Each proposal submitted to the department must include:

(a) A statement by the applicant certifying that the project will be implemented and operational within 5 years after receipt of the grant.

(b) A plan for fulfilling documentation requirements under the department's Statewide Systems Engineering Management Plan within such 5-year period.

(c) A description of how operation and maintenance costs for the project will be funded in order to ensure that the department's investment in the project is sustained.

(d) A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area

136690

served by the project.

(e) The procedure for integrating the project's transportation-related data into the department's Data Integration and Video Aggregation System.

(5) AWARD OF GRANTS.—The Department of Transportation shall award a Florida Smart City Challenge Grant to at least three recipients. Each award may not exceed $6 million. The department shall distribute the award to each recipient by January 1, 2019.

(a) The grant may fund up to 50 percent of project costs. At least 10 percent of project costs must be funded by the grant recipient. An additional minimum of 10 percent of project costs must be funded by the private sector. Grant funds must be used exclusively for startup costs, including, but not limited to, acquisition of hardware, software, and assets associated with implementation of the project, and may not be used for costs associated with operation or maintenance of the project.

(b) In selecting grant recipients, the department shall give priority to those proposals that demonstrate the availability of matching funds from partner organizations to fund project costs and that include a plan for documenting the acquisition and expenditure of such matching funds.

1. The department shall give further priority to those proposals that include larger amounts of matching funds from private-sector

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

And the title is amended as follows:

Delete line 5

and insert:

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Florida Smart City Challenge Grant Program within the Department of Transportation;

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete line 289
and insert:
Section 5. Paragraph (a) of subsection (4) of section 201.15, Florida Statutes, is amended, and paragraph (b) of that subsection is republished, to read:
201.15 Distribution of taxes collected.—All taxes collected under this chapter are hereby pledged and shall be first made

819704

available to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, or any other bonds authorized to be issued on a parity basis with such bonds. Such pledge and availability for the payment of these bonds shall have priority over any requirement for the payment of service charges or costs of collection and enforcement under this section. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund pursuant to subsections (1) and (2), are subject to the service charge imposed in s. 215.20(1). Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. All of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2017, secured by revenues distributed pursuant to this section. All taxes remaining after deduction of costs shall be distributed as follows:

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge imposed pursuant to s. 215.20(1), the remainder shall be distributed as follows:

(a) The lesser of 24.18442 percent of the remainder or $541.75 million in each fiscal year shall be paid into the State

819704

Treasury to the credit of the State Transportation Trust Fund. Of such funds, $75 million for each fiscal year shall be transferred to the General Revenue Fund. Notwithstanding any other law, the remaining amount credited to the State Transportation Trust Fund shall be used for:

1. Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, in the amount of 10 percent of the funds;

2. The Small County Outreach Program specified in s. 339.2818, in the amount of 10 percent of the funds;

3. The Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.; and

4.a. The Transportation Regional Incentive Program specified in s. 339.2819, in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2.

b. In fiscal years 2018-2019, 2019-2020, and 2020-2021, the first $60 million of the funds allocated pursuant to this subparagraph must ~~shall~~ be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5). This sub-subparagraph expires July 1, 2021.

c. Beginning in the 2021-2022 fiscal year, the first $60 million of the funds allocated pursuant to this subparagraph must be allocated annually as follows:

(I) Twenty-five million dollars on a matching basis to the Tampa Bay Area Regional Transit Authority for the design and construction of an innovative mobility system, as defined in s.

819704

339.84. One dollar in local or private matching funds must be provided for each dollar distributed under this sub-sub-subparagraph. Federal funds may not be substituted for the local or private matching funds. In any fiscal year in which the Tampa Bay Area Regional Transit Authority notifies the Department of Transportation that the authority will not request all of the funds allocated under this sub-sub-subparagraph for an innovative mobility system, the Department of Transportation shall allocate such funds to projects in the 5-year work program under s. 339.135 in the area described in s. 343.91(1)(a) and such funds shall be in addition to currently scheduled work program commitments in that area.

(II) Thirty-five million dollars to the Statewide Mobility Innovation Program for the purposes established in s. 339.84.

(b) The lesser of 0.1456 percent of the remainder or $3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

Section 6. Section 339.84, Florida Statutes, is created to read:

339.84 Statewide Mobility Innovation Program.—

(1) As used in this section the term "innovative mobility system" means a system of infrastructure, appurtenances, and technology designed to move the greatest number of people in the

819704

least amount of time. The term includes, but is not limited to, autonomous vehicles as defined in s. 316.003, automated people movers, bus rapid transit networks, transportation network companies as defined in s. 627.748, ridesharing as defined in 341.031(9)(a), and commuter highway vehicles as defined in 49 U.S.C. s. 5323(i)(2)(C)(ii). The term does not include other traditional uses of a roadway system for conveyance.

(2) The Statewide Mobility Innovation Program is created within the department. The goals of the program include, but are not limited to:

(a) Evaluating, financing, and overseeing proposals for innovative mobility systems in this state.

(b) Expending funds to publicize and promote innovative mobility systems and to contract with entities to accomplish these purposes.

(c) Soliciting proposals in accordance with chapter 287 for the design and construction of innovative mobility systems and contracting with entities to expend funds to accomplish this purpose.

(3) Beginning in the 2021-2022 fiscal year, the department shall use funds allocated pursuant to s. 201.15(4)(a)4.c.(II) in a county to fund the design and construction of an innovative mobility system based on a proposal that the county submits to the department which the department approves as being consistent with the requirements of this section.

(4) Of the $35 million allocated under s. 201.15(4)(a)4.c.(II), the department must use:

(a) Twenty-five million dollars for an innovative mobility system in a county as defined in s. 125.011(1) and $5 million

819704

for an alternative transportation system within the jurisdiction of the Jacksonville Transportation Authority. In any fiscal year in which a county as defined in s. 125.011(1) notifies the department that the county will not request all of the funds allocated under this paragraph for an innovative mobility system, the department shall allocate such funds to projects in the 5-year work program under s. 339.135 in the county and such funds shall be in addition to currently scheduled work program commitments in that area.

(b) The remainder for such a system in any other county or counties in the state.

(5) A county proposing the use of funds for an innovative mobility system must submit a request to the department which must include a detailed project and financial plan. The funding request must specify the duration of the project and the total amount sought by state fiscal year. Two or more counties may submit a joint proposal to the department.

(6) One dollar in local or private matching funds must be provided for each dollar distributed under this section. Federal funds may not be substituted for the local or private matching funds.

(7) Funds distributed under this section may not be used to subsidize projects with existing funding commitments as of July 1, 2018.

(8) Each recipient of funds under this program must submit a quarterly report to the department regarding the development, implementation, and operation of the project. The department must submit an annual report by September 1 to the President of the Senate and the Speaker of the House of Representatives

819704

regarding the overall status of the program.

Section 7. Subsection (5) of section 341.303, Florida Statutes, is amended to read:

341.303 Funding authorization and appropriations; eligibility and participation.—

(5) FUND PARTICIPATION; FLORIDA RAIL ENTERPRISE.—The department, through the Florida Rail Enterprise, is authorized to use funds provided pursuant to s. 201.15(4)(a)4. to fund:

(a) Up to 50 percent of the nonfederal share of the costs of any eligible passenger rail capital improvement project.

(b) Up to 100 percent of planning and development costs related to the provision of a passenger rail system, including, but not limited to, preliminary engineering, revenue studies, environmental impact studies, financial advisory services, engineering design, and other appropriate professional services.

(c) The high-speed rail system.

(d) Projects necessary to identify or address anticipated impacts of increased freight rail traffic resulting from the implementation of passenger rail systems as provided in s. 341.302(3)(b).

After June 30, 2018, the department may not program any projects to be funded pursuant to this subsection for any year of the work program if the project was not in the 5-year work program adopted for the 2017-2018 fiscal year.

Section 8. Effective July 1, 2021, subsection (5) of section 341.303, Florida Statutes, is repealed.

Section 9. Effective July 1, 2021, paragraph (b) of subsection (4) of section 343.58, Florida Statutes, is amended

819704

to read:

343.58 County funding for the South Florida Regional Transportation Authority.—

(4) Notwithstanding any other provision of law to the contrary and effective July 1, 2010, until as provided in paragraph (d), the department shall transfer annually from the State Transportation Trust Fund to the South Florida Regional Transportation Authority the amounts specified in subparagraph (a)1. or subparagraph (a)2.

(b) Funding required by this subsection may not be provided from the funds dedicated to the Florida Rail Enterprise or the Statewide Mobility Innovation Program pursuant to s. 201.15(4)(a)4.

Section 10. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete line 42

and insert:

electric vehicles; amending s. 201.15, F.S.; beginning in a specified fiscal year, revising the annual allocations in the State Transportation Trust Fund for the Transportation Regional Incentive Program; providing for future repeal of a provision that allocates funds annually to the Florida Rail Enterprise; beginning in a specified fiscal year, providing for annual allocations to the Tampa Bay Area Regional Transit Authority and the Statewide Mobility

819704

Innovation Program for certain purposes; specifying requirements for matching funds for the Tampa Bay Area Regional Transit Authority; requiring the Department of Transportation to allocate specified funds under certain circumstances to projects in a certain 5-year work program in a certain area, in addition to currently scheduled work program commitments in that area; creating s. 339.84, F.S.; defining the term "innovative mobility system"; creating within the department the Statewide Mobility Innovation Program; providing goals for the program; beginning in a specified fiscal year, requiring the department to use specified funds in a county to fund the design and construction of a certain innovative mobility system; providing requirements for the use of specified funds by the department; requiring a county proposing the use of funds for an innovative mobility system to submit a request to the department, subject to certain requirements; authorizing the submission of joint proposals by two or more counties; requiring local or private matching funds for certain distributions, subject to certain requirements; prohibiting certain funds distributed from being used to subsidize projects with existing funding commitments as of a specified date; requiring each recipient of funds under the program to submit a quarterly report to the department regarding the development, implementation, and operation of the project; requiring the department to submit to the Legislature by a specified date an

819704

annual report on the overall status of the program; amending s. 341.303, F.S.; prohibiting the department from programing certain projects to be funded in the 5-year work program after June 30, 2018; providing for the future repeal of s. 341.303(5), F.S., relating to fund participation and the Florida Rail Enterprise; amending s. 343.58, F.S.; conforming a provision to changes made by the act; providing effective dates.

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576-03500-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to transportation infrastructure; creating s. 316.0899, F.S.; defining the terms "grid-integrated vehicle" and "matching funds"; creating the program within the Department of Transportation; providing program goals; providing grant eligibility requirements; requiring the department to issue a request for proposals by a specified date; providing proposal requirements; providing requirements for the award of grants and the use of grant funds; providing reporting requirements; requiring administrative support by the department; authorizing the department to select an independent nongovernmental entity to assist in project construction, management, and evaluation for specified purposes; providing requirements for the nongovernmental entity; providing an appropriation; requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric and hybrid vehicles make up a certain percentage or more of the total number of vehicles registered in this state; authorizing the commission, in consultation with the Department of Highway Safety and Motor Vehicles, to use certain commercially

859872

576-03500-18

available data; providing minimum reporting requirements; requiring the commission, in consultation with the Division of Emergency Management, to make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles; specifying requirements for the report; requiring the report to be submitted to the Governor and the Legislature no later than a certain date; authorizing the commission to undertake and complete the review before the specified percentage threshold is reached, under certain circumstances; amending s. 339.175, F.S.; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles; providing an effective date.

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

Section 1. Section 316.0899, Florida Statutes, is created to read:

316.0899 Florida Smart City Challenge Grant Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Grid-integrated vehicle" means a motor vehicle that has the ability for two-way power flow between the vehicle and the electric grid and the communications hardware and software that allow for external control of battery charging and discharging.

(b) "Matching funds" includes in-kind services, goods,

equipment, or other noncash contributions calculated at fair market value.

(2) CREATION; GOALS.—The Florida Smart City Challenge Grant Program is created within the Department of Transportation. The goals of the grant program include, but are not limited to:

(a) Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.

(b) Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.

(c) Advancing autonomous, connected, grid-integrated, and electric vehicle readiness and deployment throughout the state.

(d) Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.

(e) Meeting the mobility needs of residents of this state, particularly transportation disadvantaged persons as defined in s. 427.011, by increasing access to and convenience of transportation within municipalities and other regions of the state.

(f) Facilitating the efficient movement of freight within the state, especially in and around airports and seaports.

(g) Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electric technologies.

(h) Creating a smart mobility demonstration community in the state that serves as a model for municipalities and other regions nationwide.

(3) ELIGIBILITY REQUIREMENTS.—

(a) The following entities may apply to the Department of Transportation for a grant to fund projects under the Florida Smart City Challenge Grant Program:

1. A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to chapter 343, chapter 348, or chapter 349.

2. A metropolitan planning organization or transportation planning organization. Each entity responsible for deploying or operating the project on behalf of a metropolitan planning organization or transportation planning organization must submit a letter to the department detailing its commitment to the implementation, operation, and maintenance of the project.

3. A state university.

(b) An applicant for a Florida Smart City Challenge Grant must have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

1. Autonomous vehicle deployment or demonstration.

2. Connected vehicle technology deployment.

3. Shared mobility services innovation and deployment.

4. Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including deployment of grid-integrated vehicles.

(4) PROPOSALS.—By September 1, 2018, the Department of Transportation shall issue a request for proposals for the award of a Florida Smart City Challenge Grant. Each proposal submitted

to the department must include:

(a) A statement by the applicant certifying that the project will be implemented and operational within 2 years after receipt of the grant.

(b) A plan for fulfilling documentation requirements under the department's Statewide Systems Engineering Management Plan within such 2-year period.

(c) A description of how operation and maintenance costs for the project will be funded in order to ensure that the department's investment in the project is sustained.

(d) A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area served by the project.

(e) The procedure for integrating the project's transportation-related data into the department's Data Integration and Video Aggregation System.

(5) AWARD OF GRANTS.—The Department of Transportation shall award a Florida Smart City Challenge Grant to at least three recipients. Each award may not exceed $6 million. The department shall distribute the award to each recipient by January 1, 2019.

(a) The grant may fund up to 50 percent of project costs. At least 10 percent of project costs must be funded by the grant recipient. Grant funds must be used exclusively for startup costs, including, but not limited to, acquisition of hardware, software, and assets associated with implementation of the project, and may not be used for costs associated with operation or maintenance of the project.

(b) In selecting grant recipients, the department shall give priority to those proposals that demonstrate the

availability of matching funds from partner organizations to fund project costs and that include a plan for documenting the acquisition and expenditure of such matching funds.

1. The department shall give further priority to those proposals that include matching funds from private-sector partner organizations; however, local public funds may also be used.

2. Matching funds may be used for costs associated with operation, maintenance, and evaluation of the project.

3. A grant recipient that receives matching funds must document the contribution of such funds in a quarterly report that details the manner in which the value of such contribution is calculated.

(6) REPORTING REQUIREMENTS.—

(a) Each recipient of a Florida Smart City Challenge Grant shall submit a quarterly report to the Department of Transportation regarding the development, implementation, and operation of the project. Such report must include information documented pursuant to subparagraph (5)(b)3.

(b) The Department of Transportation must submit a quarterly report to the President of the Senate and the Speaker of the House of Representatives regarding the overall status of the grant program.

(c) After implementation of the project is complete, each recipient must submit an initial report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which details the project's impact on the transportation system within the area served by the project, the extent to which the goals of the grant program have been met,

and recommendations for project revisions or improvements to guide future deployment activities. A final report must be submitted 2 years after submission of the initial report.

(7) ADMINISTRATIVE SUPPORT.—The Department of Transportation shall provide administrative support to the Florida Smart City Challenge Grant Program in order to facilitate the deployment of smart city technology within the state, including, but not limited to, expedited review of proposals submitted under subsection (4). The department may select an independent nongovernmental entity to assist in project construction, management, and evaluation; to oversee the implementation of the project; and to analyze and document lessons learned during, and benefits derived from, implementation of the project. The nongovernmental entity must have experience with the national Smart Cities Initiative, advanced transportation deployment experience in this state, extensive engineering experience, or expertise in stakeholder engagement of potential partners to create a demonstration community as described in paragraph (2)(h).

Section 2. For the 2018-2019 fiscal year, the sum of $15 million in nonrecurring funds is appropriated from the State Transportation Trust Fund to the Department of Transportation for the purpose of implementing s. 316.0899, Florida Statutes.

Section 3. Florida Transportation Commission review; electric and hybrid vehicles report.—

(1)(a) The Florida Transportation Commission shall review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric

vehicles, as defined in s. 320.01(36), Florida Statutes, and hybrid vehicles, as defined in s. 316.0741, Florida Statutes, make up 2 percent or more of the total number of vehicles registered in this state.

(b) The commission, in consultation with the Department of Highway Safety and Motor Vehicles, may use commercially available data that the commission deems reliable to support its determination and report. The report must, at a minimum, assess the effect of projected electric and hybrid vehicle use in this state on future revenue from existing taxes, fees, and surcharges related to nonelectric, private-use motorcycles, mopeds, automobiles, tri-vehicles, and trucks.

(c) The commission, in consultation with the Division of Emergency Management, shall also make an assessment of transportation infrastructure with respect to emergency evacuations and electric vehicles, including, but not limited to, the availability of electric vehicle charging stations in this state.

(2) The report must include recommendations to the Legislature:

(a) To ensure continued funding for necessary maintenance that provides for adequate levels of service on existing transportation infrastructure;

(b) To accomplish improvements and capacity projects on transportation infrastructure which meet the demand from projected population and economic growth; and

(c) To accomplish necessary improvements to transportation infrastructure that would support emergency evacuations by users of electric vehicles.

(3) The report shall be submitted to the Governor and the Legislature no later than September 1 of the year immediately after the year in which the commission determines that electric vehicles, as defined in s. 320.01(36), Florida Statutes, and hybrid vehicles, as defined in s. 316.0741, Florida Statutes, make up 2 percent or more of the total number of vehicles registered in this state.

(4) Notwithstanding any other provisions of this section, the commission may undertake and complete the review and report before the 2-percent threshold is reached if the commission finds that earlier completion is appropriate to maintain a financially stable, long-term transportation work program.

Section 4. Paragraph (c) of subsection (7) of section 339.175, Florida Statutes, is amended to read:

339.175 Metropolitan planning organization.—

(7) LONG-RANGE TRANSPORTATION PLAN.—Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. Each M.P.O. is encouraged to consider strategies that integrate transportation

and land use planning to provide for sustainable development and reduce greenhouse gas emissions. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as the increased use of autonomous technology and electric vehicles, and other developments.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the

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M.P.O.

Section 5. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 852
INTRODUCER:	Appropriations Committee (Recommended by Subcommittee on Transportation, Tourism, and Economic Development); Transportation Committee; and Senator Brandes and others
SUBJECT:	Transportation Infrastructure
DATE:	March 5, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Fav/CS**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	McAuliffe	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 852 creates the Florida Smart City Challenge Grant Program; requires the Florida Transportation Commission to project the effect of electric and hybrid vehicles on fuel tax revenues; and, creates the Statewide Mobility Innovation Program within the Department of Transportation.

The Florida Smart City Challenge Grant Program is created to provide opportunities to cities and other regions of the state for developing smart mobility solutions to local transportation challenges. The bill authorizes certain state, county, municipal, regional, or other agencies to submit applications to the Florida Department of Transportation (FDOT) for grants to fund certain innovative transportation projects. The bill provides project selection, matching funds, and reporting requirements. The FDOT is directed to provide administrative support and to conduct expedited proposal reviews to facilitate smart city technology deployment within the state.

The bill also requires the Florida Transportation Commission (FTC) to review all funding sources for transportation infrastructure and maintenance projects when it is determined that electric and hybrid vehicles make up two percent or more of the total number of registered vehicles in this state. The report must assess the effect of projected electric and hybrid vehicle use on future revenues from existing fuel taxes and other fees related to nonelectric vehicles. The report must also make recommendations to: provide continued funding to maintain existing

infrastructure; continue to meet projected infrastructure demand; and improve infrastructure to support emergency evacuations by users of electric vehicles.

The bill also requires the FTC, in consultation with the Florida Division of Emergency Management (FDEM), to assess transportation infrastructure with respect to emergency evacuations and electric vehicles, including the availability of electric vehicle charging stations in this state. The bill requires metropolitan planning organization's long-range transportation plans to include an assessment of the increased use of autonomous technology and electric vehicles.

The bill further creates the Statewide Mobility Innovation Program within the Department of Transportation (FDOT). Through the program, FDOT will solicit, evaluate, and finance proposals for the design and construction of innovative mobility systems.

Currently, the Florida Rail Enterprise receives a $60 million from documentary stamp taxes. Beginning in the 2021-2022 fiscal year, the bill redistributes the $60 million to provide $35 million to the Statewide Mobility Innovation Program and $25 million to the Tampa Bay Area Regional Transit Authority (TBARTA). Of the $35 million distributed to the program, $25 million is allocated to Miami-Dade County, $5 million to the Jacksonville Transportation Authority (JTA), and the remaining $5 million will be available to all other counties competing for funding for innovative mobility system projects.

The bill appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund to the FDOT implement the Florida Smart City Challenge Grant Program.

The FTC will incur indeterminate expenses associated with the reporting requirements of this bill. The DHSMV expects the bill to have no impact on expenditures. The FDEM may incur indeterminate expenses associated with its participation in the emergency evacuation assessment.

Beginning in Fiscal Year 2021-2022, the bill will reduce revenues directed to the FRE and may negatively impact FRE projects planned in the FDOT's work program. The FDOT will also incur indeterminate expenses associated with creation and administration of the Statewide Mobility Innovation Program. Counties that elect to apply for funding for innovative mobility system projects will be required to provide matching funds.

The bill takes effect on July 1, 2018.

II. Present Situation:

Smart City Challenge Grant Program

According to the National League of Cities, 66 percent of cities are investing in smart city technology, and 25 percent of cities with no smart city technology are investigating how to implement it.[1] A single definition of smart city technology is difficult to identify, but in the context of transportation, it relates to "using sensors to collect data about the movement of

[1] National League of Cities, *Cities and Innovation Economy: Perceptions of Local Leaders (October 18, 2017)*, available at: http://www.nlc.org/resource/cities-and-innovation-economy-perceptions-of-local-leaders (Last visited January 14, 2018).

people, all forms of vehicles and bikes. A smart city is one that greatly reduces vehicle traffic and allows people and goods to be moved easily through various means."[2] Examples include intelligent vehicle systems and autonomous vehicle transportation. Outcomes of smart city efforts are reduced vehicle related deaths, reduced pollution, reduced traffic times, and healthier populations.[3]

The Federal Smart City Challenge

The United States Department of Transportation (USDOT) launched a Smart City Challenge in December 2015. The challenge asked mid-sized cities "to develop ideas for an integrated, first-of-its-kind smart transportation system that would use data, applications, and technology to help people and goods move more quickly, cheaply, and efficiently."[4] The USDOT committed up to $40 million to one winning city.[5] The USDOT received 78 applications from cities across America, including the following cities in Florida: Jacksonville, Miami, Orlando, St. Petersburg, Tallahassee, and Tampa.[6] However, no Florida city received any funding.

Ultimately, Columbus, Ohio won the challenge by proposing "a comprehensive, integrated plan addressing challenges in residential, commercial, freight, and downtown districts using a number of new technologies, including connected infrastructure, an integrated data platform, autonomous vehicles, and more."[7] The USDOT then worked with selected finalists to further develop the ideas proposed by the cities and, in October 2016, announced an additional $65 million in grants to support advanced technology transportation projects.[8] Again, no city in Florida was selected for project funding.[9]

The State Smart City Challenge Grant Program

The 2017 Legislature enacted legislation[10] requiring the FDOT, in consultation with the Department of Highway Safety & Motor Vehicles and *subject to appropriation*, to develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. The law requires grant applications to demonstrate and document the adoption of emerging technologies and their impact on transportation systems and to address at least the following focus areas: autonomous vehicles, connected vehicles, sensor-based infrastructure, collecting and using data, electric vehicles (including charging stations), and developing strategic models and partnerships. The law also specifies a non-exclusive list of goals of the grant program.

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[2] TechRepublic, *Smart Cities: 6 Essential Technologies*, available at: https://www.techrepublic.com/article/smart-cities-6-essential-technologies/ (Last visited January 13, 2018).
[3] *Id.*
[4] US Department of Transportation, *Smart City Challenge (June 29, 2017)*, available at: https://www.transportation.gov/smartcity (Last visited January 14, 2018).
[5] *Id.*
[6] US Department of Transportation, *Smart City Challenge Vision Statements (September 29, 2016)*, available at: https://www.transportation.gov/smartcity/visionstatements/index (Last visited January 14, 2018).
[7] US Department of Transportation, *The Winner: Columbus Ohio (January 3, 2017)*, available at: https://www.transportation.gov/smartcity/winner (Last visited January 14, 2018).
[8] US Department of Transportation, *What Comes Next (April 28, 2016)*, available at: https://www.transportation.gov/smartcity/what-comes-next (Last visited January 12, 2018).
[9] The USDOT advises that no further funding rounds under the federal program are currently anticipated. Telephone conversation with the USDOT staff and Senate Transportation Committee staff, January 12, 2018.
[10] Chapter 2017-42, Laws of Florida. Section 316.0898, F.S.

The law requires the FDOT to develop eligibility, application, and selection criteria for the program grants and a plan for promotion of the grant program to municipalities or regions of the state as an opportunity to compete for the grant funding. Criteria must include the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The law authorizes the FDOT to contract with a third party demonstrating knowledge and expertise in the focuses and goals of the program to provide guidance in the development of the program requirements. By January 1, 2018, the FDOT was to submit the grant program guidelines and plans for promotion of the grant program to the Governor, the Senate President, and the House Speaker.

The 2017 General Appropriations Act contained an appropriation for the Smart City Challenge Grant program, authorizing the FDOT to use up to $325,000 from the State Transportation Trust Fund (STTF) to establish the program. However, that appropriation was vetoed.[11] The program, currently codified in s. 316.0898, F.S., expires on July 1, 2018.

Electric and Hybrid Vehicles

Florida law currently defines two types of vehicles powered, in whole or in part, by electricity: an electric vehicle and a hybrid vehicle. An "electric vehicle," defined for purposes of vehicle registration under ch. 320, F.S., is "a motor vehicle that is powered by an electric motor that draws current from rechargeable storage batteries, fuel cells, or other sources of electrical current."[12] A "hybrid vehicle," defined for purposes of use of high-occupancy-vehicle lanes, is a motor vehicle:

- That draws propulsion energy from onboard sources of stored energy which are both an internal combustion or heat engine using combustible fuel and a rechargeable energy-storage system;
- That, in the case of a passenger automobile or light truck, has received a certificate of conformity under the Clean Air Act…and meets or exceeds the equivalent qualifying California standards for a low-emission vehicle;[13] and
- That, in the case of a tri-vehicle,[14] is an inherently low-emission vehicle.[15]

Florida has enacted a number of EV-related provisions that may incentivize people to purchase EVs. They include:

- Authorizing a local government to enact a program to allow property owners to apply for financing from the local government to install EV charging equipment on his or her property. The local government can collect the loan payments through ad valorem assessments.[16]

[11] Specific Appropriation 1869, proviso, ch. 2017-70, Laws of Florida.
[12] Section 320.01(36), F.S.
[13] For detailed information on California's Low-Emission Vehicle Program, *see* California Air Resources Board, *Low-Emission Vehicle Program (January 25, 2017)*, available at: https://www.arb.ca.gov/msprog/levprog/levprog.htm (Last visited February 21, 2018).
[14] Defined in s. 316.003(93), F.S.
[15] Section 316.0741, F.S.
[16] Section 163.08, F.S.

- Authorizing a local government to use the proceeds of a levied infrastructure surtax (discretionary sales surtax) to provide loans to property owners to install EV charging equipment.[17]
- Allowing hybrid electric vehicles to use high-occupancy-vehicle lanes regardless of occupancy and to use such lanes without paying a toll if one is otherwise required.[18]

In addition, local Florida entities offer EV incentives. The National Conference of State Legislatures reports that, through June 30 of this year or until funds were depleted,[19] Duke Energy and Orlando Utilities Commission customers and employees were eligible for a $10,000 rebate for the purchase of a new, all-electric, 2017 Nissan Leaf at participating dealerships; and the Jacksonville Electric Authority offers rebates for plug-in HEVs with a battery less than 15 kilowatt hours in capacity to receive $500, and plug-in HEVs with larger battery capacity are eligible for $1,000.[20] The federal government also allows an income tax credit of up to $7,500 for certain EVs.[21]

Impact of Electric and Hybrid Vehicles on Transportation Funding/Prior Studies

Taxes on gas and diesel fuel are a primary source of revenue for both the federal highway fund and the State Transportation Trust Fund.[22] Transportation funding has generally experienced a continuing shortfall attributed to static federal gas tax rates, more fuel efficient vehicles, and increasing transportation construction and maintenance costs.[23]

Annual fuel tax revenues at both the state and federal levels are directly based on the number of gallons of gasoline and diesel fuel consumed. Because electric vehicles (EV) are not powered by gasoline or diesel, and because hybrid electric vehicles (HEV) use less gasoline or diesel fuel than a conventional vehicle with only an internal combustion engine, an increase in the number of these vehicles operating in Florida results in less revenue being raised from fuel taxes for comparable vehicle miles traveled.

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[17] Section 212.055, F.S.
[18] Generally, a high-occupancy-vehicle lane is a lane designed for use by vehicles in which there is more than one occupant. Section 316.0741, F.S.
[19] US Department of Energy, Alternative Fuels Data Center reports this rebate expired on July 1 of this year. *See* AFDC, *Expired, Repealed, and Archived Florida Incentives and Laws*, available at: https://www.afdc.energy.gov/laws/laws_expired?jurisdiction=FL (Last visited February 22, 2018).
[20] *See* National Conference of State Legislature's website for additional details on available incentives related to EVs, *State Efforts to Promote Hybrid and Electric Vehicles (September 26, 2017)*, available at: http://www.ncsl.org/research/energy/state-electric-vehicle-incentives-state-chart.aspx#other (Last visited February 22, 2018).
[21] *See* Internal Revenue Service, *Plug-In Electric Drive Vehicle Credit (IRC 30D) (January 24, 2018)*, available at: https://www.irs.gov/credits-deductions/individuals/plug-in-electric-drive-vehicle-credit-section-30d (Last visited February 22, 2018).
[22] *See* Florida Department of Transportation, *Florida's Transportation Tax Sources, A Primer (January 2017)*, at p. 4, for a listing of federal and state transportation tax sources and rates for calendar year 2017, available at: http://www.fdot.gov/comptroller/pdf/GAO/RevManagement/Tax%20Primer.pdf (Last visited February 21, 2018).
[23] *See* US Department of Energy National Renewable Energy Laboratory, *Primer on Motor Fuel Excise Taxes and the Role of Alternative Fuels and Energy Efficient Vehicles (August 2015)*, at p. 7, available at: https://www.afdc.energy.gov/uploads/publication/motor_fuel_tax_primer.pdf (Last visited February 22, 2018).

There are a limited number of studies specifically focused on the impact of EVs[24] on fuel tax revenues. A 2015 study conducted by the University of Central Florida acknowledges the increasing national EV sales trend for the 5-year period prior to the study but concludes:

> Of course, despite the increase, electric and plug-in electric vehicles still represent a small portion of the US auto market. With total vehicles sales for 2014 coming in at around 16.5 million, EVs made up less than 1 percent of total sales.[25]

The study further concludes that EVs, for now and in the near future, will have only a small impact on fuel tax revenues but notes a University of Texas study on EV market share suggesting that by 2050, over 50 percent of fuel tax funds may be lost.[26] The authors highlight the importance of understanding that "the rate at which revenue declines depends on many factors. The relationship among these factors is complex and continued investigation is warranted to better understand vehicle fleet mix, fuel economy, and fuel tax revenue."[27]

According to the study, a number of states are exploring or implementing revenue generating alternatives, both to increase transportation funding in general and also to prepare for revenue reduction due to increased EV sales. These alternatives include a fee based on the number of miles a given vehicle travels,[28] as well as increased direct taxes and surcharges on EV purchases.[29]

For example, in 2015, the Georgia Legislature repealed "one of the nation's most generous state tax credits for electric cars." The Legislature also voted to impose a $200 annual registration fee on owners of some plug-in hybrids and all zero-emissions vehicles to make up for the lost fuel taxes. EV sales then experienced a sharp reduction, a result attributed to the repealed credit and imposed fee.[30]

EV Registration in Florida

The license tax for EVs is the same as that for a vehicle that is not electrically powered.[31] The exact number of EVs registered in Florida is somewhat unclear. Under the Department of Highway Safety and Motor Vehicles' (DHSMV) current vehicle registration system

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[24] Unless otherwise noted, EV includes both EVs and HEVs.
[25] *See* Electric Vehicle Transportation Center, *Implications of Electric Vehicles on Gasoline Tax Revenues*, December 2015, at p. 8 available at: http://www.fsec.ucf.edu/en/publications/pdf/FSEC-CR-2011-15.pdf (Last visited February 22, 2018).
[26] *Id.* at p. 12.
[27] *Id.*
[28] Known as VMT (vehicle miles traveled) and MBUF (mileage-based user fee). Fees are assessed based on the actual amount of road use, not on fuel consumption.
[29] *See* US Department of Energy National Renewable Energy Laboratory, *Primer on Motor Fuel Excise Taxes and the Role of Alternative Fuels and Energy Efficient Vehicles*, August 2015, at p. 29-31, available at: https://www.afdc.energy.gov/uploads/publication/motor_fuel_tax_primer.pdf (Last visited February 22, 2018).
[30] *See* Politifact Georgia, *Electric car sales hit the brakes as tax credit axed and fee added*, (November 2, 2015), available at: http://www.politifact.com/georgia/statements/2015/nov/02/don-francis/electric-car-sales-hit-brakes-tax-credit-axed-and-/ (Last visited February 22, 2018).
[31] Section 320.08001, F.S. Registration fees differ based on factors such as the type of vehicle, its weight, the license plate chosen, and whether the registration period is one or two years.

programming, a "fuel type" classification is an optional field and therefore the precise number of EVs registered is unknown.[32]

The DHSMV analyzed vehicle identification numbers (VINs) in its motor vehicle registration database using available software and estimated that of the 16.2 million vehicles with VINs that could be analyzed, approximately 247,131 EVs and HEVs, are registered in Florida, or about 1.53 percent.[33]

Emergency Evacuation

The Florida Division of Emergency Management (FDEM) is responsible for maintaining a comprehensive statewide program of emergency management. Among the FDEM's duties is a requirement to prepare a state comprehensive emergency management plan containing provisions that will ensure the state is prepared for emergencies and minor, major, and catastrophic disasters.[34] As part of the plan, the FDEM must include an evacuation component including specific regional and interregional planning provisions and promoting intergovernmental coordination of evacuation activities. Among other items, this part of the plan must establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes.[35] A review of available documents and information on the FDEM's website did not identify an assessment of electric vehicle charging stations for the purpose of emergency evacuations.

Section 377.815, F.S., authorizes the Florida Department of Agriculture and Consumer Services to post information on its website relating to alternative fueling stations or EV charging stations that are available for public use in this state. The department's website provides a list of stations, however, the list is not specific to emergency evacuations.[36]

According to the U.S Department of Energy's Alternative Fuels Data Center, 949 electric vehicle charging stations (2,130 outlets) are currently available in the State of Florida, excluding private stations.[37] The DHSMV notes that no EV charging stations within Florida's transportation infrastructure are specifically designated for use during emergency evacuations.[38]

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[32] The DHSMV also advises a system change is underway to make "fuel type" a mandatory field. *See* email from DHSMV staff dated September 22, 2017, to staff of the Senate Transportation Committee.
[33] *See* DHSMV, *SB 384 Bill Analysis* (November 9, 2017), at p. 5.
[34] Section 252.35(2)(a), F.S.
[35] *Id.*
[36] *See* Florida Department of Agriculture and Consumer Services, Florida Energy Clearinghouse, Transportation, available at: http://www.freshfromflorida.com/Energy/Florida-Energy-Clearinghouse/Transportation (Last visited February 22, 2018).
[37] *See* US Department of Energy, Alternative Fuels Data Center, Electric Vehicles Charging Station Locations, available at: https://www.afdc.energy.gov/fuels/electricity_locations.html, including a map and a download spreadsheet of locations and related information (Last visited February 22, 2018).
[38] *See* DHSMV, *SB 384 Bill Analysis* (November 9, 2017), at p. 5.

Statewide Mobility Innovation Program

FDOT Organization and the Florida Rail Enterprise

The FDOT is organized into seven geographic districts, each headed by a district secretary, and the Florida Turnpike Enterprise (FTE) and the FRE, each of which are headed by an executive director.[39] The district secretaries and executive directors must be registered professional engineers or hold an advanced degree in an appropriate related discipline.

The FRE operates pursuant to the Florida Rail Enterprise Act[40] and is responsible for:

- Developing and operating the high-speed and passenger rail systems established in ch. 341, F.S.;
- Directing funding for passenger rail systems under s. 341.303, F.S.; and
- Coordinating publicly funded passenger rail operations, including freight rail interoperability issues.

Generally[41] the FRE is exempt from the FDOT's policies, procedures, and standards, subject to the FDOT secretary's authority to apply any such policies, procedures, and standards to the FRE as the secretary deems appropriate.[42]

The FRE is a single budget entity that submits its budget to the Legislature along with the FDOT's budget. All passenger rail funding is included in the FRE's budget.[43] Notwithstanding certain provisions of law relating to undisbursed appropriations balances,[44] on July 1 each year the Governor is required to certify forward (into the next state fiscal year) all unexpended funds appropriated or provided pursuant to s. 341.303, F.S., to the FRE. This includes any expended funds that are unencumbered. The carried-forward funds cannot exceed 5 percent of the original approved FRE operating budget.[45] Funds carried forward may be used for any lawful purpose, including, but not limited to, promotional and market activities, technology, and training. Any certified forward funds that are undisbursed on September 30 of each year are carried forward.[46]

[39] Section 20.23(4)(f), F.S.
[40] Section 20.23(4)(f)1., F.S. The Florida Rail Enterprise Act is located in ss. 341.8201-341.842, F.S.
[41] Except as provided in the Consultants' Competitive Negotiation Act, which relates to agency acquisition of professional architectural, engineering, landscape architectural, or survey and mapping services. s. 287.055, F.S.
[42] Section 20.23(4)(f)2., F.S. Florida's Turnpike Enterprise (FTE) is likewise exempt, subject to the FDOT secretary's same authority, under s. 20.23(4)(e)2., F.S.
[43] Section 341.303(6)(a), F.S.
[44] See s. 216.301, F.S., which generally provides that the balance of any operations appropriation not identified in the state's financial system as an incurred obligation effective June 30th each year ("unencumbered") reverts to the fund from which it was appropriated and is available for re-appropriation by the Legislature. Funds for an identified incurred obligation are "carried forward" in the amount of the identified obligations (unexpended, but encumbered). Generally, fixed capital outlay appropriation balances which are not disbursed but are expended, contracted, or committed to be expended prior to February 1 of the second fiscal year of the appropriation are "certified forward." Similarly, any balance not certified reverts to the fund from which it was appropriated and is available for re-appropriation.
[45] Per s. 216.181, F.S., the General Appropriations Act and any other acts containing appropriations are considered the original approved operating budgets for operational and fixed capital expenditures. The original approved operating budgets may be amended in accordance with provisions contained in that section of law.
[46] Section 341.303(6)(b), F.S. Similar provisions apply to the FTE under s. 338.2216(3), F.S.

Funding for the FRE

The Transportation Regional Incentive Program receives a distribution from documentary stamp taxes, of which the first $60 million of funds are redirected annually to the FRE.[47] Such distribution must be used to fund:

- Up to 50 percent of the nonfederal share of the costs of any eligible[48] passenger rail capital improvement project.
- Up to 100 percent of planning and development costs related to the provision of a passenger rail system.
- The high-speed rail system.
- Projects necessary to identify or address anticipated impact of increased freight rail traffic resulting from the implementation of passenger rail systems.[49]

In addition to documentary stamp tax revenues, the FRE is appropriated additional funds from the State Transportation Trust Fund in the General Appropriations Act. For the 2017-2018 fiscal year, the FRE was authorized one position and a total budget of approximately $237.4 million. Of that amount, $74.4 million was for public transit development grants, $159.6 million for rail development grants, and $2.8 million for intermodal development grants.[50]
Examples of major passenger rail projects that have received funding by the FRE include the Central Florida Commuter Rail System (SunRail)[51] and the South Florida Regional Transportation Authority (TriRail)[52].

Transportation Regional Incentive Program

The Transportation Regional Incentive Program (TRIP) was created in 2005 as part of growth management legislation to "encourage regional planning by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by regional partners."[53] It is a "matching program designed to leverage investments in regionally-significant road and public transportation projects."[54] The TRIP funds provide up to 50 percent of the project costs and must be matched by regional, local, or federal dollars or in-kind contributions. Funds are "distributed to the FDOT Districts based on a statutory formula of equal parts population and fuel tax collections."[55] Certain projects receive priority, such as providing connectivity to the strategic intermodal system or supporting economic development and goods movement in rural areas of opportunity.

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[47] Section 201.15(4)(a), F.S.
[48] Any project necessary to carry out the FDOT's duties and responsibilities provided in s. 341.302, F.S., that is consistent with the approved local government comprehensive plan of the unit of government of the areas served by the rail service, and that is contained in the adopted work program, is eligible for funding in accordance with the identified participation rates, per s. 341.303(2), F.S.
[49] Section 341.303(5), F.S.
[50] Specific Appropriations 1883-1891, ch. 2017-70, L.O.F.
[51] For additional information, see the SunRail website available at: http://sunrail.com/ (last visited February 11, 2018).
[52] For additional information, see the TriRail website available at: http://www.tri-rail.com/; and the South Florida Regional Transportaton Authority website available at: http://www.sfrta.fl.gov/ (both sites last visited February 11, 2018).
[53] Section 339.2819, F.S. FDOT, *Transportation Regional Incentive Program Fact Sheet*, available at http://www.fdot.gov/programmanagement/LP/TRIP/TRIPFactsheet.pdf (last visited February 12, 2018).
[54] Id.
[55] Id.

Tampa Bay Area Regional Transit Authority

Part V of ch. 343, F.S., creates the Tampa Bay Area Regional Transit Authority (TBARTA). TBARTA covers Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation.[56] TBARTA's express purposes are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region;
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities; and
- Serve, with the consent of the Governor or designee, as the recipient of federal funds supporting an intercountry project or an intracounty capital project that represents a phase of an intercountry project that exists in a single county within the designated region.[57]

The TBARTA was required to provide to the Legislature a plan to produce the regional development plan on or before the 2018 Regular Session. Currently, the TBARTA is developing the plan to identify projects "that have the greatest potential to be funded (compete for federal grants) and implemented[,]… are the most forward thinking and make the best use of today's technology[, and]…best serve our region today while supporting tomorrow's growth."[58] An evaluation process will use "clearly defined criteria [to] identify the top transit corridors in the region, and ultimately one "catalyst project" that could be implemented first, followed by other projects to move forward around the region."[59]

South Florida Regional Transportation Authority

Part I of ch. 343, F.S., creates the South Florida Regional Transportation Authority (SFRTA). SFRTA covers Broward, Miami-Dada, and Palm Beach Counties, and may expand its service area into Monroe County by resolution of the SFRTA's governing board and consent of the board of county commissioners and any other county with FDOT's approval.[60]

SFRTA receives funding from the State Transportation Trust Fund for the operation, maintenance, and dispatch of the South Florida Rail Corridor.[61] The law specifically prohibits the provision of these funds from the funds dedicated to the FRE from documentary stamp tax distributions.

[56] Section 343.91(1)(a), F.S.
[57] 343.922(1), F.S.
[58] TBARTA, Regional Transit Feasibility Plan, *About*, available at http://tbregionaltransit.com/about/ (last visited February 11, 2018).
[59] Id.
[60] Section 343.54, F.S.
[61] Section 343.58(4), F.S.

Jacksonville Transportation Authority

Chapter 349, F.S., creates the Jacksonville Transportation Authority (JTA). The JTA covers the Duval County and any jurisdiction outside of Duval County with the consent of that jurisdiction.[62] Some of the JTA's purposes and powers are to:

- Acquire, hold, construct, improve, operate, maintain, and lease in the capacity of lessor a mass transit system employing motor cars or buses; street railway systems; or any other means determined useful to the rapid transfer of large numbers of people among the locations of residence, commerce, industry, and education in Duval County;
- Plan, coordinate, and recommend to methods and facilities for the parking of vehicles, the movement of pedestrians, and vehicular traffic (including bicycles), public and private, in Duval County to accomplish a coordinated transportation system for the greater Jacksonville area.[63]

III. Effect of Proposed Changes:

The bill creates a new Florida Smart City Challenge Grant Program to provide opportunities for grants to fund certain innovative transportation projects. The FDOT must issue a request for proposals by September 1, 2018, and distribute awards by January 1, 2019. The bill establishes goals and eligibility requirements for the program; provides project selection criteria and matching funds requirements; sets out reporting requirements; provides for administrative support for the program; and provides an appropriation from the STTF to implement the program.

Section 1 creates s. 316.0899, F.S., effective July 1, 2018, to create a new Florida Smart City Challenge Grant Program within the FDOT. The bill identifies the goals of the program to include:

- Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.
- Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.
- Advancing autonomous, connected, grid-integrated,[64] and electric vehicle readiness and deployment throughout the state.
- Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.
- Meeting the mobility needs of residents of this state, particularly transportation disadvantaged persons[65] by increasing access to and convenience of transportation within municipalities and other regions of the state.

[62] Section 349.04(2)(q), F.S.
[63] Section 349.04(1), F.S.
[64] The bill defines this term to mean "a motor vehicle that has the ability for two-way power flow between the vehicle and the electric grid and the communications hardware and software that allow for external control of battery charging and discharging."
[65] Section 427.011(1), F.S., defines a "transportation disadvantaged person" as a person who, because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.

- Facilitating the efficient movement of freight within the state, especially in and around airports and seaports.
- Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electric technologies.
- Creating a smart mobility demonstration community in the state that serves as a model for municipalities and other regions nationwide.

The bill authorizes the various government entities to apply to the FDOT for project funding under the program. These government entities include:

- A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to chs. 343,[66] 348,[67] or 349,[68] F.S.
- An independent special district with powers that include or are related to infrastructure development or transportation systems or services.
- A metropolitan planning organization (MPO) or transportation planning organization (TPO), with a requirement that each entity responsible for deploying or operating a project on behalf of an MPO or TPO must submit to the FDOT a letter detailing its commitment to the implementation, operation, and maintenance of the project.
- A state university.

The bill requires an applicant to have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

- Autonomous vehicle deployment or demonstration.
- Connected vehicle technology deployment.
- Shared mobility services innovation and deployment.
- Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including the deployment of grid-integrated vehicles.

The FDOT is required to issue a request for proposals for the award of program grants by September 1, 2018. Each submitted proposal must include:

- A statement by the applicant certifying that the project will be implement within 5 years after receipt of the grant.
- A plan for fulfilling documentation requirements under the FDOT's Statewide Systems Engineering Management Plan within such 5-year period.[69]

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[66] Chapter 343, F.S., creates the Northeast Florida Regional Transportation Commission, the South Florida Regional Transportation Authority, the Central Florida Regional Transportation Authority, the Northwest Florida Transportation Corridor Authority, and the Tampa Bay Area Regional Transit Authority.

[67] Chapter 348, F.S., creates the Miami-Dade Expressway Authority, the Tampa-Hillsborough County Expressway Authority, the Santa Rosa Bay Bridge Authority, and the Osceola County Expressway Authority.

[68] Chapter 349, F.S., creates the Jacksonville Transportation Authority.

[69] A Systems Engineering Management Plan (SEMP) enables an engineer "to manage a project using systems engineering principles and methods to maximize the quality of the system being implemented, while minimizing the budget and schedule required for its completion." For extensive details, see the FDOT's systems engineering website available at: http://www.fdot.gov/traffic/its/projects_deploy/semp.shtm (Last visited January 12, 2018). Federal regulations require all Intelligent Transportation System projects funded with federal highway funds to be based on a systems engineering analysis on a scale commensurate with the project scope. See 23 C.F.R. s. 940.11. Required documentation in a SEMP can be extensive. See the list of document templates on the identified FDOT website.

- A description of how operation and maintenance costs for the project will be funded in order to ensure that the FDOT's investment in the project is sustained.
- A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area served by the project.
- The procedure for integrating the project's transportation-related data into the FDOT's Data Integration and Video Aggregation System.[70]

The FDOT must award a grant to at least three recipients, with each award limited to no more than $6 million. The FDOT must distribute awards by January 1, 2019. An award may fund up to 50 percent of project costs. A grant recipient must fund at least 10 percent of project costs, and a minimum of 10 percent of project costs must be funded by the private sector. Grant funds must be used exclusively for startup costs, including acquisition of hardware, software, and assets associated with implementing a project. Grant funds may not be used for costs associated with operation, maintenance, or evaluation of the project.

When selecting grant recipients, the FDOT must give priority to proposals that:
- Demonstrate the availability of matching funds;[71]
- Include a plan for documenting the acquisition and expenditure of matching funds; and
- Include a larger amount of matching funds from private sector partner organizations.

Matching funds may be used for costs associated with operation, maintenance, and evaluation of the project.

Each grant recipient must submit a quarterly report to the FDOT regarding the development, implementation, and operation of the project. A grant recipient that receives matching funds must document the contribution of such funds in the quarterly report that details the manner in which the value of such contribution is calculated. The FDOT must submit a quarterly report to the Senate President and House Speaker regarding the overall status of the grant program.

After a project is implemented, each grant recipient must submit a report to the Governor, the Senate President, and the House Speaker detailing: the project's impact on the transportation system within the area served by the project; the extent to which the goals of the grant program have been met; and recommendations for project revisions or improvements to guide future deployment activities. A final report must be submitted 2 years after submission of the initial report.

[70] This system integrates and manages real-time information. It consists of a data integration subsystem, which collects and integrates transportation and related data from numerous sources and integrates that data for internal and external dissemination and consumption; and a video aggregation subsystem, which aggregates "live streaming video from FDOT and external agency cameras for distribution using ubiquitous, modern video streaming technologies, such that video is made available to users regardless of their specific location or device platform. See the FDOT's *TSM&O Disseminator*, July-August 2017, at p. 9, available at: http://www.fdot.gov/traffic/Newsletters/2017/2017-AUG.pdf (Last visited January 12, 2018).

[71] Under the bill, "matching funds" includes in-kind services, goods, equipment, or other noncash contributions calculated at fair market value.

The bill requires the FDOT to provide administrative support to the grant program to facilitate the deployment of smart city technology within the state, including expedited review of submitted proposals.

The FDOT may select an independent nongovernmental entity to assist in project construction, management, and evaluation; to oversee the implementation of the project; and to analyze and document lessons learned during, and benefits derived from, implementation of the project. The nongovernmental entity must have experience with the national (federal) Smart Cities Initiative, advanced transportation deployment experience in this state, extensive engineering experience, or expertise in stakeholder engagement of potential partners to create a demonstration community.

Section 2 appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund for the 2018-2019 fiscal year to the FDOT to implement the program.

Electric and Hybrid Vehicles

Section 3 requires the FTC to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the FTC determines that electric vehicles, as defined in s. 320.01(36), F.S., and hybrid vehicles, as defined in s. 316.0741, F.S., make up two percent or more of the total number of vehicles registered in this state.

The FTC, in consultation with the DHSMV, is authorized to use commercially available data that the FTC deems reliable to support its determination and report. In consultation with the FDEM, the FTC is also required to assess transportation infrastructure with respect to emergency evacuations and EVs, including, but not limited to, the availability of EV charging stations in this state.

At a minimum, the report must assess the effect of projected electric and hybrid vehicle use in this state on future revenue from existing taxes, fees, and surcharges related to nonelectric, private-use motorcycles, mopeds, automobiles, tri-vehicles, and trucks. The report must include recommendations to the Legislature to:

- Ensure continued funding for necessary maintenance that provides for adequate levels of service on existing transportation infrastructure;
- Accomplish improvements and capacity projects on transportation infrastructure which meet the demand from projected population and economic growth; and
- Accomplish necessary improvements to transportation infrastructure that would support emergency evacuations by users of electric vehicles.

The bill requires the report to be submitted to the Governor and the Legislature by September 1 of the year immediately after the year in which the FTC determines that electric and hybrid vehicles make up two percent or more of the total number of vehicles registered in this state. The FTC is authorized to complete the review and report before the two-percent threshold is reached if the FTC determines that earlier completion is appropriate to maintain a financially stable long-term transportation work program.

Section 4 amends s. 339.175(7)(c)2., F.S., requiring each metropolitan planning organization to consider the increased use of autonomous technology and electric vehicles, and other developments, when making its capital investment assessment as part of development of its long-range transportation plan.

Statewide Mobility Innovation Program Funding

Section 5 amends s. 201.15(4)(a)4., F.S., relating to the distribution of documentary stamp taxes to the TRIP. For the 2018-2019, 2019-2020, and 2021-2021 fiscal years, the FRE will continue to receive $60 million distributed from the documentary stamp taxes pursuant to this subparagraph.

Beginning in the 2021-2022 fiscal year, the first $60 million allocated to the TRIP will be allocated for innovative mobility systems as follows:

- $25 million on a matching basis to TBARTA for the design and construction of an innovative mobility system.
- $35 million to the Statewide Mobility Innovation Program for the purposes established in s. 341.86, F.S. (which directs that $25 million of those funds be distributed to Miami-Dade County, $5 million to the JTA, and the remaining $5 million available for any other counties).

The funds distributed to the TBARTA require one dollar in local or private matching funds for each dollar distributed, and federal funds may not be substituted for the local or private matching funds. If TBARTA notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of TBARTA.

The existing prohibition against pledging the distributed funds for debt service unless such pledge is approved by referendum of the voters is unchanged.

Statewide Mobility Innovation Program

Section 6 creates s. 339.84, F.S., creating the Statewide Mobility Innovation Program within the FDOT. "Innovative mobility system" is defined as a "system of infrastructure, appurtenances, and technology designed to move the greatest number of people in the least amount of time." An innovative mobility system includes automated people movers, bus rapid transit networks, autonomous vehicles,[72] transportation network companies,[73] ridesharing,[74] and commuter highway vehicles,[75] but not other traditional uses of a roadway system for conveyance.

[72] Section 316.003, F.S., currently defines "autonomous vehicle" as any vehicle equipped with autonomous technology, with certain exclusions. "Autonomous technology" is defined to mean technology installed on a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control of monitoring by a human operator.
[73] Section 627.748, F.S., defines "transportation network company" or "TNC" as an entity operating in this state using a digital network to connect a rider to a TNC driver, who provides prearranged rides.
[74] The term "ridesharing" is defined in s. 341.031(9)(a), F.S.
[75] 49 U.S.C. s. 5323(i)(2)(C)(ii) defines "commuter highway vehicle as "any vehicle…the seating capacity of which is at least 6 adults (not including the driver); and…at least 80 percent of the mileage use of which can be reasonably expected to be for the purposes of transporting commuters in connection with travel between their residences and their place of employment."

The goals of the program include, but are not limited to:

- Evaluating, financing, and overseeing proposals for innovative mobility systems in this state;
- Expending funds to publicize and promote innovative mobility systems and to contract with entities to accomplish these purposes; and
- Soliciting proposals in accordance with ch. 287, F.S.,[76] for the design and construction of innovative mobility systems and contracting with entities to expend funds to accomplish this purpose.

The FDOT, through the program, is required to use the $35 million distributed from documentary stamp tax revenues in a county to fund the design and construction of an innovative mobility system for passengers, based on a county proposal that the FDOT approves as being consistent with the requirements of the new law. More specifically, the bill requires the program to use:

- $25 million for an innovative mobility systems in a county as defined in s. 125.011(1), F.S. (Miami-Dade County).[77]
- $5 million for an innovative mobility systems in the Jacksonville Transportation Authority.
- $5 million for an innovative mobility systems in any other county or counties in the state.

If Miami-Dade County notifies the FDOT that it will not request all of the funds allocated for an innovative mobility system, the FDOT must allocate those funds to projects in the 5-year work program in the jurisdiction of the county.

A county proposing use of innovative mobility system funds must submit a request to the FDOT. The request must include a detailed project and financial plan, and must specify the project's duration and the total amount of funding sought by state fiscal year.

One dollar in local or private matching funds is required for each dollar distributed, and federal funds may not be substituted for the local or private matching funds. Additionally, funds distributed may not be used to subsidize projects with existing funding commitments as of July 1, 2018.

Conforming Revision

Section 7 amends s. 341.303, F.S., to provide the FDOT may not program any funds from the documentary stamps after Fiscal Year 2017-2018 to ensure funding will be available for the Statewide Mobility Innovation Program beginning in 2021.

Section 8 repeals subsection (5) of s. 341.303, F.S., effective July 1, 2021, which sets forth how the FRE is required to use the distribution from the documentary stamp taxes.

[76] Chapter 287, F.S., sets forth requirements and procedures to be used by state agencies in managing and procuring commodities and contractual services.

[77] Section 125.011(1), F.S., defines a county as: "[A]any county operating under a home rule charter adopted pursuant to Art. VIII, ss. 10, 11, and 24 of the State Constitution of 1885, as preserved by Art. VIII, s. 6(e) of the State Constitution of 1968, which county, by resolution of its board of county commissioners, elects to exercise the powers herein conferred." Of the local governments authorized to operate under a home rule charter by the State Constitutions of 1885 and 1968, only Miami-Dade County operates under a home-rule charter, which was adopted on May 21, 1957, under the constitutional provision.

Section 9 amends s. 343.58(4), F.S., effective July 1, 2021, to conform to changes made in the bill by prohibiting the SFRTA from receiving documentary stamp tax revenues distributed to the Statewide Mobility Innovation Program, instead of the FRE.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not implicate the mandates provisions of the State Constitution. Counties and cities are not required to apply to the program, but those that do apply for funding from the Florida Smart City Challenge Grant Program will be required to provide matching funds.

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:

Private-sector partners who invest in innovative transportation projects may benefit to the extent that the project receives state grant funding.

The traveling public in Miami-Dade County and in the counties covered by the JTA and TBARTA, as well as in any other county in which an innovative mobility system project is constructed, may benefit from increased mobility options.

C. Government Sector Impact:

Florida Smart City Challenge Grant Program

The bill appropriates $15 million in nonrecurring funds from the State Transportation Trust Fund for Fiscal Year 2018-2019 to the FDOT to implement the program. This appropriation may be used to fund the costs incurred by FDOT to implement the Florida Smart City Challenge Grant Program as noted below.

The FDOT will incur administrative expenses associated with:
- Issuing the request for proposals.
- Conducting expedited reviews of proposals and awarding grants.
- Preparing the required quarterly reports.
- Providing administrative support.

FTC EV Report

Related to the report on EVs in Florida, the FTC will incur indeterminate expenses associated with:
- Determining when EVs make up two percent of vehicle registrations;
- Assessing transportation revenue impacts of EV registrations;
- Assessing infrastructure related to emergency evacuations for EVs; and
- Preparing the report required by the bill.

The DHSMV expects the bill to have no impact on its expenditures.

The FDEM may incur indeterminate expenses associated with its participation in the emergency evacuation assessment.

Statewide Mobility Innovation Program

Beginning in Fiscal Year 2021-2022, a distribution of the first $60 million in documentary stamp tax revenues for TRIP will be distributed to the:
- TBARTA in the amount of $25 million.
- Statewide Mobility Innovation Program in the amount of $35 million.

The FRE portion of the FDOT's work program will have a $60 million reduction in funding starting in Fiscal Year 2021-2022. As a result, FRE projects planned for the future may be either delayed or canceled. The FDOT states that it has $342.6 million of plan commitments related to the FRE in the Adopted 5-Year Work Program (FYs 2017-2018 to 2021-2022). The FDOT estimates that "redirecting revenue resources would significantly disrupt the FRE-related projects as well as other projects in the work program."[78]

The FDOT will incur indeterminate expenses associated with creation of the program.[79]

Under the bill, Miami-Dade County and the TBARTA will each receive $25 million per year, and the JTA will receive $5 million per year for innovative mobility systems projects. The remaining $5 million will be available to all other counties competing for funding for innovative mobility system projects.

To the extent that counties, including Miami-Dade County, wish to engage in innovative mobility system projects, the bill requires local or private matching funds to be provided.

[78] FDOT, *2018 Agency Legislative Bill Analysis: SB 1200*, February 7, 2018.
[79] Id.

To the extent that a county provides matching funds, the local resources used as a match would not be available for other purposes in that county. Further, projects with existing funding commitments as of July 1, 2018, will not be eligible for funding.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Under the portion of the bill creating the Statewide Mobility Innovation Program, the bill does not include the same provision for the Jacksonville Transportation Authority as it does for Miami-Dade County, which allows Miami-Dade County to notify the FDOT that it will not request all of the funds allocated for an innovative mobility system and requires the FDOT to allocate those funds to projects in the 5-year work program in the jurisdiction of the county.

VIII. Statutes Affected:

This bill creates section 316.0899 of the Florida Statutes.

This bill creates an undesignated section of Florida Law.

This bill amends section 339.175 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/CS by Appropriations on March 2, 2018:
The committee substitute changes the bill to "[a]n act relating to transportation infrastructure" and adds the substance of CS/SB 384 and CS/SB 1200 (2017) to the bill.

The committee substitute requires the FTC to review all revenue sources for transportation infrastructure and maintenance projects and assess the effect of projected electric and hybrid vehicle use on future revenue from existing taxes, fees, and surcharges; make an assessment with the FDEM of transportation infrastructure with respect to emergency evacuations and electric vehicles; and prepare a report containing certain recommendations at the specified time.

The committee substitute revises planning requirements related to autonomous technology and electric vehicles to be considered as part of each metropolitan planning organization's development of the long-range transportation plan.

The committee substitute creates the Statewide Mobility Innovation Program within the Department of Transportation (FDOT). Through the program, FDOT will solicit, evaluate, and finance proposals for the design and construction of innovative mobility systems.

CS by Transportation on January 18, 2018:
The Committee Substitute:

- Creates a "Definitions" subsection, defines "grid-integrated vehicle," and relocates the definition of "matching funds" to this subsection.
- Revises one of the categories for which an applicant must have in place a plan or framework for project implementation to include acceleration of deployment of grid-integrated vehicles.
- Requires the FDOT to award at least three grants, rather than a awarding a maximum of three.
- Requires a grant recipient to fund at least ten percent of project costs and correspondingly removes a reference to partner organizations funding "50 percent of" projects costs in the provisions relating to priority selection of proposals.
- Revises the authorized uses of grant funds to specifically include acquisition of hardware, software, and assets associated with project implementation.
- Requires each recipient's initial report to be submitted to the Governor, in addition to the Senate President and the House Speaker.
- Authorizes the FDOT to select an independent nongovernmental entity to assist in project construction, management, and evaluation; and requires such entity to have certain prior experience.

B. Amendments:

None.

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

By the Committee on Transportation; and Senators Brandes and Taddeo

596-02191-18 2018852c1

A bill to be entitled

An act relating to the Florida Smart City Challenge Grant Program; creating s. 316.0899, F.S.; defining the terms "grid-integrated vehicle" and "matching funds"; creating the program within the Department of Transportation; providing program goals; providing grant eligibility requirements; requiring the department to issue a request for proposals by a specified date; providing proposal requirements; providing requirements for the award of grants and the use of grant funds; providing reporting requirements; requiring administrative support by the department; authorizing the department to select an independent nongovernmental entity to assist in project construction, management, and evaluation for specified purposes; providing requirements for the nongovernmental entity; providing an appropriation; providing an effective date.

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

Section 1. Section 316.0899, Florida Statutes, is created to read:

316.0899 Florida Smart City Challenge Grant Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Grid-integrated vehicle" means a motor vehicle that has the ability for two-way power flow between the vehicle and the electric grid and the communications hardware and software that allow for external control of battery charging and discharging.

(b) "Matching funds" includes in-kind services, goods, equipment, or other noncash contributions calculated at fair market value.

(2) CREATION; GOALS.—The Florida Smart City Challenge Grant Program is created within the Department of Transportation. The goals of the grant program include, but are not limited to:

(a) Providing opportunities to municipalities and other regions of the state to develop innovative smart mobility solutions to local transportation challenges.

(b) Deploying smart city technology that has an immediate impact on the safe and efficient movement of people and goods within municipalities and other regions of the state.

(c) Advancing autonomous, connected, grid-integrated, and electric vehicle readiness and deployment throughout the state.

(d) Providing enhanced education and workforce development opportunities by deploying emerging technologies that support the state's future workforce.

(e) Meeting the mobility needs of residents of this state, particularly transportation disadvantaged persons as defined in s. 427.011, by increasing access to and convenience of transportation within municipalities and other regions of the state.

(f) Facilitating the efficient movement of freight within the state, especially in and around airports and seaports.

(g) Supporting the reduction or elimination of fossil fuel consumption by relying on renewable energy sources and electric technologies.

(h) Creating a smart mobility demonstration community in

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

the state that serves as a model for municipalities and other regions nationwide.

(3) ELIGIBILITY REQUIREMENTS.—

(a) The following entities may apply to the Department of Transportation for a grant to fund projects under the Florida Smart City Challenge Grant Program:

1. A state, county, municipal, regional, or other agency that is responsible for the movement of persons, goods, or services within a defined geographical region, including an entity created pursuant to chapter 343, chapter 348, or chapter 349.

2. A metropolitan planning organization or transportation planning organization. Each entity responsible for deploying or operating the project on behalf of a metropolitan planning organization or transportation planning organization must submit a letter to the department detailing its commitment to the implementation, operation, and maintenance of the project.

3. A state university.

(b) An applicant for a Florida Smart City Challenge Grant must have in place a plan or framework for the implementation of the proposed project in at least one of the following categories:

1. Autonomous vehicle deployment or demonstration.

2. Connected vehicle technology deployment.

3. Shared mobility services innovation and deployment.

4. Acceleration of the use of plug-in electric vehicles and electric charging infrastructure, including deployment of grid-integrated vehicles.

(4) PROPOSALS.—By September 1, 2018, the Department of

Transportation shall issue a request for proposals for the award of a Florida Smart City Challenge Grant. Each proposal submitted to the department must include:

(a) A statement by the applicant certifying that the project will be implemented and operational within 2 years after receipt of the grant.

(b) A plan for fulfilling documentation requirements under the department's Statewide Systems Engineering Management Plan within such 2-year period.

(c) A description of how operation and maintenance costs for the project will be funded in order to ensure that the department's investment in the project is sustained.

(d) A plan for evaluation of the project and the methods by which such evaluation will be shared with residents of the area served by the project.

(e) The procedure for integrating the project's transportation-related data into the department's Data Integration and Video Aggregation System.

(5) AWARD OF GRANTS.—The Department of Transportation shall award a Florida Smart City Challenge Grant to at least three recipients. Each award may not exceed $6 million. The department shall distribute the award to each recipient by January 1, 2019.

(a) The grant may fund up to 50 percent of project costs. At least 10 percent of project costs must be funded by the grant recipient. Grant funds must be used exclusively for startup costs, including, but not limited to, acquisition of hardware, software, and assets associated with implementation of the project, and may not be used for costs associated with operation or maintenance of the project.

(b) In selecting grant recipients, the department shall give priority to those proposals that demonstrate the availability of matching funds from partner organizations to fund project costs and that include a plan for documenting the acquisition and expenditure of such matching funds.

1. The department shall give further priority to those proposals that include matching funds from private-sector partner organizations; however, local public funds may also be used.

2. Matching funds may be used for costs associated with operation, maintenance, and evaluation of the project.

3. A grant recipient that receives matching funds must document the contribution of such funds in a quarterly report that details the manner in which the value of such contribution is calculated.

(6) REPORTING REQUIREMENTS.—

(a) Each recipient of a Florida Smart City Challenge Grant shall submit a quarterly report to the Department of Transportation regarding the development, implementation, and operation of the project. Such report must include information documented pursuant to subparagraph (5)(b)3.

(b) The Department of Transportation must submit a quarterly report to the President of the Senate and the Speaker of the House of Representatives regarding the overall status of the grant program.

(c) After implementation of the project is complete, each recipient must submit an initial report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which details the project's impact on the

transportation system within the area served by the project, the extent to which the goals of the grant program have been met, and recommendations for project revisions or improvements to guide future deployment activities. A final report must be submitted 2 years after submission of the initial report.

(7) ADMINISTRATIVE SUPPORT.—The Department of Transportation shall provide administrative support to the Florida Smart City Challenge Grant Program in order to facilitate the deployment of smart city technology within the state, including, but not limited to, expedited review of proposals submitted under subsection (4). The department may select an independent nongovernmental entity to assist in project construction, management, and evaluation; to oversee the implementation of the project; and to analyze and document lessons learned during, and benefits derived from, implementation of the project. The nongovernmental entity must have experience with the national Smart Cities Initiative, advanced transportation deployment experience in this state, extensive engineering experience, or expertise in stakeholder engagement of potential partners to create a demonstration community as described in paragraph (2)(h).

Section 2. For the 2018-2019 fiscal year, the sum of $15 million in nonrecurring funds is appropriated from the State Transportation Trust Fund to the Department of Transportation for the purpose of implementing this act.

Section 3. This act shall take effect July 1, 2018.

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 22, 2018

I respectfully request that **Senate Bill #852**, relating to **Florida Smart City Challenge Grant Program**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/SB 992 (757058)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on the Environment and Natural Resources) and Senator Book
SUBJECT:	C-51 Reservoir Project
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	**Favorable**
2.	Reagan	Betta	AEN	**Recommend: Fav/CS**
3.	Reagan	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 992 revises provisions relating to the C-51 reservoir project, which is located in western Palm Beach County. Specifically, the bill:

- Adds the phrase "to the extent practicable" to the requirement that the South Florida Water Management District (SFWMD) operate the reservoir project to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries;
- Requires the operation of Phase I of the reservoir project to be in accordance with any operation and maintenance agreement adopted by the SFWMD;
- Requires that water made available by Phase I or Phase II of the reservoir project be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply;
- Provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the SFWMD rules; and
- Authorizes the SFWMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and request the Department of Environmental Protection (DEP) to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.
- If any or all of the loan is waived, the DEP will not receive repayment of up to $30 million depending on what reasonable value the DEP deems appropriate.
- Clarifies that the SFWMD is not responsible for repaying any portion of a loan that is waived pursuant to this bill.

II. Present Situation:

Water Storage Reservoirs

It is the policy of the state that waters in the state are among its basic resources and the Legislature promote the conservation, replenishment, capture, enhancement, development, and proper utilization of surface and groundwater; and develop and regulate dams, impoundments, reservoirs, and other works to provide water storage for beneficial purposes.[1] Storing water is a commonly used technique for optimizing the use of water supplies by collecting water during times of plenty for use during dry or peak use times.[2]

Water storage reservoirs are constructed to improve the quality, timing, and distribution of water within a system. Water storage reservoirs can be used to store raw water prior to treatment at municipal water treatment facilities, to store treated water prior to distribution and use, and to store water for power generation facilities and agricultural uses.[3] Reservoirs can also be used to store water for environmental enhancement, including maintaining minimum flows and levels within a waterbody, as well as reducing the rates and volumes of freshwater discharges into estuaries.[4]

C-51 reservoir project

The C-51 reservoir project is located in western Palm Beach County on land owned by Palm Beach Aggregates, LLC (PBA). The project consists of in-ground reservoirs and conveyance structures that will provide water supply and water management benefits to participating water supply utilities. The project will also provide environmental benefits by reducing freshwater discharges to tide[5] and making additional water available for natural systems.

Phase I of the project will provide 14,000 acre-feet of water storage and costs approximately $161 million.[6] The SFWMD has declared Phase I of the C-51 reservoir project as one of its alternative water supply pilot projects, as it is located in the Lower East Coast Regional Planning Area, which is a restricted allocation area.[7] The water will be used to provide direct aquifer recharge to offset withdrawals from the Biscayne Aquifer. The Broward County Water and Wastewater Services, the City of Sunrise, the City of Lauderhill, and the City of Dania Beach have submitted letters of intent to utilize water made available by Phase I of the C-51 reservoir project.

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[1] Section 373.016, F.S.
[2] Office of Water Policy, Department of Environmental Protection (DEP), *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater, and Excess Surface Water (Senate Bill 536)*, 76 (Dec. 1, 2015), *available at* https://floridadep.gov/sites/default/files/SB536%20Final%20Report.pdf (last visited Jan 29, 2018).
[3] *Id*. at 78.
[4] *Id*.
[5] The C-51 Canal contributes about 50 percent of the freshwater runoff to the Lake Worth Lagoon.
[6] *See* Lenhart J. Lindahl, P.E., Assistant Executive Director, South Florida Water Management District (SFWMD), Governing Board Meeting, *C-51 Reservoir O&M Agreement*, slide 3 (Feb. 9, 2017), *available at* http://my.sfwmd.gov/webapps/publicMeetings/viewFile/10427 (last visited Jan. 29, 2018).
[7] Resolution No. 2017-0210, *Enter into an Operation & Maintenance Agreement with Palm Beach Aggregates, LLC for Phase 1 of the C-51 Reservoir Project*, *available at* https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/10423 (last visited Jan. 29, 2018).

Phase I of the reservoir project is designed to hydraulically connect to the L-8 Flow Equalization Basin and is dependent upon the SFWMD's regional system. Because of the interconnectedness, the SFWMD agreed to operate, maintain, repair, replace, and rehabilitate Phase I of the project provided the PBA pays the SFWMD for such operation, maintenance, repair, replacement, and rehabilitation.[8] On February 20, 2017, the SFWMD and the PBA entered into an Operation and Maintenance Agreement which details the rights and responsibilities of each party and requires the SFWMD to operate and maintain the project upon completion.[9]

Phase II of the C-51 reservoir project is estimated to provide 46,000 acre-feet of water storage and cost approximately $286 million.[10] Phase II of the project is being considered under some of the alternatives that are being modeled for the Loxahatchee River Watershed Restoration project, which is a project component of the Comprehensive Everglades Restoration Program.[11]

The SFWMD is authorized to negotiate with the owners of the C-51 reservoir project site for the acquisition of the project site for Phase II of the project or to enter into a public-private partnership.[12] The SFWMD is authorized to acquire land near the C-51 reservoir through the purchase or exchange of land that is owned by the SFWMD or the state as necessary to implement Phase II of the project.[13] The state and the SFWMD are authorized to consider potential swaps of land that is owned by the state or the SFWMD to achieve the optimal combination of water quality and water storage. The SFWMD is prohibited from exercising eminent domain for the purpose of implementing the C-51 reservoir project.[14]

If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project, state law requires that:

- The SFWMD must operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir must be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be made available to support consumptive use permits.[15]

Phase I of the C-51 reservoir project is authorized to be funded through specific appropriation or through the water storage facility revolving loan fund, as provided in s. 373.475, F.S.[16] For the 2017-2018 fiscal year, the sum of $30 million was appropriated to the Water Resource Protection and Sustainability Trust Fund for the purpose of providing a loan to implement Phase I of the C-

[8] *Id*.
[9] *Id*.
[10] *Id*.
[11] *See* United States Army Corps of Engineers, *Read-Ahead and Reference Document for Loxahatchee River Watershed Restoration Protect, Array of Alternative Plans to be Evaluated* (Dec. 13, 2017) *available at* http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll7/id/6006 (last visited Jan. 29, 2018).
[12] Section 373.4598, F.S.
[13] *Id*.
[14] *Id*.
[15] *Id*.
[16] *Id*.

51 reservoir project.[17] The loan is required to have a 30-year term, may be prepaid at any time, and accrues interest until repayment. The loan is required to be repaid from the proceeds of the sale of unreserved capacity in the water storage facility, or other appropriate payment, at the time of receipt less reasonable expenses. The loan is secured by a first mortgage lien on the water storage facility and a collateral assignment of unreserved capacity as adequate security for the loan. The loan does not reserve for use by the state or the SFWMD any capacity authorized pursuant to the consumptive use permit for Phase I of the C-51 reservoir.[18]

Phase II of the C-51 reservoir project is authorized to be funded using Florida Forever bonds, pursuant to the water storage revolving loan fund, or as a project component of the Comprehensive Everglades Restoration Program pursuant to s. 375.041(3)(b)4., F.S.[19]

Restricted Allocation Areas

The term "restricted allocation area" is defined in s. 373.037, F.S., to mean an area within a water supply planning region of the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District where the governing board of the water management district has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period pursuant to ss. 373.036 and 373.709, F.S., and where the governing board of the water management district has applied allocation restrictions with regard to the use of specific sources of water.

Due to concerns regarding water availability, the SFWMD has declared the Lake Okeechobee Basin a restricted allocation area. Therefore, additional restrictions apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin. This rule is a component of the recovery strategy for minimum flows and levels for Lake Okeechobee, as set forth in Chapter 40E-8 of the Florida Administrative Code, to address lower lake management levels and storage under the U.S. Army Corps of Engineers' Lake Okeechobee Regulation Schedule.[20]

Another restricted allocation area within the SFWMD's planning region is the Lower East Coast Regional Planning Area. As a component of the recovery strategy for the minimum flows and levels for the Everglades and the Northwest Fork of the Loxahatchee River additional restrictions have been adopted for the permitted allocations of water use withdrawals. These restrictions assist in implementing the objective of the SFWMD to ensure that water necessary for Everglades restoration and the restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification.[21]

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[17] Chapter 2017-10, s. 12, Laws of Fla.
[18] *Id*.
[19] Section 373.4598, F.S.
[20] SFWMD, *Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District*, 63 (Sept. 7, 2015), *available at* https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf (last visited Jan. 30, 2018).
[21] *Id*. at 55.

III. Effect of Proposed Changes:

The bill adds the phrase "to the extent practicable" to the requirement that the SFWMD operate the reservoir project to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries. The bill requires the operation of Phase I of the reservoir project to be in accordance with any operation and maintenance agreement adopted by the SFWMD. An agreement between the SFWMD and Palm Beach Aggregates, LLC, was adopted in February of 2017.

The bill requires that the water made available by Phase I or Phase II of the reservoir project must be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply. The bill provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the rules of the SFWMD.

The bill authorizes the SFWMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and request the DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund pursuant to s. 373.475, F.S. The DEP may only authorize such waiver if, at its determination, it has received reasonable value for such waiver. The bill provides that the SFWMD is not responsible for repayment of any portion of a loan that is waived pursuant to this bill.

The bill takes effect July 1, 2018.

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:

Depending on if the DEP approves of a waiver of any or all of the loan amount and what reasonable value the DEP deems appropriate, the loan recipient may receive a positive fiscal impact.

C. Government Sector Impact:

If any or all of the loan is waived, the DEP will not receive repayment of up to $30 million depending on what reasonable value the DEP deems appropriate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.4598 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.)

Recommended CS by Appropriations Subcommittee on the Environment and Natural Resources on February 14, 2018:
The committee substitute:

- Requires that the water made available by Phase I or Phase II of the reservoir project must be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply.
- Provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the rules of the SFWMD, rather than in accordance with the rules for the applicable allocation area defined in s. 373.037(1), F.S.
- Clarifies that the SFWMD is not responsible for repayment of any portion of a loan which is waived pursuant to this bill.

B. Amendments:

None.

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576-03246-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on the Environment and Natural Resources)

A bill to be entitled

An act relating to the C-51 reservoir project; amending s. 373.4598, F.S.; revising requirements relating to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases; authorizing the South Florida Water Management District to enter into certain capacity allocation agreements and to request a waiver for repayment of certain loans; authorizing the Department of Environmental Protection to waive such loan repayment under certain conditions; specifying that the district is not responsible for repayment of such waived loans; providing an effective date.

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

Section 1. Paragraph (d) of subsection (9) of section 373.4598, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

373.4598 Water storage reservoirs.—

(9) C-51 RESERVOIR PROJECT.—

(d) If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project:

1. The district, to the extent practicable, must ~~shall~~ operate either Phase I or Phase II of the reservoir project to

757058

576-03246-18

maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to maximizing the reduction of harmful discharges ~~providing relief~~ to the Lake Worth Lagoon. However, the operation of Phase I of the C-51 reservoir project must be in accordance with any operation and maintenance agreement adopted by the district;

2. Water made available by Phase I or Phase II of the reservoir must ~~shall~~ be used for natural systems in addition to any permitted ~~allocated~~ amounts for water supply; and

3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be available to support consumptive use permits if such use is in accordance with district rules.

(f) The district may enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and may request the department to waive repayment of all or a portion of the loan issued pursuant to s. 373.475. The department may authorize such waiver if, in its determination, it has received reasonable value for such waiver. The district is not responsible for repaying any portion of a loan issued pursuant to s. 373.475 which is waived pursuant to this paragraph.

Section 2. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 992
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on the Environment and Natural Resources) and Senator Book
SUBJECT:	C-51 Reservoir Project
DATE:	March 2, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	**Favorable**
2.	Reagan	Betta	AEN	**Recommend: Fav/CS**
3.	Reagan	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 992 revises provisions relating to the C-51 reservoir project, which is located in western Palm Beach County. Specifically, the bill:

- Adds the phrase "to the extent practicable" to the requirement that the South Florida Water Management District (SFWMD) operate the reservoir project to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries;
- Requires the operation of Phase I of the reservoir project to be in accordance with any operation and maintenance agreement adopted by the SFWMD;
- Requires that water made available by Phase I or Phase II of the reservoir project be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply;
- Provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the SFWMD rules; and
- Authorizes the SFWMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and request the Department of Environmental Protection (DEP) to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund.
- If any or all of the loan is waived, the DEP will not receive repayment of up to $30 million depending on what reasonable value the DEP deems appropriate.
- Clarifies that the SFWMD is not responsible for repaying any portion of a loan that is waived pursuant to this bill.

II. Present Situation:

Water Storage Reservoirs

It is the policy of the state that waters in the state are among its basic resources and the Legislature promote the conservation, replenishment, capture, enhancement, development, and proper utilization of surface and groundwater; and develop and regulate dams, impoundments, reservoirs, and other works to provide water storage for beneficial purposes.[1] Storing water is a commonly used technique for optimizing the use of water supplies by collecting water during times of plenty for use during dry or peak use times.[2]

Water storage reservoirs are constructed to improve the quality, timing, and distribution of water within a system. Water storage reservoirs can be used to store raw water prior to treatment at municipal water treatment facilities, to store treated water prior to distribution and use, and to store water for power generation facilities and agricultural uses.[3] Reservoirs can also be used to store water for environmental enhancement, including maintaining minimum flows and levels within a waterbody, as well as reducing the rates and volumes of freshwater discharges into estuaries.[4]

C-51 reservoir project

The C-51 reservoir project is located in western Palm Beach County on land owned by Palm Beach Aggregates, LLC (PBA). The project consists of in-ground reservoirs and conveyance structures that will provide water supply and water management benefits to participating water supply utilities. The project will also provide environmental benefits by reducing freshwater discharges to tide[5] and making additional water available for natural systems.

Phase I of the project will provide 14,000 acre-feet of water storage and costs approximately $161 million.[6] The SFWMD has declared Phase I of the C-51 reservoir project as one of its alternative water supply pilot projects, as it is located in the Lower East Coast Regional Planning Area, which is a restricted allocation area.[7] The water will be used to provide direct aquifer recharge to offset withdrawals from the Biscayne Aquifer. The Broward County Water and Wastewater Services, the City of Sunrise, the City of Lauderhill, and the City of Dania Beach have submitted letters of intent to utilize water made available by Phase I of the C-51 reservoir project.

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[1] Section 373.016, F.S.
[2] Office of Water Policy, Department of Environmental Protection (DEP), *Report on Expansion of Beneficial Use of Reclaimed Water, Stormwater, and Excess Surface Water (Senate Bill 536)*, 76 (Dec. 1, 2015), *available at* https://floridadep.gov/sites/default/files/SB536%20Final%20Report.pdf (last visited Jan 29, 2018).
[3] *Id*. at 78.
[4] *Id*.
[5] The C-51 Canal contributes about 50 percent of the freshwater runoff to the Lake Worth Lagoon.
[6] *See* Lenhart J. Lindahl, P.E., Assistant Executive Director, South Florida Water Management District (SFWMD), Governing Board Meeting, *C-51 Reservoir O&M Agreement*, slide 3 (Feb. 9, 2017), *available at* http://my.sfwmd.gov/webapps/publicMeetings/viewFile/10427 (last visited Jan. 29, 2018).
[7] Resolution No. 2017-0210, *Enter into an Operation & Maintenance Agreement with Palm Beach Aggregates, LLC for Phase 1 of the C-51 Reservoir Project*, *available at* https://apps.sfwmd.gov/webapps/publicMeetings/viewFile/10423 (last visited Jan. 29, 2018).

Phase I of the reservoir project is designed to hydraulically connect to the L-8 Flow Equalization Basin and is dependent upon the SFWMD's regional system. Because of the interconnectedness, the SFWMD agreed to operate, maintain, repair, replace, and rehabilitate Phase I of the project provided the PBA pays the SFWMD for such operation, maintenance, repair, replacement, and rehabilitation.[8] On February 20, 2017, the SFWMD and the PBA entered into an Operation and Maintenance Agreement which details the rights and responsibilities of each party and requires the SFWMD to operate and maintain the project upon completion.[9]

Phase II of the C-51 reservoir project is estimated to provide 46,000 acre-feet of water storage and cost approximately $286 million.[10] Phase II of the project is being considered under some of the alternatives that are being modeled for the Loxahatchee River Watershed Restoration project, which is a project component of the Comprehensive Everglades Restoration Program.[11]

The SFWMD is authorized to negotiate with the owners of the C-51 reservoir project site for the acquisition of the project site for Phase II of the project or to enter into a public-private partnership.[12] The SFWMD is authorized to acquire land near the C-51 reservoir through the purchase or exchange of land that is owned by the SFWMD or the state as necessary to implement Phase II of the project.[13] The state and the SFWMD are authorized to consider potential swaps of land that is owned by the state or the SFWMD to achieve the optimal combination of water quality and water storage. The SFWMD is prohibited from exercising eminent domain for the purpose of implementing the C-51 reservoir project.[14]

If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project, state law requires that:

- The SFWMD must operate the reservoir to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries in addition to providing relief to the Lake Worth Lagoon;
- Water made available by the reservoir must be used for natural systems in addition to any allocated amounts for water supply; and
- Any water received from Lake Okeechobee may not be made available to support consumptive use permits.[15]

Phase I of the C-51 reservoir project is authorized to be funded through specific appropriation or through the water storage facility revolving loan fund, as provided in s. 373.475, F.S.[16] For the 2017-2018 fiscal year, the sum of $30 million was appropriated to the Water Resource Protection and Sustainability Trust Fund for the purpose of providing a loan to implement Phase I of the C-

[8] *Id*.
[9] *Id*.
[10] *Id*.
[11] *See* United States Army Corps of Engineers, *Read-Ahead and Reference Document for Loxahatchee River Watershed Restoration Protect, Array of Alternative Plans to be Evaluated* (Dec. 13, 2017) *available at* http://cdm16021.contentdm.oclc.org/utils/getfile/collection/p16021coll7/id/6006 (last visited Jan. 29, 2018).
[12] Section 373.4598, F.S.
[13] *Id*.
[14] *Id*.
[15] *Id*.
[16] *Id*.

51 reservoir project.[17] The loan is required to have a 30-year term, may be prepaid at any time, and accrues interest until repayment. The loan is required to be repaid from the proceeds of the sale of unreserved capacity in the water storage facility, or other appropriate payment, at the time of receipt less reasonable expenses. The loan is secured by a first mortgage lien on the water storage facility and a collateral assignment of unreserved capacity as adequate security for the loan. The loan does not reserve for use by the state or the SFWMD any capacity authorized pursuant to the consumptive use permit for Phase I of the C-51 reservoir.[18]

Phase II of the C-51 reservoir project is authorized to be funded using Florida Forever bonds, pursuant to the water storage revolving loan fund, or as a project component of the Comprehensive Everglades Restoration Program pursuant to s. 375.041(3)(b)4., F.S.[19]

Restricted Allocation Areas

The term "restricted allocation area" is defined in s. 373.037, F.S., to mean an area within a water supply planning region of the Southwest Florida Water Management District, the South Florida Water Management District, or the St. Johns River Water Management District where the governing board of the water management district has determined that existing sources of water are not adequate to supply water for all existing and future reasonable-beneficial uses and to sustain the water resources and related natural systems for the planning period pursuant to ss. 373.036 and 373.709, F.S., and where the governing board of the water management district has applied allocation restrictions with regard to the use of specific sources of water.

Due to concerns regarding water availability, the SFWMD has declared the Lake Okeechobee Basin a restricted allocation area. Therefore, additional restrictions apply when allocating surface water derived from the Lake Okeechobee Waterbody for consumptive use within the Lake Okeechobee Basin. This rule is a component of the recovery strategy for minimum flows and levels for Lake Okeechobee, as set forth in Chapter 40E-8 of the Florida Administrative Code, to address lower lake management levels and storage under the U.S. Army Corps of Engineers' Lake Okeechobee Regulation Schedule.[20]

Another restricted allocation area within the SFWMD's planning region is the Lower East Coast Regional Planning Area. As a component of the recovery strategy for the minimum flows and levels for the Everglades and the Northwest Fork of the Loxahatchee River additional restrictions have been adopted for the permitted allocations of water use withdrawals. These restrictions assist in implementing the objective of the SFWMD to ensure that water necessary for Everglades restoration and the restoration of the Loxahatchee River Watershed is not allocated for consumptive use upon permit renewal or modification.[21]

[17] Chapter 2017-10, s. 12, Laws of Fla.
[18] *Id*.
[19] Section 373.4598, F.S.
[20] SFWMD, *Applicant's Handbook for Water Use Permit Applications within the South Florida Water Management District*, 63 (Sept. 7, 2015), *available at* https://www.sfwmd.gov/sites/default/files/documents/wu_applicants_handbook.pdf (last visited Jan. 30, 2018).
[21] *Id*. at 55.

III. Effect of Proposed Changes:

The bill adds the phrase "to the extent practicable" to the requirement that the SFWMD operate the reservoir project to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries. The bill requires the operation of Phase I of the reservoir project to be in accordance with any operation and maintenance agreement adopted by the SFWMD. An agreement between the SFWMD and Palm Beach Aggregates, LLC, was adopted in February of 2017.

The bill requires that the water made available by Phase I or Phase II of the reservoir project must be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply. The bill provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the rules of the SFWMD.

The bill authorizes the SFWMD to enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and request the DEP to waive repayment of all or a portion of the loan issued through the water storage facility revolving loan fund pursuant to s. 373.475, F.S. The DEP may only authorize such waiver if, at its determination, it has received reasonable value for such waiver. The bill provides that the SFWMD is not responsible for repayment of any portion of a loan that is waived pursuant to this bill.

The bill takes effect July 1, 2018.

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:

Depending on if the DEP approves of a waiver of any or all of the loan amount and what reasonable value the DEP deems appropriate, the loan recipient may receive a positive fiscal impact.

C. Government Sector Impact:

If any or all of the loan is waived, the DEP will not receive repayment of up to $30 million depending on what reasonable value the DEP deems appropriate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 373.4598 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 Appropriations on March 2, 2018:
The committee substitute:

- Requires that the water made available by Phase I or Phase II of the reservoir project must be used for natural systems in addition to any permitted, rather than allocated, amounts for water supply.
- Provides that water received from Lake Okeechobee may only be available to support consumptive use permits if such use is in accordance with the rules of the SFWMD, rather than in accordance with the rules for the applicable allocation area defined in s. 373.037(1), F.S.
- Clarifies that the SFWMD is not responsible for repayment of any portion of a loan which is waived pursuant to this bill.

B. Amendments:

None.

By Senator Book

32-00203B-18 2018992__

A bill to be entitled

An act relating to the C-51 reservoir project; amending s. 373.4598, F.S.; revising requirements related to the operation of water storage and use for Phase I and Phase II of the C-51 reservoir project if state funds are appropriated for such phases; authorizing the South Florida Water Management District to enter into certain capacity allocation agreements and to request a waiver for repayment of certain loans; authorizing the Department of Environmental Protection to waive such loan repayment under certain conditions; providing an effective date.

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

Section 1. Paragraph (d) of subsection (9) of section 373.4598, Florida Statutes, is amended, and paragraph (f) is added to that subsection, to read:

373.4598 Water storage reservoirs.—

(9) C-51 RESERVOIR PROJECT.—

(d) If state funds are appropriated for Phase I or Phase II of the C-51 reservoir project:

1. The district, to the extent practicable, shall operate either Phase I or Phase II of the reservoir project to maximize the reduction of high-volume Lake Okeechobee regulatory releases to the St. Lucie or Caloosahatchee estuaries, in addition to maximizing the reduction of harmful discharges ~~providing relief~~ to the Lake Worth Lagoon. However, the operation of Phase I of the C-51 reservoir project must be in accordance with any

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

32-00203B-18 2018992__

operation and maintenance agreement adopted by the district;

2. Water made available by Phase I or Phase II of the reservoir shall be used for natural systems in addition to any permitted ~~allocated~~ amounts for water supply issued in accordance with executed capacity allocation agreements; and

3. ~~Any~~ Water received from Lake Okeechobee may only ~~not~~ be available to support consumptive use permits if such use is in accordance with the rules for the applicable restricted allocation area as defined in s. 373.037(1).

(f) The South Florida Water Management District may enter into a capacity allocation agreement with a water supply entity for a pro rata share of unreserved capacity in the water storage facility and may request the department to waive repayment of all or a portion of the loan issued pursuant to s. 373.475. The department may authorize such waiver if, at its determination, it has received reasonable value for such waiver.

Section 2. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on the Environment and Natural Resources, *Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Education
Environmental Preservation and Conservation
Health Policy
Rules

SENATOR LAUREN BOOK
Democratic Leader Pro Tempore
32nd District

February 16, 2018

Chairman Rob Bradley
Committee on Appropriations
201 The Capitol
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chairman Bradley,

I respectfully request that you place SB 992, relating to the C-51 Reservoir Project, on the agenda of the Committee on Appropriations at your earliest convenience.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

Senator Lauren Book
Senate District 32

cc: Mike Hansen, Staff Director
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JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	PCS/SB 1012 (291154)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senators Passidomo and Young
SUBJECT:	Alligator Alley Toll Road
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Favorable**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	McAuliffe	Hansen	AP	**Pre-meeting**

I. Summary:

PCS/SB 1012 extends the statutory obligation of the Florida Department of Transportation (FDOT) to reimburse a county or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on I-75/Alligator Alley (the Alley), currently set to expire on June 30, 2018. The bill requires the FDOT to make such reimbursement by interlocal agreement through June 30, 2021.

The bill also provides that all law enforcement officers on official law enforcement business are exempt from paying tolls on toll facilities. The bill defines "official law enforcement business."

The fiscal impact regarding the reimbursement by the FDOT for the costs of operating the fire station is indeterminate, but any FDOT expenditures will be based on an agreed-upon estimated schedule of such operational expenses incorporated into the required extended interlocal agreement.

The Revenue Estimating Conference reviewed the effect of a similar exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and estimated that the fiscal impact of the provision would be negative, but indeterminate, to the State Transportation Trust Fund, Turnpike trust funds, and local trust funds. State and local agencies with law enforcement traveling through toll facilities will have less expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Fire Station 63 on I-75/Alligator Alley

Collier County provides fire, rescue, and emergency management services along the Alley through its dependent fire district, the Ochopee Fire Control and Rescue District, and the county's emergency medical services. These services are provided at a facility located at the FDOT's rest area on the Alley at mile marker 63 (MM63).[1]

Use of Alley Tolls to Fund Fire Station 63

Section 338.26, F.S., establishes the Alley as a toll road, because the construction of the road "contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades." The statute sets forth required uses of the fees generated from tolls for use of the Alley, which are deposited into the State Transportation Trust Fund. Fees must be used to reimburse outstanding contractual obligations and to operate and maintain the highway and toll facilities, including reconstruction and restoration.

Currently, related to the fire station on the Alley, the statute requires the fees to be used:

- To design and construct the fire station, which may be used by a county or other local governmental entity to provide the services to the public on the Alley; and
- To reimburse a county or other local governmental entity for the direct actual costs of operating the fire station, through an interlocal agreement effective July 1, 2014, to no later than June 30, 2018.[2]

Fees may also be transferred to the Everglades Trust Fund for certain environmental projects or may be pledged for revenue bonds or notes issued to pay for environmental projects in the area.

Upon termination of the interlocal agreement for the fire station, the FDOT would be authorized to use the fees for the other required or authorized uses described above.

Toll Revenues and Expenses

According to the FDOT's 2016 Annual Report for its Enterprise Toll Operations,[3] for Fiscal Year 2016-17 through 2020-21 the Alligator Alley will average $34.5 million in gross toll revenue each year with annual operating and maintenance expenses averaging $8.9 million and annual debt service payments averaging $3.45 million. The maintenance expenses include funding for rest area improvements, fire station operations, and interchange lighting projects.

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[1] National Park Service, *Big Cypress: I-75, Mile Marker 63*, available at https://www.nps.gov/bicy/planyourvisit/i-75-mm-63.htm (last visited February 2, 2018). Greater Naples Fire Rescue District, *Station 63*, available at https://www.greaternaplesfire.org/gnfrd-location/station-63/ (last visited February 2, 2018).

[2] Chapter 2014-223, Laws of Florida.

[3] The 2016 report is the latest posted to the FDOT's Turnpike Enterprise webpage and is available at http://www.floridasturnpike.com/documents/reports/Toll%20Operations%20Annual%20Report/2016/2016%20OTO_Department%20Owned.pdf (last visited February 2, 2018.)

The Interlocal Agreement for Fire Station 63

On May 9, 2014, the FDOT and the Board of Commissioners of Collier County entered into an interlocal agreement to provide the terms and conditions under which the FDOT would "provide funding to the County for the County's expenses in purchasing equipment, compensating County employees, and otherwise providing fire, rescue and emergency services utilizing the Fire Station."[4]

The FDOT included the fire station in its construction project when it rebuilt the rest area at MM63 and the fire station opened in early 2015.[5] The fire station was built "for the exclusive use of the County for the duration of this Agreement."[6] The FDOT owns the fire station and leases it to the County.[7] However, under the agreement, "all equipment, personal property, vehicles, apparatus and supplies acquired by County with funding provided by DEPARTMENT…shall remain the property of County, notwithstanding any termination of this Agreement."[8]

Funding in the Interlocal Agreement

For the term of the agreement, the FDOT agreed to provide a maximum of $1,761,235 for direct actual capital costs and a maximum of $1,498,100 for the county's direct actual costs of operating the fire station.[9] The county agreed to bear all expenses in excess of the FDOT's specified participation.[10] The agreed-upon funding includes various annual operating items such as hired paramedics and fire fighters; expenses for administrative and building maintenance; expenses for bulk fuel and various types of search and rescue equipment. Capital costs include items such as vehicles, radios, vehicles, and breathing air compressors.[11]

Information regarding the FDOT's Adopted Five-Year Work Program for 2014-2018 reflects the following funding for the MM63 fire station:[12]

Fiscal Year	Amount
2014	$1,761,235
2015	$1,498,100
2016	$1,522,070
2017	$1,522,070
2018	$1,498,100

[4] Department-Collier County Interlocal Agreement, CSFA No. 55.036, May 9, 2014, at pp. 2-3.
[5] Department-Collier County Interlocal Agreement at p. 2 and 3. Marco Eagle, *New fire/EMS station opens on Alligator Alley*, April 5, 2015, available at http://www.marconews.com/story/news/2015/04/03/new-fully-staffed-fireems-station-opens-alligator-alley/25238329/ (last visited February 2, 2018).
[6] Department-Collier County Interlocal Agreement at p. 3. The agreement provides that state or local law enforcement may station officers, agents, or response teams at the fire station, based on space and availability.
[7] Department-Collier County Interlocal Agreement at p. 12.
[8] Department-Collier County Interlocal Agreement at p. 13.
[9] The Agreement also authorizes the County to request a Consumer Price Index adjustment of the total operating amount 30 days prior to July 1 for each year after the first covered by the Agreement. Department-Collier County Interlocal Agreement at p. 10.
[10] Department-Collier County Interlocal Agreement at p. 11.
[11] Department-Collier County Interlocal Agreement at Exhibit B.
[12] FDOT, Web Application, Office of Work Program and Budget, *Five Year Work Program – Project Summary for Transportation System: Intrastate Interstate, Description: Alligator Alley Fire Station @ MM63*, updated January 10, 2018,

Toll Exemptions

Section 338.155, F.S., requires the payment of tolls on toll facilities. However, the DOT may suspend tolls when necessary to assist in an emergency evacuation and the law provides the following exemptions:

- Employees of the agency operating the toll facility on official state business.
- State military personnel while on official military business.
- Certain disabled persons.
- Persons exempt from toll payment by the authorizing resolution for bonds issued to finance the toll facility.
- Persons exempt on a temporary basis when a toll facility is part of a detour route.
- Any law enforcement officer operating a marked official vehicle when on official law enforcement business.
- Any person operating a fire or rescue vehicle when on official business.
- Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.
- Any person driving a Department of Military Affairs automobile or other vehicle used for transporting military personnel, stores, and property that is properly identified.

For toll facilities managed by the DOT, the revenues of which are not pledged to repayment of bonds, the DOT is authorized to allow certain vehicles exemptions from the payment of tolls:[13]

- Public transit vehicles.[14]
- Vehicles participating in a funeral procession for an active-duty military service member.[15]
- Registered hybrid vehicles using high-occupancy-vehicle or express lanes.[16]

Toll Exemptions for Law Enforcement Marked Vehicles

According to the DOT, law enforcement agencies with marked vehicles submit a "SunPass Non-Revenue Account Application," in which the agency lists each marked vehicle that will have a non-revenue SunPass transponder along with certain identifying information regarding each vehicle. The agency representative attests that the vehicles listed on the application qualify for the toll exemption for marked law enforcement vehicles.[17]

available at http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=HIS&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM and http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM (last visited February 2, 2018.)

[13] See Rules 14-100.006 and 14-100.004, F.A.C. Respectively the rules exempt public transit vehicles, certain carpools, motorcycles, and hybrid vehicles registered and operating on I-95 in Miami-Dade, Broward and Palm Beach Counties; and for public transit vehicles operating on express lanes.

[14] Section 338.155, F.S.

[15] Section 338.155, F.S.

[16] Section 316.0741, F.S.

[17] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Turnpike Bonds

Section 338.227, F.S., authorizes the DOT to borrow money as provided in the State Bond Act[18] to pay all or any part of the cost of any one or more legislatively approved turnpike projects. The principal of, and the interest on, these bonds is paid solely from revenues pledged for their payment.

In s. 338.229, F.S., in connection with the issuance of Turnpike bonds, the state agrees not to limit or restrict the rights vested in the DOT to establish and collect tolls for the use of the Turnpike System and to fulfill the terms of any agreements made with bondholders. The agreement includes not impairing the rights or remedies of the bondholders until the bonds, together with interest on the bonds, are fully paid and discharged.[19]

The DOT provided information about the Turnpike's master bond resolution under which the current Turnpike bonds were issued. The resolution contains the DOT's commitments regarding the funding and operation of the Turnpike System. The resolution is a contract with the bondholders and "may not be amended in any way that affects 'the unconditional promises of the Department to fix, maintain and collect tolls for the use of the Turnpike System' without consent of all the holders of outstanding Turnpike bonds."[20]

Additionally, the DOT states that the resolution includes a section in which the DOT agreed that it "shall not allow or permit any free use of the Toll roads of the Florida Turnpike, except to officials or employees of the Department whose official duties in connection with the Florida Turnpike require them to travel over the Florida Turnpike, or except as may be provided by laws in effect on the date of the adoption of this Resolution."[21]

Toll Exemptions under the Turnpike Bonds

The Turnpike bond resolution was adopted and restated on May 17, 2005. At that time, state law authorized the DOT to suspend tolls in the event of emergencies and included the enumerated exemptions discussed above in s. 338.155, F.S.[22]

Such provisions were also in place when bonds were sold for Alligator Alley in 2007.[23]

In 2008 and 2012, when additional toll exemptions were created they were limited to DOT managed toll facilities, whose revenues were not pledged to repayment of bonds. As discussed above, the DOT is authorized to exempt public transit vehicles, vehicles participating in a funeral procession for an active-duty military service member, and hybrid vehicles from paying tolls.

[18] Sections 215.57 – 215.83, F.S. Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[19] Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[20] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[21] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[22] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[23] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Because the revenues of the Turnpike System are pledged to repayment of bonds, these provisions do not apply to the Turnpike System or Alligator Alley.[24]

III. Effect of Proposed Changes:

Fire Station 63 on I-75/Alligator Alley

The bill amends s. 338.26(3)(a), F.S., to extend the date through which the FDOT is statutorily obligated to reimburse Collier County for the direct actual costs of operating the MM63 fire station to no later than June 30, 2021.

Toll Exemptions

The bill amends s. 338.155(1), F.S., exempting law enforcement officers while on official law enforcement business from paying tolls. "Official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention activities, or traffic operations. The bill also changes references to "handicapped persons" to "disabled persons" and makes other technical changes.

The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Art. I, s. 10 of the State Constitution prohibits any law that would impair a contract. If a court determines that this bill impairs the master bond resolution of the Turnpike or Alligator Alley by exempting for law enforcement officers while on official law enforcement business from the payment of tolls, then such provisions of the bill may be found unconstitutional.

[24] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fire Station 63 on I-75/Alligator Alley

The bill requires the FDOT to continue funding the County's direct actual costs of operating the MM63 fire station from the fees generated from tolls collected on the Alley through July 1, 2021. Under current law, the FDOT is authorized to use the fees for the other required or authorized uses described in the statute. The impact on toll bonds or other agreements is unknown at this time because the FDOT has not provided an analysis of the bill.

Collier County will receive funding for an additional three years for actual operating and capital costs related to the fire station, and thus will only have to expend county funds for expenses above the costs agreed to in the interlocal agreement. The exact amount of such funding is unknown but will likely be based on an agreed-upon estimated schedule of expenses incorporated into a new interlocal agreement or extension of the current interlocal agreement.

Toll Exemptions

On November 3, 2017, the Revenue Estimating Conference reviewed the effect of a similar exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and estimated that the fiscal impact of the provision would be negative, but indeterminate, to the State Transportation Trust Fund, Turnpike trust funds, and local trust funds.[25]

The Florida Department of Law Enforcement estimated that a similar bill could save the department about $80,000 annually in toll expenditures.[26] The Department of Highway Safety and Motor Vehicles estimated that a similar bill would have a minimal impact to the department.[27] Local law enforcement and other law enforcement agencies will likely experience similar reduced annual expenditures for tolls.

[25] Office of Economic and Demographic Research, Revenue Estimating Conference, *Law Enforcement Exemption, HB 141*, November 3, 2017, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page82.pdf (last visited Feb. 8, 2018). The conference methodology assumed that "[c]hanging the toll exemption from 'handicapped person' to 'person with a disability' will have no effect on eligibility."
[26] Florida Department of Law Enforcement, *2018 FDLE Legislative Bill Analysis: SB 356*, Sept. 28, 2017.
[27] Department of Highway Safety and Motor Vehicles, *2018 Agency Legislative Bill Analysis: HB 141*, Nov. 17, 2017.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOT has stated that any risk of violating bondholder rights associated with the statutory change to the toll exemptions could be avoided by limiting the exemption to toll facilities managed by the DOT, the revenues of which are not pledged to the repayment of bonds.[28]

VIII. Statutes Affected:

This bill amends sections 338.26 and 338.155 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.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8, 2018:
The committee substitute:

- Exempts law enforcement officers on official law enforcement business from paying tolls on toll facilities.
- Defines "official law enforcement business," and changes references to "handicapped persons" in the toll exemption statute to "disabled persons," along with other technical changes.
- Restores current law which limits the I-75/Alligator Alley fire station's services to Alligator Alley.

B. Amendments:

None.

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

[28] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

494290

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/02/2018	.	
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The Committee on Appropriations (Passidomo) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1)(a) A person may not use a ~~any~~ toll facility without payment of tolls, except:

494290

1. An employee ~~employees~~ of the agency operating the toll project when using the toll facility on official state business.~~,~~

2. State military personnel while on official military business.

3. A person with a disability~~, handicapped persons~~ as provided in subsection (3).

4. A person ~~this section, persons~~ exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.

5. A person~~, and persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

6. A ~~Any~~ law enforcement officer operating a marked or unmarked official vehicle while ~~is exempt from toll payment when~~ on official law enforcement business. For purposes of this subparagraph, the term "official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention operations, and traffic operations.

7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on official business or a rescue vehicle while ~~when~~ on official business ~~is exempt from toll payment~~.

8. A ~~Any~~ person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty ~~is exempt from toll payment~~.

(b) The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation.

(c) The failure to pay a prescribed toll constitutes a

494290

noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.

(d) With respect to toll facilities managed by the department~~,~~ the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

(3) A ~~Any handicapped~~ person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities ~~the handicapped~~, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that ~~which~~ substantially impair the person's ability to deposit coins in toll baskets~~,~~ shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. Such ~~A~~ person ~~who meets the requirements of this subsection~~ shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

Section 2. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

494290

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement effective July 1, 2014, through no later than June 30, 2019, to reimburse a county or another local governmental entity for the direct actual costs of operating the ~~To design and construct a~~ fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public on Alligator Alley~~;~~ ~~and~~

~~5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station~~.

Section 3. Subsection (6) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers.—

(6)(a) ~~Subject to compliance with any covenants made with the holders of any bonds issued pursuant to the Florida Expressway Authority Act,~~ An authority in any county as defined in s. 125.011(1) shall, at the time that any toll is incurred, reduce the toll charged on any of the authority's toll

494290

facilities by at least 5 percent, but not more than 10 percent, for each SunPass registrant having an account in good standing and having the license plate of the vehicle or vehicles incurring the toll registered to the SunPass account at the time the toll is incurred. The authority may not impose additional requirements for receipt of the reduced toll amount.

(b) There is hereby created a cause of action for the imposition of excess toll charges. Any person eligible for a toll reduction as specified in paragraph (a) may bring a civil action in a court of competent jurisdiction against a toll authority for the value of toll credits that the person was to have been credited. The court may award court costs and reasonable attorney fees to any person bringing an action under this paragraph.

Section 4. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to toll operations; amending s. 338.155, F.S.; exempting a law enforcement officer from paying a toll on a toll facility when operating a marked or unmarked official vehicle while on official law enforcement business; defining the term "official law enforcement business"; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement within a specified

494290

timeframe, a county or another local governmental entity for the direct actual costs of operating a specified fire station; providing services to the public on Alligator Alley; deleting obsolete language; amending s. 348.0004, F.S.; deleting provisions subjecting a specified toll rate reduction to certain covenants; creating a cause of action for the imposition of excess toll charges; providing for award of court costs and attorney fees; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
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The Committee on Appropriations (Passidomo) recommended the following:

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Delete everything after the enacting clause and insert:

Section 1. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1)(a) A person may not use a ~~any~~ toll facility without payment of tolls, except:

1. An employee ~~employees~~ of the agency operating the toll project when using the toll facility on official state business.~~,~~

2. State military personnel while on official military business.

3. A person with a disability~~, handicapped persons~~ as provided in subsection (3).

4. A person ~~this section, persons~~ exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.

5. A person~~, and persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

6. A ~~Any~~ law enforcement officer operating a marked or unmarked official vehicle while ~~is exempt from toll payment when~~ on official law enforcement business. For purposes of this subparagraph, the term "official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention operations, and traffic operations.

7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on official business or a rescue vehicle while ~~when~~ on official business ~~is exempt from toll payment~~.

8. A ~~Any~~ person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty ~~is exempt from toll payment~~.

(b) The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation.

(c) The failure to pay a prescribed toll constitutes a

noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.

(d) With respect to toll facilities managed by the department~~,~~ the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

(3) A ~~Any handicapped~~ person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities ~~the handicapped~~, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that ~~which~~ substantially impair the person's ability to deposit coins in toll baskets~~,~~ shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. Such ~~A~~ person ~~who meets the requirements of this subsection~~ shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

Section 2. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

477376

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement effective July 1, 2014, through no later than June 30, 2019, to reimburse a county or another local governmental entity for the direct actual costs of operating the ~~To design and construct a~~ fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public on Alligator Alley~~;~~ ~~and~~

~~5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station~~.

Section 3. Paragraph (d) of subsection (2) of section 348.0003, Florida Statutes, is amended to read:

348.0003 Expressway authority; formation; membership.—

(2) The governing body of an authority shall consist of not fewer than five nor more than nine voting members. The district secretary of the affected department district shall serve as a nonvoting member of the governing body of each authority located within the district. Each member of the governing body must at

all times during his or her term of office be a permanent resident of the county which he or she is appointed to represent.

(d)1. Notwithstanding any provision to the contrary in this subsection, in any county as defined in s. 125.011(1), the governing body of an authority shall consist of up to nine members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Five voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Three voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the department serving in the district that contains such county. This member shall be an ex officio voting member of the authority. If the governing body of an authority includes any member originally appointed by the governing body of the county as a nonvoting member, when the term of such member expires, that member shall be replaced by a member appointed by the Governor until the governing body of the authority is composed of five members appointed by the governing body of the county and three members appointed by the Governor. Except as provided in subparagraph 2., a member of the authority serving as of July 1, 2016, may serve the remainder of his or her term. However, upon the conclusion of the term or upon vacancy, such expired term or vacancy may not be filled except if such appointment meets the requirements of this section. When

the term of a member expires or a vacancy occurs, the member may ~~shall~~ not be replaced by the appointing entity until the governing body of the authority is composed of five voting members appointed by the governing body of the county and three voting members appointed by the Governor, which three members shall not include the district secretary serving as an ex officio member. Except as provided in subsection (5), the qualifications, terms of office, and obligations and rights of members of the authority shall be determined by resolution or ordinance of the governing body of the county in a manner that is consistent with subsections (3) and (4).

2. Notwithstanding subparagraph 1., in any county as defined in s. 125.011(1), the governing body of the authority shall, by October 1, 2018, submit to the Governor information regarding its compliance with the minimum 5 percent toll reduction prescribed in s. 348.0004(6). If the required toll reduction has not taken place, the existing board shall be dissolved effective October 31, 2018, and, except for the district secretary of the department, a new board shall be appointed by that date. Other than the district secretary of the department, a member of the board on October 1, 2018, may not be appointed to the new board. Except for the district secretary of the department, the members must be residents of the county. Five voting members shall be appointed by the governing body of the county. At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Three voting members of the authority shall be appointed by the Governor. One member shall be the district secretary of the

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department serving in the district that contains such county. This member shall be an ex officio voting member of the authority.

Section 4. This act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to toll operations; amending s. 338.155, F.S.; exempting a law enforcement officer from paying a toll on a toll facility when operating a marked or unmarked official vehicle while on official law enforcement business; defining the term "official law enforcement business"; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement within a specified timeframe, a county or another local governmental entity for the direct actual costs of operating a specified fire station; providing services to the public on Alligator Alley; deleting obsolete language; amending s. 348.0003, F.S.; requiring the governing body of the authority in certain counties to, by a specified date, submit to the Governor information regarding its compliance with a specified minimum percent toll reduction; requiring, effective on a specified date, the existing board to be dissolved and, except for the district secretary of the

Department of Transportation, a new board to be appointed by that date if the required toll reduction has not taken place; prohibiting a member of the board on a specified date to be appointed to the new board, except for the district secretary of the department; requiring the members to be residents of the county, except for the district secretary of the department; requiring a specified number of voting members to be appointed by the governing body of the county; authorizing, at the discretion of the governing body of the county, up to a specified amount of the members appointed by the governing body of the county to be elected officials residing in the county; requiring a specified amount of voting members of the authority to be appointed by the Governor; requiring that the district secretary of the department from the appropriate district be an ex officio voting member; providing an effective date.

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576-03008-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to tolls; amending s. 338.155, F.S.; updating terms; exempting a law enforcement officer from paying a toll on a toll facility while on official law enforcement business; defining the term "official law enforcement business"; making technical changes; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public on Alligator Alley; deleting obsolete language; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 338.155, Florida Statutes, are amended to read:

338.155 Payment of toll on toll facilities required; exemptions.—

(1)(a) A person may not use a ~~any~~ toll facility without payment of tolls, except:

1. An employee ~~Employees~~ of the agency operating the toll

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project when using the toll facility on official state business.~~,~~

2. State military personnel while on official military business.~~,~~

3. A person with a disability ~~Handicapped persons~~ as provided in subsection (3). ~~this section,~~

4. A person ~~Persons~~ exempt from toll payment by the authorizing resolution for bonds issued to finance the facility.~~, and~~

5. A person ~~Persons~~ exempt on a temporary basis where use of such toll facility is required as a detour route.

6. A ~~Any~~ law enforcement officer while ~~operating a marked official vehicle is exempt from toll payment when~~ on official law enforcement business. For purposes of this subparagraph, the term "official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention operations, and traffic operations.

7. A ~~Any~~ person operating a fire vehicle while ~~when~~ on official business or a rescue vehicle while ~~when~~ on official business ~~is exempt from toll payment~~.

8. A ~~Any~~ person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty ~~is exempt from toll payment~~.

(b) The secretary or the secretary's designee may suspend the payment of tolls on a toll facility when necessary to assist in emergency evacuation.

(c) The failure to pay a prescribed toll constitutes a noncriminal traffic infraction, punishable as a moving violation as provided in s. 318.18. The department may adopt rules

relating to the payment, collection, and enforcement of tolls, as authorized in this chapter and chapters 316, 318, 320, and 322, including, but not limited to, rules for the implementation of video or other image billing and variable pricing.

(d) With respect to toll facilities managed by the department~~,~~ the revenues of which are not pledged to repayment of bonds, the department may by rule allow the use of such facilities by public transit vehicles or by vehicles participating in a funeral procession for an active-duty military service member without the payment of tolls.

(3) A ~~Any handicapped~~ person with a disability who has a valid driver license, who operates a vehicle specially equipped for use by persons with disabilities ~~the handicapped~~, and who is certified by a physician licensed under chapter 458 or chapter 459 or by comparable licensing in another state or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being severely physically disabled and having permanent upper limb mobility or dexterity impairments that ~~which~~ substantially impair the person's ability to deposit coins in toll baskets~~,~~ shall be allowed to pass free through all tollgates and over all toll bridges and ferries in this state. Such ~~A~~ person ~~who meets the requirements of this subsection~~ shall, upon application, be issued a vehicle window sticker by the Department of Transportation.

Section 2. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement effective July 1, 2014, through no later than June 30, 2021, to reimburse a county or another local governmental entity for the direct actual costs of operating the ~~To design and construct a~~ fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public on Alligator Alley~~;~~ ~~and~~

~~5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station~~.

Section 3. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1012
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senators Passidomo and Young
SUBJECT:	Toll Operations
DATE:	March 5, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Favorable**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	McAuliffe	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1012 extends the statutory obligation of the Florida Department of Transportation (FDOT) to reimburse a county or another local governmental entity for the direct actual costs of operating the fire station at mile marker 63 on I-75/Alligator Alley (the Alley), currently set to expire on June 30, 2018. The bill requires the FDOT to make such reimbursement by interlocal agreement through June 30, 2019.

The bill also provides that a law enforcement officer operating an unmarked vehicle while on official law enforcement business is exempt from paying tolls on toll facilities. The bill defines "official law enforcement business."

The Miami-Dade Expressway Authority (MDX) is created pursuant to the Florida Expressway Authority Act. In 2017, the Legislature required MDX, subject to bond covenants, to reduce its tolls for qualifying SunPass users. The bill requires the MDX to submit to the Governor, by October 1, 2018, information regarding the toll reduction required in s. 348.0004, F.S. If the reduction has not taken place, then the existing board is dissolved effective October 31, 2018, and a new board must be appointed by that date

The fiscal impact regarding the reimbursement by the FDOT for the costs of operating the fire station is indeterminate, but any FDOT expenditures will be based on an agreed-upon estimated

schedule of such operational expenses incorporated into the required extended interlocal agreement.

The Revenue Estimating Conference reviewed the effect of a similar exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and estimated that revenues would be reduced by an indeterminate amount for the State Transportation Trust Fund, Turnpike trust funds, and local trust funds. State and local agencies with law enforcement traveling through toll facilities will have less expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Fire Station 63 on I-75/Alligator Alley

Collier County provides fire, rescue, and emergency management services along the Alley through its dependent fire district, the Ochopee Fire Control and Rescue District, and the county's emergency medical services. These services are provided at a facility located at the FDOT's rest area on the Alley at mile marker 63 (MM63).[1]

Use of Alley Tolls to Fund Fire Station 63

Section 338.26, F.S., establishes the Alley as a toll road, because the construction of the road "contributed to the alteration of water flows in the Everglades and affected ecological patterns of the historical southern Everglades." The statute sets forth required uses of the fees generated from tolls for use of the Alley, which are deposited into the State Transportation Trust Fund. Fees must be used to reimburse outstanding contractual obligations and to operate and maintain the highway and toll facilities, including reconstruction and restoration.

Currently, related to the fire station on the Alley, the statute requires the fees to be used:

- To design and construct the fire station, which may be used by a county or other local governmental entity to provide the services to the public on the Alley; and
- To reimburse a county or other local governmental entity for the direct actual costs of operating the fire station, through an interlocal agreement effective July 1, 2014, to no later than June 30, 2018.[2]

Fees may also be transferred to the Everglades Trust Fund for certain environmental projects or may be pledged for revenue bonds or notes issued to pay for environmental projects in the area.

Upon termination of the interlocal agreement for the fire station, the FDOT would be authorized to use the fees for the other required or authorized uses described above.

[1] National Park Service, *Big Cypress: I-75, Mile Marker 63*, available at https://www.nps.gov/bicy/planyourvisit/i-75-mm-63.htm (last visited February 2, 2018). Greater Naples Fire Rescue District, *Station 63*, available at https://www.greaternaplesfire.org/gnfrd-location/station-63/ (last visited February 2, 2018).
[2] Chapter 2014-223, Laws of Florida.

Toll Revenues and Expenses

According to the FDOT's 2016 Annual Report for its Enterprise Toll Operations,[3] for Fiscal Year 2016-17 through 2020-21 the Alligator Alley will average $34.5 million in gross toll revenue each year with annual operating and maintenance expenses averaging $8.9 million and annual debt service payments averaging $3.45 million. The maintenance expenses include funding for rest area improvements, fire station operations, and interchange lighting projects.

The Interlocal Agreement for Fire Station 63

On May 9, 2014, the FDOT and the Board of Commissioners of Collier County entered into an interlocal agreement to provide the terms and conditions under which the FDOT would "provide funding to the County for the County's expenses in purchasing equipment, compensating County employees, and otherwise providing fire, rescue and emergency services utilizing the Fire Station."[4]

The FDOT included the fire station in its construction project when it rebuilt the rest area at MM63 and the fire station opened in early 2015.[5] The fire station was built "for the exclusive use of the County for the duration of this Agreement."[6] The FDOT owns the fire station and leases it to the County.[7] However, under the agreement, "all equipment, personal property, vehicles, apparatus and supplies acquired by County with funding provided by DEPARTMENT…shall remain the property of County, notwithstanding any termination of this Agreement."[8]

Funding in the Interlocal Agreement

For the term of the agreement, the FDOT agreed to provide a maximum of $1,761,235 for direct actual capital costs and a maximum of $1,498,100 for the county's direct actual costs of operating the fire station.[9] The county agreed to bear all expenses in excess of the FDOT's specified participation.[10] The agreed-upon funding includes various annual operating items such as hired paramedics and fire fighters; expenses for administrative and building maintenance; expenses for bulk fuel and various types of search and rescue equipment. Capital costs include items such as vehicles, radios, vehicles, and breathing air compressors.[11]

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[3] The 2016 report is the latest posted to the FDOT's Turnpike Enterprise webpage and is available at http://www.floridasturnpike.com/documents/reports/Toll%20Operations%20Annual%20Report/2016/2016%20OTO_Department%20Owned.pdf (last visited February 2, 2018.)

[4] Department-Collier County Interlocal Agreement, CSFA No. 55.036, May 9, 2014, at pp. 2-3.

[5] Department-Collier County Interlocal Agreement at p. 2 and 3. Marco Eagle, *New fire/EMS station opens on Alligator Alley*, April 5, 2015, available at http://www.marconews.com/story/news/2015/04/03/new-fully-staffed-fireems-station-opens-alligator-alley/25238329/ (last visited February 2, 2018).

[6] Department-Collier County Interlocal Agreement at p. 3. The agreement provides that state or local law enforcement may station officers, agents, or response teams at the fire station, based on space and availability.

[7] Department-Collier County Interlocal Agreement at p. 12.

[8] Department-Collier County Interlocal Agreement at p. 13.

[9] The Agreement also authorizes the County to request a Consumer Price Index adjustment of the total operating amount 30 days prior to July 1 for each year after the first covered by the Agreement. Department-Collier County Interlocal Agreement at p. 10.

[10] Department-Collier County Interlocal Agreement at p. 11.

[11] Department-Collier County Interlocal Agreement at Exhibit B.

Information regarding the FDOT's Adopted Five-Year Work Program for 2014-2018 reflects the following funding for the MM63 fire station:[12]

Fiscal Year	Amount
2014	$1,761,235
2015	$1,498,100
2016	$1,522,070
2017	$1,522,070
2018	$1,498,100

Toll Exemptions

Section 338.155, F.S., requires the payment of tolls on toll facilities. However, the DOT may suspend tolls when necessary to assist in an emergency evacuation and the law provides the following exemptions:

- Employees of the agency operating the toll facility on official state business.
- State military personnel while on official military business.
- Certain disabled persons.
- Persons exempt from toll payment by the authorizing resolution for bonds issued to finance the toll facility.
- Persons exempt on a temporary basis when a toll facility is part of a detour route.
- Any law enforcement officer operating a marked official vehicle when on official law enforcement business.
- Any person operating a fire or rescue vehicle when on official business.
- Any person participating in the funeral procession of a law enforcement officer or firefighter killed in the line of duty.
- Any person driving a Department of Military Affairs automobile or other vehicle used for transporting military personnel, stores, and property that is properly identified.

For toll facilities managed by the DOT, the revenues of which are not pledged to repayment of bonds, the DOT is authorized to allow certain vehicles exemptions from the payment of tolls:[13]

- Public transit vehicles.[14]
- Vehicles participating in a funeral procession for an active-duty military service member.[15]
- Registered hybrid vehicles using high-occupancy-vehicle or express lanes.[16]

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[12] FDOT, Web Application, Office of Work Program and Budget, *Five Year Work Program – Project Summary for Transportation System: Intrastate Interstate, Description: Alligator Alley Fire Station @ MM63*, updated January 10, 2018, available at http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=HIS&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM and http://www2.dot.state.fl.us/fmsupportapps/workprogram/Support/WPItemRept.ASPX?RF=WP&CD=03&SD=FIRE%20STATION&FY=FALSE|FALSE|FALSE|FALSE|FALSE|FALSE&ITM=435389~1&RP=ITEM (last visited February 2, 2018.)

[13] See Rules 14-100.006 and 14-100.004, F.A.C. Respectively the rules exempt public transit vehicles, certain carpools, motorcycles, and hybrid vehicles registered and operating on I-95 in Miami-Dade, Broward and Palm Beach Counties; and for public transit vehicles operating on express lanes.

[14] Section 338.155, F.S.

[15] Section 338.155, F.S.

[16] Section 316.0741, F.S.

Toll Exemptions for Law Enforcement Marked Vehicles

According to the DOT, law enforcement agencies with marked vehicles submit a "SunPass Non-Revenue Account Application," in which the agency lists each marked vehicle that will have a non-revenue SunPass transponder along with certain identifying information regarding each vehicle. The agency representative attests that the vehicles listed on the application qualify for the toll exemption for marked law enforcement vehicles.[17]

Turnpike Bonds

Section 338.227, F.S., authorizes the DOT to borrow money as provided in the State Bond Act[18] to pay all or any part of the cost of any one or more legislatively approved turnpike projects. The principal of, and the interest on, these bonds is paid solely from revenues pledged for their payment.

In s. 338.229, F.S., in connection with the issuance of Turnpike bonds, the state agrees not to limit or restrict the rights vested in the DOT to establish and collect tolls for the use of the Turnpike System and to fulfill the terms of any agreements made with bondholders. The agreement includes not impairing the rights or remedies of the bondholders until the bonds, together with interest on the bonds, are fully paid and discharged.[19]

The DOT provided information about the Turnpike's master bond resolution under which the current Turnpike bonds were issued. The resolution contains the DOT's commitments regarding the funding and operation of the Turnpike System. The resolution is a contract with the bondholders and "may not be amended in any way that affects 'the unconditional promises of the Department to fix, maintain and collect tolls for the use of the Turnpike System' without consent of all the holders of outstanding Turnpike bonds."[20]

Additionally, the DOT states that the resolution includes a section in which the DOT agreed that it "shall not allow or permit any free use of the Toll roads of the Florida Turnpike, except to officials or employees of the Department whose official duties in connection with the Florida Turnpike require them to travel over the Florida Turnpike, or except as may be provided by laws in effect on the date of the adoption of this Resolution."[21]

Toll Exemptions under the Turnpike Bonds

The Turnpike bond resolution was adopted and restated on May 17, 2005. At that time, state law authorized the DOT to suspend tolls in the event of emergencies and included the enumerated exemptions discussed above in s. 338.155, F.S.[22]

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[17] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[18] Sections 215.57 – 215.83, F.S. Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[19] Statutes creating the state's expressway and bridge authorities contain similar provisions. See ss. 348.0010, 348.64, 348.761, and 348.974, F.S.
[20] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[21] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[22] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Such provisions were also in place when bonds were sold for Alligator Alley in 2007.[23]

In 2008 and 2012, when additional toll exemptions were created they were limited to DOT managed toll facilities, whose revenues were not pledged to repayment of bonds. As discussed above, the DOT is authorized to exempt public transit vehicles, vehicles participating in a funeral procession for an active-duty military service member, and hybrid vehicles from paying tolls. Because the revenues of the Turnpike System are pledged to repayment of bonds, these provisions do not apply to the Turnpike System or Alligator Alley.[24]

Miami-Dade County Expressway Authority

The Florida Expressway Authority Act (act), codified in part I of ch. 348, F.S.,[25] authorizes any county or two or more contiguous counties within a single DOT district to, by resolution adopted by the board of county commissioners, form an expressway authority, which must be an agency of the state.[26] The Miami-Dade Expressway Authority (MDX) was created in 1994, when the Miami-Dade County Commission adopted ordinance 94-215.[27] MDX is the only expressway authority created under the act. MDX's system consists of the following roadways in Miami-Dade County:

- Airport Expressway (SR 112);
- Dolphin Expressway (SR 836);
- Don Shula Expressway (SR 874);
- Snapper Creek Expressway (SR 878); and
- Gratigny Parkway (SR 924).

Section 348.0003, F.S., requires the governing body of the MDX to consist of 9 members:

- The district secretary of the affected DOT district as a voting member;
- Five voting members, two of which may be elected officials, appointed by the county commission; and
- Three voting members appointed by the Governor.

Section 348.0004, F.S., provides the purposes and powers of expressway authorities created under the act. Section 348.0004(2)(e), F.S., authorizes expressway authorities to fix, alter, charge, establish, and collect tolls, rates, fees, rentals, and other charges for the services and facilities system. The tolls, rates, fees, rentals, and other charges must always be sufficient to comply with any covenants made with the holders of any bonds issued pursuant to the act. However, such right and power may be assigned or delegated by the authority to the DOT.

2017 Legislation For MDX Toll Reduction

In 2017, the legislature amended s. 348.0004, F.S., to require the MDX, subject to compliance with any of its bond covenants, to reduce the toll charged on any of its toll facilities by at least 5

[23] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[24] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.
[25] Part I of ch. 348, F.S., is comprised of ss. 348.0001 through 348.0012, F.S.
[26] Section 348.0003(1), F.S.
[27] Art. XVIII, Code of Miami-Dade County.

percent, but not more than 10 percent for each SunPass user having an account in good standing and the license plate of the vehicle incurring the toll registered to the SunPass account at the time the toll is incurred.[28] The MDX may not impose any additional conditions on a SunPass user to receive the reduced toll amount. Under s. 348.0010, F.S., the state agreed not to alter or limit the rights vested in an expressway authority and the rights of bondholders until all bonds are fully paid and discharged.

III. Effect of Proposed Changes:

Fire Station 63 on I-75/Alligator Alley

The bill amends s. 338.26(3)(a), F.S., to extend the date through which the FDOT is statutorily obligated to reimburse Collier County for the direct actual costs of operating the MM63 fire station to no later than June 30, 2019.

Toll Exemptions

The bill amends s. 338.155(1), F.S., exempting law enforcement officers while on official law enforcement business from paying tolls. "Official law enforcement business" includes, but is not limited to, patrol operations, investigative activities, crime prevention activities, or traffic operations. The bill also changes references to "handicapped persons" to "disabled persons" and makes other technical changes.

Miami-Dade County Expressway Authority

The bill amends s. 348.0004(6), F.S., to require the MDX to submit to the Governor, by October 1, 2018, information regarding the toll reduction required in s. 348.0004, F.S. If the reduction has not taken place, then the existing board is dissolved effective October 31, 2018, and a new board must be appointed by that date.

The requirements for the appointment of members to the new board are the same as current requirements. However, except for the DOT district secretary, a person who was a member of the board as of October 1, 2018, may not be appointed to the new board.
The bill takes effect on July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[28] Chapter 2017-182, L.O.F. Section 348.0004(6), F.S.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article I, s. 10 of the State Constitution prohibits any law that would impair a contract. If a court determines that this bill impairs the master bond resolution of the Turnpike or Alligator Alley by exempting for law enforcement officers operating unmarked vehicles while on official law enforcement business from the payment of tolls, then such provisions of the bill may be found unconstitutional.

If a court determines that this bill impairs the rights of any bondholders of an expressway authority created under part I of ch. 348, F.S., by requiring the reduction of tolls for certain users of the road, then such provision of the bill may be found unconstitutional.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Fire Station 63 on I-75/Alligator Alley

The bill requires the FDOT to continue funding the County's direct actual costs of operating the MM63 fire station from the fees generated from tolls collected on the Alley through July 1, 2019. Under current law, the FDOT is authorized to use the fees for the other required or authorized uses described in the statute. The impact on toll bonds or other agreements is unknown at this time because the FDOT has not provided an analysis of the bill.

Collier County will receive funding for an additional year for actual operating and capital costs related to the fire station, and thus will only have to expend county funds for expenses above the costs agreed to in the interlocal agreement. The exact amount of such funding is unknown but will likely be based on an agreed-upon estimated schedule of expenses incorporated into a new interlocal agreement or extension of the current interlocal agreement.

Toll Exemptions

On November 3, 2017, the Revenue Estimating Conference reviewed the effect of the exemption from tolls for law enforcement vehicles (marked and unmarked vehicles) and

estimated that revenues would be reduced by an indeterminate amount for the State Transportation Trust Fund, Turnpike trust funds, and local trust funds.[29]

The Florida Department of Law Enforcement estimated that a similar bill could save the department about $80,000 annually in toll expenditures.[30] The Department of Highway Safety and Motor Vehicles estimated that a similar bill would have a minimal impact to the department.[31] Local law enforcement and other law enforcement agencies will likely experience similar reduced annual expenditures for tolls.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The DOT has stated that any risk of violating bondholder rights associated with the statutory change to the toll exemptions could be avoided by limiting the exemption to toll facilities managed by the DOT, the revenues of which are not pledged to the repayment of bonds.[32]

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 338.26, 338.155, and 348.0003.

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 Appropriations on March 2, 2018:
The committee substitute exempts law enforcement officers operating unmarked vehciles while on official law enforcement business from paying tolls on toll facilities. The CS defines "official law enforcement business" and changes references to "handicapped persons" in the toll exemption statute to "disabled persons," along with other technical changes.

The CS removes the provision providing that toll reductions for SunPass users are subject to MDX's bond covenants. The CS instead requires the MDX to submit to the Governor, by October 1, 2018, information regarding the toll reduction required in s. 348.0004, F.S. If the reduction has not taken place, then the existing board is dissolved effective October 31, 2018, and a new board must be appointed by that date.

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[29] Office of Economic and Demographic Research, Revenue Estimating Conference, *Law Enforcement Exemption, HB 141*, November 3, 2017, available at http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page82.pdf (last visited Feb. 8, 2018). The conference methodology assumed that "[c]hanging the toll exemption from 'handicapped person' to 'person with a disability' will have no effect on eligibility."
[30] Florida Department of Law Enforcement, *2018 FDLE Legislative Bill Analysis: SB 356*, Sept. 28, 2017.
[31] Department of Highway Safety and Motor Vehicles, *2018 Agency Legislative Bill Analysis: HB 141*, Nov. 17, 2017.
[32] Department of Transportation, *2018 Agency Legislative Bill Analysis: SB 356*, Oct. 8, 2017.

Lastly, the CS extends the MM63 fire station interlocal agreement for an additional year, instead of three years.

B. Amendments:

None.

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

By Senator Passidomo

28-01580A-18 20181012__

A bill to be entitled

An act relating to the Alligator Alley toll road; amending s. 338.26, F.S.; requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public; deleting obsolete language; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 338.26, Florida Statutes, is amended to read:

338.26 Alligator Alley toll road.—

(3)(a) Fees generated from tolls shall be deposited in the State Transportation Trust Fund and shall be used:

1. To reimburse outstanding contractual obligations;

2. To operate and maintain the highway and toll facilities, including reconstruction and restoration;

3. To pay for those projects that are funded with Alligator Alley toll revenues and that are contained in the 1993-1994 adopted work program or the 1994-1995 tentative work program submitted to the Legislature on February 22, 1994; and

4. By interlocal agreement effective July 1, 2014, through no later than June 30, 2021, to reimburse a county or another local governmental entity for the direct actual costs of

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

28-01580A-18 20181012__

operating the ~~To design and construct a~~ fire station at mile marker 63 on Alligator Alley, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public ~~on Alligator Alley; and~~

~~5. By interlocal agreement effective July 1, 2014, through no later than June 30, 2018, to reimburse a county or another local governmental entity for the direct actual costs of operating such fire station~~.

Section 2. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

SENATOR KATHLEEN PASSIDOMO
28th District

COMMITTEES:
Appropriations Subcommittee on Pre-K - 12 Education, *Chair*
Health Policy, *Vice Chair*
Appropriations
Appropriations Subcommittee on Health and Human Services
Commerce and Tourism
Ethics and Elections

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:
Joint Legislative Auditing Committee

February 8, 2018

The Honorable Rob Bradley, Chair
Senate Committee on Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Dear Chair Bradley:

CS for Senate Bill 1012, An Act Relating to Tolls, has been referred to the Committee on Appropriations. This is a priority bill for me and I would appreciate the placing of this bill on the committee agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

Senator Kathleen Passidomo

cc: Mike Hansen, Staff Director
Tim Sadberry, Deputy Staff Director
Alicia Weiss, Committee Assistant

REPLY TO:
- ❒ 3299 East Tamiami Trail, Suite 203, Naples, Florida 34112 (239) 417-6205
- ❒ 25 East Hickpoochee Avenue, Room J-126, LaBelle, Florida 33935 (863) 674-7122
- ❒ 318 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5028

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 1012

Meeting Date

Bill Number (if applicable)

Topic Amendment Affecting Miami Dade Expressway

494290 DE

Amendment Barcode (if applicable)

Name Claudia Davant

Job Title

Address *Street*

Phone

City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MDX

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date	Bill Number (if applicable)
	SB 1012

Amendment Barcode (if applicable): 494290 DE

Topic: Amendment Affecting MDX

Name: Fausto Gomez

Job Title:

Address: _____ Phone: _____
Street

_____ Email: _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing: MDX

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1012
Bill Number (if applicable)

Topic MM63 Fire Station - Toll Road

Amendment Barcode (if applicable)

Name Kingman Schultz

Job Title Fire Chief

Address 14575 Collier Blvd.
Street

Phone 239 348-7540

Naples, FL 33314
City *State* *Zip*

Email KSchultz@gnfire.org

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Greater Naples Fire Rescue District

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

1012
Bill Number (if applicable)

Topic Alligator Alley Toll Road

Amendment Barcode (if applicable)

Name Matt Puckett

Job Title Lobbyist

Address 300 East Brevard Street
Street

Tallahassee FL 32301
City *State* *Zip*

Phone

Email

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Florida Police Benevolent Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1012
Bill Number (if applicable)

Topic ALLIGATOR ALLEY TOLL ROAD

Amendment Barcode (if applicable)

Name LISA HURLEY

Job Title

Address 211 D. Park Ave.
Street

Tallahassee, FL
City *State* *Zip*

Phone 850.224.5081

Email

Speaking: ☑ For ☐ Against ☐ Information

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

Representing COLLIER 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

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1066
INTRODUCER:	Appropriations Committee and Senator Baxley
SUBJECT:	Transportation Facility Designations/Nelle W. Needham Memorial Highway
DATE:	March 5, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Favorable**
2.	McAuliffe	Hrdlicka	ATD	**Recommend: Favorable**
3.	McAuliffe	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1066 designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as "Nelle W. Needham Memorial Highway," and the portion of S.R. 19 between Lane Park Cutoff Road and U.S. 441 in Lake County as "Sheriff Chris Daniels Memorial Highway." The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is $2,000.

The bill takes effect July 1, 2018.

II. Present Situation:

Transportation Facility Designations

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.[1]

[1] Section 334.071(1), F.S.

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.[2]

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.[3]

Nelle W. Needham

Described as a champion for people with disabilities, Nelle W. Needham began working in 1959 with Advocacy Resource Center (ARC) Marion, then known as New Hope School and Opportunity Workshop. She was the first executive director, serving from 1964 through 1990. During her more than 30 years with ARC Marion, Ms. Needham was presented with numerous awards for her contributions to the community and the state, including the Exchange Club Book of Golden Deeds Award, the Ocala Jaycees Outstanding Citizen Award for Outstanding Contribution, the Humanitarian Award from the Ocala Jaycee-ettes, and the Jefferson Award from the State of Florida.[4]

Sheriff Chris Daniels

Sheriff Chris Daniels began his law enforcement career in 1977 as a dispatcher with the Lake County Sheriff's Office and progressed through the ranks until 2004, when he was elected Lake County Sheriff. Sheriff Daniels was involved in a fatal accident on October 14, 2006, during a charity fund raising event.[5]

III. Effect of Proposed Changes:

The bill designates the portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County as "Nelle W. Needham Memorial Highway," and the portion of S.R. 19 between Lane Park Cutoff Road and U.S. 441 in Lake County as "Sheriff Chris Daniels Memorial Highway." The bill directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The bill takes effect July 1, 2018.

[2] Section 334.071(2), F.S.
[3] Section 334.071(3), F.S.
[4] Information on file in the Senate Transportation Committee.
[5] *See* Lake County Sheriff's Office, Fallen officers Page, *Sheriff Chris Daniels - October 14, 2006*, available at https://www.lcso.org/memorial/index.php (last visited Feb. 27, 2018).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required by the bill is $2,000, based on the assumptions that four markers are required and each marker costs the FDOT at least $500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida Law.

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 Appropriations on March 2, 2018:
The committee substitute adds the designation "Sheriff Chris Daniels Memorial Highway" at the portion of S.R. 19 between Lane Park Cutoff Road and U.S. 441 in Lake County.

B. Amendments:

None.

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

723622

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 10 - 17

and insert:

Section 1. Transportation facility designations; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County is designated as "Nelle W. Needham Memorial Highway."

(2) That portion of S.R. 19 between Lane Park Cutoff Road

723622

and U.S. 441 in Lake County is designated as "Sheriff Chris Daniels Memorial Highway."

(3) The Department of Transportation is directed to erect suitable markers designating the transportation facilities as described in this section.

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

And the title is amended as follows:

Delete lines 3 - 4

and insert:

designations; providing honorary designations of certain transportation facilities in specified counties;

By Senator Baxley

12-01411-18 20181066__

A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Nelle W. Needham Memorial Highway designated; Department of Transportation to erect suitable markers.—

(1) That portion of S.R. 464/Maricamp Road between S.E. 25th Avenue and S.E. 24th Street in Marion County is designated as "Nelle W. Needham Memorial Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Nelle W. Needham Memorial Highway as described in subsection (1).

Section 2. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

SENATOR DENNIS BAXLEY
12th District

COMMITTEES:
Governmental Oversight and Accountability, *Chair*
Criminal Justice, *Vice Chair*
Appropriations
Appropriations Subcommittee on Criminal and Civil Justice
Appropriations Subcommittee on Health and Human Services
Agriculture
Transportation

SELECT COMMITTEE:
Joint Select Committee on Collective Bargaining

JOINT COMMITTEE:
Joint Legislative Auditing Committee

February 6, 2018

The Honorable Senator Rob Bradley
414 Senate Office Building
404 So Monroe Street
Tallahassee, FL 32399

Dear Senator Bradley,

I respectfully request SB 1066 Transportation Facility Designations/Nelle W. Needham Memorial Highway be placed on your next available agenda.

This bill requires the Department of Transportation to erect suitable markers designating a certain portion of S.R. 464/Maricamp Road as the Nelle W. Needham Memorial Highway.

Mrs. Needham began working with the ARC in 1959, then known as New Hope School and Opportunity Workshop. She became the first Executive Director in 1964 and served through 1990. During her more than 30 years with ARC Marion she was presented with many awards, including the Exchange Club Book of Golden Deeds Award; Ocala Jaycees Outstanding Citizen Award for Outstanding Contribution; The Humanitarian Award from Ocala Jayceeettes and the Jefferson Award from the State of Florida.

I appreciate your favorable consideration.

Onward & Upward,

Dennis K Baxley

Senator Dennis Baxley
Senate District 12

DKB/amb

cc: Mike Hansen, Staff Director

320 Senate Office Building, 404 South Monroe St, Tallahassee, Florida 32399-1100 • (850) 487-5012
Email: baxley.dennis@flsenate.gov

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1114
INTRODUCER:	Commerce and Tourism Committee and Senator Brandes and others
SUBJECT:	Professional Regulation
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	McSwain	RI	**Favorable**
2.	Harmsen	McKay	CM	**Fav/CS**
3.	Davis	Hansen	AP	**Pre-meeting**
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1114 addresses licensing, registration, and regulatory requirements for various professions and occupations. The bill:

- Permits a person to submit a petition for declaratory statement to any Florida agency to determine the effect of a criminal background on his or her eligibility for occupational or professional licensure;
- Requires petitioners seeking a declaratory statement to pay a fee not to exceed $100 and the costs of state and federal fingerprint processing;
- Prohibits an agency from denying an application for licensure for certain professions if a specific duration has passed since the applicant's conviction;
- Creates a process for reviewing the criminal history of applicants for barber, cosmetology, certain construction contracting, and certified nursing assistant licenses;
- Specifies accommodations that an agency must make for applicants who are under confinement or supervision at the time of their application;
- Requires pertinent boards under the Department of Business and Professional Regulation (DBPR) to adopt rules that specify crimes that do or do not constitute grounds for licensure denial;
- Eliminates the current licensing required for business entities engaged in certain regulated professions (architecture and interior design, landscape architecture, and asbestos abatement consulting or contracting), while retaining the license required for individuals engaged in those professions;

- Provides that licensed individuals must apply for licensure and act as qualifying agents for business organizations to be licensed to engage in architecture and interior design, landscape architecture, or asbestos abatement consulting or contracting;
- Allows certain boxing match services to be practiced without a license (announcers and knockdown timekeepers);
- Revises the current license requirements for restricted barbers to specify:
  - The services that may and may not be provided by restricted barbers; and
  - A minimum of 325 training hours;
- Specifies license requirements for specialists in practices defined as "nail specialty," "facial specialty," and "full specialty;"
- Eliminates license and registration requirements for those who engage solely in:
  - Hair braiding, hair wrapping, or body wrapping; or
  - The polishing of nails or applying makeup;
- Eliminates registration requirements for labor organizations and licensing of labor organization business agents, while maintaining civil causes of action and criminal penalties; and
- Eliminates license requirement for yacht and ship brokers' branch offices.

The elimination of professional licensing requirements contained in the bill will reduce state government revenues deposited in the Professional Regulation Trust Fund by $815,130 in Fiscal Year 2018-2019, $422,505 in Fiscal Year 2019-2020, and $928,205 in Fiscal Year 2020-2021. In addition, state government revenues deposited in the Condominiums, Timeshares, and Mobile Homes Trust Fund will be reduced annually by $4,300 in Fiscal Year 2018-2019 through Fiscal Year 2020-2021. As a result, revenues transferred to the General Revenue Fund as the general revenue service charge will be reduced by $65,554 in Fiscal Year 2018-2019, $34,144 in Fiscal Year 2019-2020, and $74,600 in Fiscal Year 2020-2021.

The Bureau of Education and Testing (Bureau) in the DBPR also indicates that the bill will have a minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes. Government agencies that provide occupational or professional licenses may see an increase in workload related to an increase in submissions of petitions for declaratory statements.

Additionally, the agencies will likely have increased revenues associated with the declaratory statement petition fee of not more than $100. However, the fiscal impact on state government is indeterminate, because it is unknown how many people will request declaratory statements.

The bill takes effect July 1, 2018.

II. Present Situation:

Agency Declaratory Statements

The Administrative Procedure Act provides uniform procedures for agencies to exercise their authority, and is applicable to every Florida administrative agency.[1]

[1] *See, ss.* 120.50-120.515, F.S.

A declaratory statement is meant to "'enable members of the public to definitively resolve ambiguities of law arising in the conduct of their daily affairs or in the planning of their future affairs' and 'to enable the public to secure definitive binding advice as to the applicability of agency-enforced law to a particular set of facts.'"[2] A petition for declaratory statement must include a petitioner's specific set of circumstances and the applicable law, rule, or order he or she wishes to have interpreted in light of those circumstances.[3]

When a petitioner files a petition for a declaratory statement with an agency, the agency must file a notice of the petition in the next available issue of the Florida Administrative Register and transmit copies of the petition to the Joint Administrative Procedures Committee.[4] Within 90 days from the petition's filing, the agency must either issue a declaratory statement or deny the petition. The agency must give notice of its action in the next available issue of the Florida Administrative Register.[5]

Generally, an agency will only issue a declaratory statement on actions that will take place in the future.[6] However, the fact pattern must not be hypothetical so as to amount to a request for an advisory opinion regarding facts that are only 'contingent, uncertain, [and] rest in the future."[7]

Current law does not require a fee for filing a petition for declaratory statement with an agency.

Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR or department), which has 12 divisions tasked with the regulation of several professions and businesses.[8]

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.[9] The DBPR may engage in the regulation of professions "only for the preservation of the health,

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[2] Section 120.565(1), F.S.; *Fla. Dept. of Bus. & Pro. Reg., Div. of Pari-Mutuel Wagering v. Invest. Corp. of Palm Bch.*, 747 So. 2d 374 (Fla. 1999), *quoting* Patricia A. Dore, *Access to Florida Administrative Proceedings*, 13 Fla. St. U. L. Rev. 965 (1986)).

[3] Section 120.565(2), F.S.

[4] Section 120.565(3), F.S. The Joint Administrative Procedures Committee (JAPC) is a joint standing committee of the Legislature created by Rule 4.1 of the Joint Rules of the Florida Legislature. It is composed of five Senators appointed by the President of the Senate and six Representatives appointed by the Speaker of the House. The primary function of JAPC is generally to review agency action pursuant to the operation of the Administrative Procedure Act in ch. 120, F.S., related to the rulemaking process, to ensure that rules adopted by the executive branch agencies do not create new law and stay within the authority specifically delegated to them by the Legislature.

[5] Section 120.565(3), F.S.

[6] *Fed'n of Mobile Home Owners of Fla., Inc. v. Dept. of Bus. Regulation*, 479 So. 2d 252 (Fla. Dist. Ct. App. 1985).

[7] *Santa Rosa Cnty. v. Admin. Comm'n., Div. of Admin. Hearings*, 661 So. 2d 1190 (Fla. 1995).

[8] *See* s. 20.165, F.S, creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.

[9] *See* s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing DBPR staff counsel. *See* s. 455.221(1), F.S.

safety, and welfare of the public under the police powers of the state."[10] Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.[11]

However, "neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention," or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.[12]

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "permit, registration, certificate, or license" to the licensee.[13]

In Fiscal Year 2016-2017, there were 412,872 active licensees in the Division of Professions,[14] including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers (19,098 active and 199 inactive);
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors (71,818 active and 15,004 inactive);
- Cosmetologists (237,090 active and 1,600 inactive);
- Electrical contractors (11,960 active and 1,285 inactive);
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.[15]

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the

[10] Section 455.201(2), F.S.
[11] *Id.*
[12] Section 455.201(4)(b), F.S.
[13] Section 455.01(4) and (5), F.S.
[14] *See* Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2016-2017*, at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf?x40199 (last visited Feb. 7, 2018) at pages 21 and 22. Of the total 434,574 licensees in the Division of Professions, 21,702 are inactive. *Id.* at page 22.
[15] *Id.*

DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.[16]

Yacht and Ship Broker Branch Office Licenses

A person may not act as a yacht or ship broker or salesperson unless licensed under ch. 326, F.S.[17] The Yacht and Ship Broker's Section, a unit of the Division of Florida Condominiums, Timeshares and Mobile Homes of the DBPR,[18] requires each yacht or shipbroker to maintain a principal place of business in Florida. The yacht or shipbroker may maintain branch offices, but must obtain a separate license for each branch office, which requires a $100 application fee.[19] Applicants for a branch office license pay a $100 fee, and the license must be renewed every two years.[20]

Labor Organizations

The DBPR's Division of Regulation licenses and regulates labor organizations and related business agents pursuant to ch. 447, F.S.[21] A labor organization is an organization of employees that is recognized as a unit of bargaining by one or more employers in the state that deals with employers concerning employee's hours, pay, working conditions, and other grievances.[22]

A labor organization's business agent is a person who acts, for pecuniary or monetary gain, for any labor organization in:

- The issuance of membership or authorization cards, work permits, or any other evidence of rights granted or claimed in, or by, a labor organization; and
- Soliciting or receiving from any employer any right or privilege for employees."[23]

A labor organization's business agents must be licensed by the DBPR.[24] Business agent license applicants must pay a $25 license fee and meet a number of licensure requirements.[25]

Asbestos Abatement Business Organizations

The Asbestos Licensing Unit licenses and regulates asbestos abatement pursuant to ch. 469, F.S.; it also responds to consumer complaints and inquiries by monitoring activities and compliance within the asbestos abatement industry.[26] The Asbestos Licensing Unit operates under the DBPR's Division of Professions.

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[16] Section 455.219(1), F.S.
[17] Section 326.004(1), F.S.
[18] *See* Department of Business and Professional Regulation, *Yacht and Ship Brokers; Licensing and Enforcement*, http://www.myfloridalicense.com/dbpr/lsc/YachtandShip.html (last visited Feb. 7, 2018).
[19] Section 326.004(13), F.S.
[20] *See* Fla. Admin. Code R. 61B-60.002 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61B-60 (last visited Feb. 7, 2018).
[21] Section 447.01, F.S., and *see* http://www.myfloridalicense.com/dbpr/reg/LaborOrganizationsandBusinessAgents.html (last visited Feb. 7, 2018).
[22] Section 447.02(1), F.S.
[23] Section 447.02(2), F.S.
[24] Sections 447.04(2) and 447.06, F.S.
[25] Section 447.04(2), F.S.
[26] *See* Florida Department of Business and Professional Regulation, *Asbestos Contractors and Consultants*, available at http://www.myfloridalicense.com/DBPR/asbestos-contractors-and-consultants/, and Florida Department of Business and

Only licensed asbestos contractors may perform asbestos abatement,[27] unless exempted.[28] A person must be a licensed asbestos consultant to:

- Conduct an asbestos survey;
- Develop an operation and maintenance plan;
- Monitor and evaluate asbestos abatement; or
- Prepare asbestos abatement specifications.[29]

An asbestos abatement professional applicant must either be currently licensed as an architect, professional engineer, or professional geologist; be a diplomat of the American Board of Industrial Hygiene; or have been awarded designation as a Certified Safety Professional by the Board of Certified Safety Professionals.[30]

If an applicant wishes to consult or contract on asbestos abatement under any name other than his or her legal name, then the applicant must apply for licensure under the fictitious name.[31] Similarly, a business organization must apply for licensure as an asbestos abatement consultant or contractor through a qualifying agent who is licensed under ch. 469, F.S. The qualifying agent must have authority to supervise the enterprise, and be financially responsible for the business.[32] The business organization licensee must consistently maintain a qualifying agent.[33]

Applicants for an asbestos abatement business license pay an application fee of $300, an unlicensed activity fee of $5, an initial licensure fee of $250, and a biennial renewal fee of $250.[34]

Barbering

The term "barbering" in ss. 476.014 through 476.254, F.S., (the Barbers' Act) includes any of the following practices when done for payment: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.[35]

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;

Professional Regulation, *DBPR Online Services*, available at https://www.myfloridalicense.com/intentions2.asp?chBoard=true&boardid=59&SID (last visited Feb. 7, 2018).

[27] Section 469.003(3), F.S.

[28] Section 469.002, F.S., provides that in limited circumstances, certain governmental employees with required training may engage in asbestos abatement work solely for maintenance purposes.

[29] Section 469.003, F.S.

[30] Section 469.004(1), F.S.

[31] Section 469.006(2), F.S.

[32] *Id*.

[33] Section 469.006(3), F.S.

[34] *See* Fla. Admin. Code R. 61E1-3.001 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61E1-3 (last visited Feb. 7, 2018).

[35] *See* s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

- Pay the application fee; and
- Have held an active valid license in another state for at least one year,[36] or have a minimum of 1,200 hours of specified training.[37]

Alternatively, a person may apply for and receive a "restricted license" to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.[38]

Nail and Facial Specialists, Hair Braiders, Hair Wrappers, and Body Wrappers

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers, and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[39]

Individuals are prohibited from providing manicures, pedicures, or facials without first becoming licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.[40] The application of polish to fingernails and toenails is considered manicuring, even though the individual is not cutting, cleansing, adding, or extending the nails.[41] Therefore, a registration as a specialist or licensure as a cosmetologist is required to apply polish to fingernails and toenails for compensation.

A "specialist" is "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."[42] The term "specialty" is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services."[43]

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[36] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.
[37] *See* s. 476.114(2), F.S.; the training must include, but is not limited to the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.
[38] *See* s. 476.144(6), F.S.
[39] *See* Department of Business and Professional Regulation, *Cosmetology*, available at http://www.myfloridalicense.com/DBPR/cosmetology/ (last visited Feb. 7, 2018).
[40] *See* Florida Department of Business and Professional Regulation, *Board of Cosmetology Frequently Asked Questions and Answers* (Aug. 2017), available at: http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf (last visited Feb. 7, 2018).
[41] *See* s. 477.013(6)(a) and (b), F.S.
[42] *See* s. 477.013(5), F.S.
[43] *See* s. 477.013(6), F.S.

A nail specialist may complete manicures and pedicures, and a full specialist may complete manicures, pedicures, and facials.[44] Manicures and pedicures, as a part of cosmetology services, are required to be provided in a licensed specialty salon or cosmetology salon.[45] All cosmetology and specialty salons are subject to inspection by the DBPR.[46]

An applicant for a specialist license must:
- Be at least 16 years of age;
- Obtain a certificate of completion from an approved specialty education program; and
- Submit an application for registration to the DBPR with the registration fee.[47]

A "cosmetologist" is a person who is licensed to engage in the practice of cosmetology.[48] "Cosmetology" is "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."[49]

Certain persons who apply cosmetic products (makeup) are exempt from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.[50] In addition, persons who provide makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.[51]

An applicant for a cosmetologist license must pass a licensure examination and:
- Be at least 16 years of age;
- Have a high school diploma;
- Submit an application with the applicable fee and examination fee; and
- Be licensed in another state or country for at least one year, or received 1,200 hours training, including completion of an education at an approved cosmetology school or program.[52]

Architecture or Interior Design Business Organizations

Chapter 481, Part I, F.S., governs the licensing and regulation of architects, interior designers, and related business organizations. The Board of Architecture and Interior Design, under the

[44] *See* s. 477.013(6), F.S.
[45] *See* s. 477.0263, F.S. Under s. 477.0135(3), F.S., licensing is not required for a person whose occupation is confined solely to cutting, trimming, polishing, or cleansing fingernails of customers in an active, licensed barbershop, and who did so before October 1, 1985.
[46] *See* s. 477.025(9), F.S.
[47] *See* s 477.0201, F.S.
[48] *See* s. 477.013(3), F.S.
[49] *See* s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist. *See* note 40, *supra*.
[50] *See* ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.
[51] *See* s. 477.0135(6), F.S.
[52] *See* ss. 477.019(2) and (4), F.S.

DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[53]

The practice or offering of architectural or interior design services to the public through certain business organizations is authorized for:

- Licensees acting through a corporation, limited liability company, or partnership; or
- A corporation, limited liability company, or partnership acting through licensees as agents, employees, officers, or partners.[54]

A certificate of authorization is required to practice or provide architecture or interior design services to the public.[55]Applicants for an architecture business certificate of authorization or interior design business certificate of authorization must pay an application fee of $100, an unlicensed activity fee of $5, and a biennial renewal fee of $125.[56] A business entity has no regulatory obligations other than to obtain licensure.

According to the DBPR, during the past four fiscal years through Fiscal Year 2016-2017, the Board of Architecture and Interior Design disciplined licensed architecture businesses only six times in cases that did not also involve discipline against the supervising architect. In most cases, the licensed business was cited for operating without a supervising architect or for failure to include license numbers in advertisements.[57]

The Board of Architecture and Interior Design disciplined licensed interior design businesses only five times during the past four fiscal years through Fiscal Year 2016-2017, in cases that did not also involve discipline against the qualifying interior designer.[58]

Landscape Architecture Business Organization

Chapter 481, Part II, F.S., governs the licensing and regulation of landscape architects and related business organizations in Florida. The Board of Landscape Architecture, under the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[59]

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[53] *See* Florida Department of Business and Professional Regulation, *Architecture and Interior Design*, http://www.myfloridalicense.com/DBPR/architecture-and-interior-design/ (last visited Feb. 7, 2018).
[54] Section 481.219(1), F.S.; such practice must comply with all the requirements in s. 481.219, F.S.
[55] Section 481.219(2)-(3), F.S.
[56] *See* Fla. Admin. Code R. 61G1-17.001 and R. 61G1-17.002 (2017) at https://www.flrules.org/gateway/ChapterHome.asp?Chapter=61G1-17 (last visited Feb. 7, 2018).
[57] Email from J. Morris, Legislative Affairs Director, DBPR, to Senate Committee on Regulated Industries staff (Jan. 19, 2018) (on file with Senate Committee on Regulated Industries).
[58] *Id.*
[59] *Florida Department of Business and Professional Regulation, Landscape Architecture,* http://www.myfloridalicense.com/DBPR/landscape-architecture/ (last visited Feb. 7, 2018).

A person may not knowingly practice landscape architecture[60] unless the person holds a valid license issued pursuant to ch. 481, Part II, F.S.[61] A corporation or partnership is permitted to offer landscape architectural services to the public, subject to the provisions of ch. 481, Part I, F.S., if:

- One or more of the principals of the corporation, or partners in the partnership, is a licensed landscape architect;
- One or more of the officers, directors, or owners of the corporation, or one of more of the partners of the partnership is a licensed landscape architect; and
- The corporation or partnership has been issued a certificate of authorization by the board.[62]

Applicants for a landscape architecture business certificate of authorization must pay an application fee and initial licensure fee of $450, an unlicensed activity fee of $5, and a biennial renewal fee of $337.50.[63] A business entity has no regulatory obligations other than to obtain licensure and notify the DBPR within one month of any change in the information contained in its license application.[64]

State Boxing Commission

Chapter 548, F.S., provides for the regulation of professional and amateur boxing, kickboxing,[65] and mixed martial arts[66] by the Florida State Boxing Commission (commission), which is assigned to the DBPR for administrative and fiscal purposes.[67]

The commission has exclusive jurisdiction over every boxing, kickboxing, and mixed martial arts match held in Florida,[68] which involves a professional.[69] Professional matches held in Florida must meet ch. 548, F.S.'s requirements, and the rules adopted by the commission.[70] Chapter 548, F.S., does not apply to certain professional or amateur "martial arts," such as karate, aikido, judo, and kung fu; the term "martial arts" is distinct from and does not include "mixed martial arts."[71]

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[60] The term "landscape architecture" includes but is not limited to the determination of building siting, drainage, and contouring of land and water forms, and other activities including design in connection with land development for the preservation, conservation, enhancement, or determination of proper land uses, natural features, or naturalistic and aesthetic values. *See* s. 481.303(6)(a)-(d), F.S., relating to the professional services included in landscape architecture.
[61] Section 481.323(1)(a), F.S.
[62] Section 481.319(1), F.S.
[63] *See* Fla. Admin. Code R. 61G10-12.002 (2017) at https://www.flrules.org/gateway/ruleNo.asp?id=61G10-12.002 (last visited Feb. 7, 2018).
[64] *See* 481.319(4), F.S.
[65] The term "kickboxing" means the unarmed combat sport of fighting by striking with the fists, hands, feet, legs, or any combination, but does not include ground fighting techniques. *See* s. 548.002(12), F.S.
[66] The term "mixed martial arts" means the unarmed combat sport involving the use of a combination of techniques, including, but not limited to, grappling, kicking, striking, and using techniques from martial arts disciplines, including, but not limited to, boxing, kickboxing, Muay Thai, jujitsu, and wrestling. *See* s. 548.002(16), F.S.
[67] *See* s. 548.003(1), F.S.
[68] *See* s. 548.006(1), F.S.
[69] The term "professional" means a person who has "received or competed for a purse or other article of a value greater than $50, either for the expenses of training or for participating in a match. *See* s. 548.002(19), F.S.
[70] *See* s. 548.006(4), F.S.
[71] *See* s. 548.007(6), F.S., and *see supra* note 78 for the definition of "mixed martial arts."

However, as to amateur matches, the commission's jurisdiction is limited to the approval, disapproval, suspension of approval, and revocation of approval of all amateur sanctioning organizations for amateur boxing, kickboxing, and mixed martial arts matches held in Florida.[72] Amateur sanctioning organizations are business entities organized for sanctioning and supervising matches involving amateurs.[73] During Fiscal Year 2016-2017, of the 164 amateur events in Florida, the Division of Regulation in the DBPR conducted 26 checks for compliance with health and safety standards and proper supervision of the events.[74]

Under current law, a participant, manager, trainer, second, timekeeper, referee, judge, announcer, physician, matchmaker, or promoter who provides services for a boxing, kickboxing, or mixed martial arts match must be licensed by the commission.[75]

Construction Contracting Professionals

The Construction Industry Licensing Board (CILB) within the DBPR is responsible for licensing and regulating the construction industry in this state under part I of ch. 489, F.S.[76] The CILB is divided into two divisions with separate jurisdictions:

- Division I comprises the general contractor, building contractor, and residential contractor members of the CILB. Division I has jurisdiction over the regulation of general contractors, building contractors, and residential contractors.
- Division II comprises the roofing contractor, sheet metal contractor, air-conditioning contractor, mechanical contractor, pool contractor, plumbing contractor, and underground utility and excavation contractor members of the CILB. Division II has jurisdiction over the regulation of roofing contractors, sheet metal contractors, class A, B, and C air-conditioning contractors, mechanical contractors, commercial pool/spa contractors, residential pool/spa contractors, swimming pool/spa servicing contractors, plumbing contractors, underground utility and excavation contractors, solar contractors, and pollutant storage systems contractors.

A specialty contractor's scope of work and responsibility is limited to a particular phase of construction as detailed in an administrative rule adopted by the CILB. Jurisdiction is dependent on the scope of work and whether Division I or Division II has jurisdiction over such work in accordance with the applicable administrative rule.[77]

The Electrical Contractors' Licensing Board (ECLB) within the DBPR is responsible for licensing and regulating electrical contractors in this state under part II of ch. 489, F.S.[78]

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[72] *See* s. 548.006(3), F.S.
[73] Section 548.002(2), F.S.
[74] *See* Department of Business and Professional Regulation, *Florida State Boxing Commission Annual Report, Fiscal Year 2016-2017* at http://www.myfloridalicense.com/dbpr/os/documents/FY2016-2017BoxingCommissionAnnualReport.pdf (Message from Secretary) (last visited Feb. 7, 2018).
[75] The term "participant" means a professional competing in a boxing, kickboxing, or mixed martial arts match. *See* s. 548.002, F.S., for the definitions of "participant," "manager," "second," "judge," "physician," "matchmaker," and "promoter." The terms "trainer," "timekeeper," "referee," and "announcer" are not defined in ch. 548, F.S.
[76] *See* s. 489.107, F.S.
[77] For example, specialty swimming pool contractors have limited scopes of work for the construction of pools, spas, hot tub, and decorative or interactive water displays. *See* Fla. Admin. Code R. 61G4-15.032 (2016).
[78] Section 489.507, F.S.

Construction contractors under part I of ch. 489, F.S., and electrical contractors under part II of ch. 489, F.S., must satisfactorily complete a licensure examination before being licensed.[79]

Master septic tank contractors and septic tank contractors are regulated by the DBPR under part III of ch. 489, F.S. Septic tank contractors must pass an examination and register with the DBPR before engaging in the occupation.[80] A master septic tank contractor must have at least three years' experience as a registered septic tank contractor or a plumbing contractor certified under part I of ch. 489, F.S., who has provided septic tank contracting services for at least three years.

The CILB and the ECLB may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[81] Specifically, the CILB may deny a license application for any person having been convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of, or the ability to practice, a licensee's profession.[82]

The CILB and the ECLB may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.[83]

To be eligible for registration by the DBPR, master septic tank contractors and septic tank contractors must be of good moral character. In considering good moral character, the DBPR may consider any matter that has a substantial connection between the good moral character of the applicant and the professional responsibilities of a registered contractor, including, but not limited to:

> the applicant being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of contracting or the ability to practice contracting…[84] (Emphasis added.)

The DBPR may also deny a registration application under s. 455.227, F.S., which authorizes the denial of a license on the basis of a criminal background related to the practice of, or the ability to practice, a profession.[85]

[79] *See* ss. 489.113 and 489.516, F.S., respectively.
[80] Sections 489.552 and 489.553, F.S.
[81] Section 455.227(2), F.S.
[82] Sections 489.129(1)(b) and 489.553(1)(d), F.S., proving the disciplinary grounds for construction contractors and electrical contractors, respectively.
[83] *See* s 477.029(1)(h), F.S.
[84] Section 489.553(4)(a), F.S.
[85] *See* s 477.029(1)(h), F.S.

Chapter 489, F.S., does not specifically require the DBPR, the CILB, or the ECLB to consider the passage of time since the disqualifying criminal offense before denying or granting a license or registration.

Licensing and Criminal Background

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.[86] Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.[87]

DBPR

The regulatory boards of the DBPR, or the department if there is no board, may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[88] Specifically, the regulatory board, or the department if there is no board, may deny a license application for any person having been:

> convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction <u>which relates to the practice of, or the ability to practice, a licensee's profession</u>.[89] (Emphasis added.)

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

Department of Health

The Department of Health (DOH) or an applicable board may deny the licensure of any applicant who has been "convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession regulated by this state"[90] or related to certain types of fraud,[91] or for other reasons in the applicable practice act.

[86] Section 112.011(1)(b), F.S.
[87] Section 112.011(1)(c), F.S.
[88] Section 455.227(2), F.S.
[89] Section 455.227(1)(c), F.S.
[90] Sections 456.024(3)(c); 456.072(1)(c), (x), (ii) and (ll); and 456.071(2)(a), F.S.
[91] Section 456.0635, F.S.

There are no statutory provisions of rules that prohibit individuals from applying for licensure while they are still incarcerated or under some form of supervised release.[92]

Certified Nursing Assistants

The Board of Nursing within the DOH is responsible for licensing and regulating the certified nursing assistants (CNA) under part II of ch. 464, F.S.[93] In Fiscal Year 2015-2016, there were 146,495 active certified nursing assistants.[94]

The "practice of a certified nursing assistant" means:

> providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse.[95]

The definition of "practice of a certified nursing assistant" does not restrict a person who is otherwise trained and educated from performing the tasks specified in the definition.[96]

To be certified in Florida, a person must have a high school diploma, or its equivalent; or be at least 18 years of age, and pass a nursing assistant competency examination. Alternatively, a person may be certified in Florida if he or she is certified by another state and has not been found to have committed abuse, neglect, or exploitation in that state.[97]

The qualifications for certification as a CNA do not specifically refer to a person's criminal background, but an applicant must pass a background screening pursuant to s. 400.215, F.S., which requires the personnel of nursing homes and related healthcare facilities to pass a level two background screening, or s. 408.809, F.S.[98] The background screening must be completed every 5 years following licensure, employment, or entering into contract in a capacity that requires background screening.[99]

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[92] Florida Department of Health, *Agency Analysis of HB 1041*, p. 2 (Jan. 24, 2018) (on file with the Committee on Commerce and Tourism).
[93] *See* s. 489.107, F.S.
[94] See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report & Long-range Plan, Fiscal Year 2016-2017*, at http://mqawebteam.com/annualreports/1617/#1/z (last visited Feb. 7, 2018) at page 13. Of the total 193,637 certified nursing assistants, 42,209 are in-state delinquent, 2,019 are out-of-state delinquent, and are active military.
[95] Section 464.201(5), F.S.
[96] *Id.*
[97] Section 464.203, F.S.
[98] Section 408.809(1), F.S.
[99] Section 408.809(2), F.S.

Level two background screening ensures that a subject of the screening has not been arrested for, is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or not entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any of the 52 prohibited offenses.[100] The prohibited offenses include violent crimes, property crimes, and sexual offenses.[101]

In addition to the crimes specified under s. 435.04, F.S., a CNA may not have a felony record for certain specified felony financial crimes, including Medicaid fraud and forgery.[102]

A level two background screening includes fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE) and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies. Once the background screening is complete, and the FDLE receives the information from the FBI, the criminal history information is transmitted to the DOH. The DOH determines if the screening contains any disqualifying information for employment.

If a person is disqualified from employment due to failing the required background screening, the DOH may grant an exemption from disqualification for:

- Felonies for which at least three years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- Misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency.[103]

However, if the disqualifying crime committed while the applicant was a delinquent would be considered a felony if committed by an adult, and the record has not been sealed or expunged, the DOH may not grant an exemption until at least three years have elapsed since the applicant's completion or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for the offense.[104]

An applicant who seeks an exemption must first pay any court-ordered amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for the disqualifying crime.[105]

[100] Section 435.04, F.S.
[101] *See* 435.04(2), F.S.
[102] *See* 408.809(4), F.S.
[103] Section 435.07(1)(a), F.S.
[104] *Id.*
[105] Section 435.07(1)(b), F.S.

However, the DOH may not grant an exemption to an individual who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04, F.S., solely by reason of any pardon, executive clemency, or restoration of civil rights.[106]

An exemption may also not be granted to anyone who is a sexual predator, career offender, or sexual offender (unless not required to register).[107] The agency may not grant an exemption from disqualification to persons with a criminal history that includes other violent felonies, crimes against children, and sex-related crimes, such as felony domestic violence, luring or enticing a child, sexual battery, child pornography, and child abuse.[108]

III. Effect of Proposed Changes:

Declaratory Statements

Section 1 amends s. 120.565, F.S., to create a new declaratory statement process that permits a person who desires to become licensed in a state-regulated profession or occupation to obtain a binding determination of whether his or her criminal conviction or sanction will prevent such licensure, registration, or certification in the profession or occupation.

A person may seek the agency's opinion prior to the person possessing the training or education required for the license, registration, or certificate in the profession or occupation. Additionally, he or she may request the agency's determination while still under criminal confinement or supervision.

The petition may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to:

- The time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense; and
- The petitioner's standing in his or her community.

The agency's declaratory statement must further indicate:

- If an agency's determination of disqualification as a result of criminal background may be reversed based on evidence of rehabilitation or mitigation; and
- Whether any federal laws or regulations or any conditions imposed by the court on the petitioner may impede his or her licensure, registration, or certification in the profession or occupation.

The agency's conclusion is binding on the agency as to the petitioner, but any subsequent criminal history may form an independent basis for denial of licensure, registration, or certification.

An agency may require a petitioner to submit the following with his or her petition for declaratory statement:

[106] *See* s. 435.07(4)(a), F.S
[107] *See* s. 435.07(4)(b), F.S.
[108] *See* s. 435.07(4)(c), F.S.

- A fee of not more than $100;
- A certified copy of each criminal judgment rendered against the petitioner;
- A complete set of fingerprints; and
- A fingerprint processing fee.

The agency must submit the fingerprints to the Florida Department of Law Enforcement (FDLE) for a state criminal history record check and the FDLE must forward the fingerprints to the Federal Bureau of Investigation (FBI) for a national criminal history record check.

Licensing Deregulation

Yacht and Ship Broker Branch Office Licenses

Section 2 amends s. 326.004, F.S., to remove the requirement that a yacht or ship broker obtain separate licenses for each branch office. Current provisions related to licensing for yacht brokers and salespeople are retained.

Labor Organizations

Sections 3 - 11 amend Part I of ch. 447, F.S., to eliminate the registration and regulation of labor organizations and their business agents by the Department of Business and Professional Regulation (DBPR) and the requirement that the Public Employees Relations Commission notify the DBPR of registrations and renewals of such organizations. Provisions relating to the right to work and strike, recordkeeping, rights of franchise for labor organizations, civil causes of action, criminal penalties, and recognition of federal regulations are not affected by the bill.

Asbestos Abatement Business Organizations

Sections 15 and 16 amend ch. 469, F.S., to require an applicant seeking to engage in asbestos abatement as a business organization, or in any name other than the applicant's legal name, to apply for licensure under the name of the business organization. However, the issued license must be in the name of the qualifying agent, and the name of the qualified business organization must be noted on the license. In addition, the bill makes conforming changes associated with qualification of business organizations by licensed qualifying agents.

Barbering

Section 17 amends s. 476.034. F.S., to define the terms "restricted barber" and "restricted barbering." Restricted barbers are licensed to perform, for payment by the public, hair cutting and styling, full facial shaves, mustache and beard trimming, and shampooing, conditioning and blow drying hair; restricted barbers may apply only hair tonics and hair spray and may not apply other chemical preparations or solutions to hair.

Section 18 amends s. 476.114, F.S., to reduce the minimum training hours from 1,200 hours to 325 hours for restricted barbers. The bill specifies the content of the training must be in "sanitation, safety, and laws and rules."

The bill provides an applicant for a restricted barber license must also be at least 16 years of age, pay the application fee, and pass an examination. To be eligible to take the examination, an

applicant for restricted barbering must have held an active valid license in another state for at least one year,[109] or have a minimum of 325 hours of training.[110]

Section 19 repeals current law (s. 476.144(6)(b), F.S.) limiting the practice of a restricted license to areas in which the licensee has demonstrated competency.

Nail and Facial Specialists, Hair Braiders, Hair Wrappers, and Body Wrappers

Section 20 amends s. 477.013, F.S., to specify the activities that constitute the practice of a "nail specialty," a "facial specialty," and a "full specialty." A nail specialty, includes:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands, including any procedure for the affixing of artificial nails, except those that are affixed solely by a simple adhesive; and
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

A facial specialty includes facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services. A full specialty includes all manicuring, pedicuring, and facial services.

The bill expands the definition of "hair braiding" to include the weaving of natural human hair with commercial hair, and the use of hair extensions or wefts.[111] Under current law, the use of hair extensions or wefts is excluded from "hair braiding."

Section 21 repeals s. 477.0132, F.S., eliminating registration requirements for hair braiding, hair wrapping, and body wrapping, and requirements that those registrants take specified courses approved by the Board of Cosmetology.

The bill repeals the requirements that persons whose practice is confined solely to:

- Hair braiding take an approved two-day, 16-hour course consisting of five hours of HIV/AIDS and other communicable diseases, five hours of sanitation and sterilization, four hours of disorders and diseases of the scalp, and two hours of studies regarding laws affecting hair braiding.
- Hair wrapping take an approved one-day, six-hour course consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the scalp, and studies regarding laws affecting hair wrapping.
- Body wrapping (unless otherwise licensed or exempt from licensing) take an approved two-day, 12-hour course consisting of education in HIV/AIDS and other communicable diseases, sanitation and sterilization, disorders and diseases of the skin, and studies regarding laws affecting body wrapping.

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[109] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.

[110] The training must include, but is not limited to the completion of services directly related to the practice of restricted barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

[111] A 'weft" of hair is a long curtain of hair that has a seam at the top and is found on wigs and hair extensions. Vogue Wigs, *What is a Weft?*, https://www.voguewigs.com/what-is-a-weft.html (last visited Feb. 7, 2018).

Additionally, the bill repeals s. 477.0132(2), F.S., which provides that:

- Hair braiding, hair wrapping, and body wrapping are not required to be practiced in a cosmetology salon or specialty salon; and
- Disposable implements must be used, or all implements must be sanitized in a disinfectant approved for hospital use or approved by the Federal Environmental Protection Agency, when hair braiding, hair wrapping, or body wrapping is practiced outside a cosmetology salon, or specialty salon.

Section 22 amends s. 477.0135, F.S., to eliminate licensure or registration requirements for a person whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, applying polish to fingernails and toenails, or makeup application. The bill also eliminates a current exemption for certain continuing education requirements.

Section 23 deletes s. 477.019(7), F.S., relating to an exemption from continuing education requirements for hair braiders, hair wrappers, and body wrappers.

Section 24 amends s. 477.0201, F.S., on specialist registration, to include registrations for nail, facial, and full specialty practices, and minimum training requirements. As in current law, applicants for any specialist registration must be at least 16 years of age or have received a high school diploma. Training requirements, with a primary focus on sanitation and safety, and completion of services directly related to the particular specialty registration being sought, include a minimum of:

- 150 hours, for a nail specialty practice (current requirement is 240 hours);
- 165 hours, for a facial specialty practice (current requirement is 260 hours); and
- 300 hours for a full specialty practice (current requirement is 500 hours).[112]

Similar to the current law requirement for registration in a specialty within the practice of cosmetology,[113] completion of services directly related to each specialty must be received from specified types of schools or specialty programs.

Sections 25 - 27 make conforming changes to ch. 477, F.S., to reflect the deregulation of hair braiders, hair wrappers, and body wrappers.

Architecture or Interior Design Business Organizations

Sections 28 - 31 amend ch. 481, F.S., to remove the requirement that architects and interior designers obtain a separate business license (certificate of authorization) in addition to an individual license. Architects and interior designers must qualify, or associate, their business organizations with their individual license; they must also disclose any fictitious names under which they operate.

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[112] *See* http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf at page 3 (Question 8) (last visited Feb. 7, 2018) and Department of Business and Professional Regulation, *SB 526 Bill Analysis*, p. 3 (Nov. 3, 2017) (on file with Senate Committee on Regulated Industries).

[113] *See* s. 477.0201(1)(b), F.S.

Architects and interior designers who act as qualifying agents must inform the DBPR of any change in their relationship with a business, and if the qualifying agent is the business' only qualifying agent, the business must obtain a replacement within 60 days. A business without a qualifying agent may not engage in the practice of architecture or interior design, unless the executive director or chair of the Board of Architecture and Interior Design authorizes another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for no more than 60 days.

The bill amends s. 481.219(2)(b), F.S., to provide that the Board of Architecture and Interior Design may deny an application to qualify a business organization if the applicant (or others identified in the application as partners, officers, directors, or stockholders who are also officers or directors) "has been involved in past disciplinary actions or on any grounds for which an individual registration may be denied."

Landscape Architecture Business Organization

Sections 32 - 37 amend Part II of ch. 481, F.S., to remove the requirement that landscape architects obtain a separate business license (certificate of authorization) in addition to an individual license. A landscape architect must qualify its business organizations by associating it with an individual license, and must disclose operations under a fictitious name.

The bill repeals the Board of Landscape Architecture's ability to grant a temporary certificate of authorization for a business organization that seeks to work on one project in Florida for a period not to exceed one year to an out-of-state corporation, partnership, or firm.

The bill repeals the DBPR's authority to issue a certificate of authorization to an applicant who wishes to practice as a corporation or partnership that offers landscape architectural services. The bill provides that a corporation or partnership is not required to obtain a certificate of authorization to offer its services to the public, but must:

- Have one or more of the principals of the corporation, or partners in the partnership, and all of the personnel of the business organization who act in its behalf as landscape architects as landscape architects; and
- One or more of the officers, directors, or owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect has applied to be the qualifying agent for the business organization.

Landscape architects who operate under a corporation or partnership must file the names and addresses of specific persons responsible for the business with the DBPR. Such business organizations must also inform the DBPR of any change of the information in its license application, and of the termination of an employee within one month after the termination.

The bill eliminates a duplicate requirement in s. 481.319(5), F.S., for disciplinary action against a corporation or partnership to be administered similar to disciplinary action against a registered landscape architect. Under current law, practicing landscape architecture through a corporation or partnership does not relieve a landscape architect from personal liability for professional acts,

unless otherwise agreed to by contract.[114] According to the DBPR, the Board of Landscape Architecture has issued no disciplinary orders against landscape architecture businesses during the past four fiscal years through Fiscal Year 2016-2017.[115]

State Boxing Commission

Sections 39 and 40 amend s. 548.017, F.S., to eliminate the licensure requirement for persons serving as timekeepers and announcers for a match. The bill also amends s. 548.003(2)(i), F.S., to make conforming changes by deleting a reference to a "knockdown timekeeper." In Fiscal Year 2016-2017, the Division issued licenses to 13 announcers and six timekeepers.[116]

Conforming Revisions

Section 38 amends s. 287.055, F.S., the Consultants' Competitive Negotiation Act, to conform cross references in the definition of "design-build firm." The bill substitutes the term "qualified" for "certified," in references to entities practicing architecture or landscape architecture. *See also* **Sections 29 and 35**.

Licensing and Criminal Background

Sections 12 - 14 create a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the DBPR and the Department of Health (DOH).

The bill amends s. 455.213, F.S., dealing with the general licensing provisions of the DBPR, and s. 464.203, F.S., dealing with the certification requirements for certified nursing assistants under the DOH.

The license application review process in the bill applies to the following professions and occupations:

- Certified Nursing Assistants.
- Barbers.
- Cosmetologists and cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers).
- Construction Professionals:
  - Electrical contractors;
  - Alarm system contractors;
  - Septic tank contractors;
  - Swimming pool and spa contractors;
  - Sheet metal contractors;
  - Roofing contractors;
  - Air-conditioning contractors;
  - Mechanical contractors;
  - Plumbing contractors;
  - Underground utility and excavation contractors;

[114] *See* s. 481.319(6), F.S., and s. 558.0035, F.S.
[115] Email from J. Morris, Legislative Affairs Director, DBPR, to Senate Committee on Regulated Industries staff (Jan. 19, 2018) (on file with Senate Committee on Regulated Industries).
[116] *See* Boxing Commission Annual Report, *supra* note 74 at page 7.

- Solar contractors;
- Pollutant storage systems contractor; and
- Other specialty contractors whose scope of work and responsibility is limited to a particular phase of construction, e.g. drywall, glazing, swimming pool excavation, etc.

The process created in the bill:

- Permits a person to apply for a license while under criminal confinement (incarceration) or supervision.
- Limits the period during which the agency may consider criminal history as an impairment to licensure to five years from the date of the criminal conviction for barbers, cosmetologists, and certain contractors, or seven years for certified nursing assistants.
- Requires each agency to identify by rule the crimes that do not impair a person's qualifications for licensure.
- Requires each agency to identify by rule the crimes that do impair a person's qualifications for licensure.
- Requires an agency to permit applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person's license application.
- Requires the Department of Corrections to cooperate and coordinate with the board or department, as applicable, to facilitate the appearance of the applicant at the hearing in person, by teleconference, or by video conference, as appropriate.

However, as required under current law, the DOH must deny a certified nursing assistant application, if the applicant has a criminal history of more than seven years from the date of the application and the criminal history includes a violent felony, crime against children, or sexual offense identified in s. 435.07(4), F.S.

Effective Date

Section 41 provides the bill takes effect July 1, 2018.

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:

According to the Department of Business and Professional Regulation (DBPR), the bill will result in a reduction of license fees, license renewal fees, and unlicensed activity fees paid by the private sector of approximately $814,130 in Fiscal Year 2018-2019, $421,505 in Fiscal Year 2019-2020, and $927,205 in Fiscal Year 2020-2021.[117]

The Division of Condominiums, Timeshares, and Mobile Homes (Yacht and Ship Brokers) of the DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector of approximately $4,300 in Fiscal Year 2018-2019, $4,300 in Fiscal Year 2019-2020, and $4,300 in Fiscal Year 2020-2021.[118]

The DBPR estimates that the bill will result in a reduction of license and license renewal fees paid by the private sector to the Florida State Boxing Commission of approximately $1,000 in Fiscal Year 2018-2019, $1,000 in Fiscal Year 2019-2020, and $1,000 in Fiscal Year 2020-2021.[119]

B. Private Sector Impact:

The bill repeals licensing requirements for certain professions. According to the DBPR, the bill will result in a reduction in license fees, license renewal fees, and unlicensed activity fees paid by the private sector of approximately $814,130 in Fiscal Year 2018-2019, $421,505 in Fiscal Year 2019-2020, and $927,205 in Fiscal Year 2020-2021.[120]

Labor organizations, pugilistic announcers, pugilistic timekeepers, hair braiders, hair wrappers, body wrappers, nail painters, and makeup artists will no longer need to pay costs associated with professional licensure.

Nail specialists, facial specialists, full specialists, and restricted barber applicants will require less training to obtain licensure, which may lead to a reduced training cost.

Persons who submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a license, registration, or certificate, must pay a filing fee not to exceed $100 for the petition and the actual cost of state and federal processing related to the criminal background check. However, such individuals may also forego certain unnecessary schooling, training, or application costs, depending on the agency's determination.

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[117] *See* Department of Business and Professional Regulation, *SB 526 Bill Analysis*, p. 7 (Nov. 3, 2017) (on file with Senate Committee on Regulated Industries).
[118] *Id*. at page 6.
[119] *Id*. at page 7.
[120] *See* Department of Business and Professional Regulation, CS/*SB 526 Bill Analysis*, p. 6 (Feb. 7, 2018) (on file with Senate Subcommittee on General Government).

C. Government Sector Impact:

According to the DBPR, the elimination of professional licensing requirements contained in the bill will reduce state government revenues deposited in the Professional Regulation Trust Fund by $815,130 in Fiscal Year 2018-2019, $422,505 in Fiscal Year 2019-2020, and $928,205 in Fiscal Year 2020-2021. In addition, state government revenues deposited in the Condominiums, Timeshares, and Mobile Homes Trust Fund will be reduced annually by $4,300 in Fiscal Year 2018-2019 through Fiscal Year 2020-2021. As a result, revenues transferred to the General Revenue Fund as the general revenue service charge[121] will be reduced by $65,554 in Fiscal Year 2018-2019, $34,144 in Fiscal Year 2019-2020, and $74,600 in Fiscal Year 2020-2021.[122]

The Bureau of Education and Testing (Bureau) in the DBPR also indicates that the bill will have a minimal impact on its workload, although some examination content may require updating; such updating is a part of the Bureau's standard procedure to address statutory changes.[123]

Government agencies that provide occupational or professional licenses may see an increase in workload related to an increase in submissions of petitions for declaratory statements. Additionally, the agencies will likely have increased revenues associated with the declaratory statement petition fee of not more than $100. However, the fiscal impact on state government is indeterminate, because it is unknown how many people will request declaratory statements.

VI. Technical Deficiencies:

The bill provides new licensure requirements for "restricted barbers" but does not amend a provision in s. 476.144(6), F.S., which refers to a "restricted license to practice barbering." It is unclear whether that "restricted license" applies to a "barber" or a "restricted barber."

VII. Related Issues:

It is unclear how an agency should proceed if presented with a petition for declaratory statement as described in the bill by a petitioner whose criminal charges have not yet been resolved by a court action, settlement, or other action. It would be difficult for an agency to render an opinion based on hypothetical information.

This bill contains provisions of CS/SB 526, which were amended into the bill in the Commerce and Tourism Committee meeting on February 6, 2018.

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[121] A service charge of eight percent is appropriated from revenue income deposited in specified trust funds, representing the estimated pro rata share of the cost of general government. *See* s. 215.20(1), F.S., relating to the service charge. Section 455.116, F.S., lists the seven trust funds in the DBPR, including the Professional Regulation Trust Fund and the Division of Florida Condominiums, Timeshares, and Mobile Homes Trust Fund, which receive revenues from fees paid by licensees in the professions and occupations affected by CS/SB 526.

[122] *See* Department of Business and Professional Regulation, CS/*SB 526 Bill Analysis*, p. 6 (Feb. 7, 2018) (on file with Senate Subcommittee on General Government).

[123] *Id*. at page 8.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.565, 326.004, 400.211, 447.02, 447.09, 447.305, 455.213, 464.203, 469.006, 469.009, 476.034, 476.114, 476.144, 477.013, 477.0135, 477.019, 477.0201, 477.026, 477.0265, 477.029, 481.203, 481.219, 481.221, 481.229, 481.303, 481.311, 481.317, 481.319, 481.321, 481.329, 287.055, 548.003, and 548.017.

This bill repeals the following sections of the Florida Statutes: 447.04, 447.041, 447.045, 447.06, 447.12, 447.16, and 477.0132.

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 Commerce and Tourism on February 6, 2018:

- Eliminates the current licensing required for business entities engaged in certain regulated professions (architecture and interior design, landscape architecture, and asbestos abatement consulting or contracting), while retaining the license required for individuals engaged in those professions.
- Provides that licensed individuals must apply for licensure and act as qualifying agents for business organizations to be licensed to engage in architecture and interior design, landscape architecture, or asbestos abatement consulting or contracting.
- Allows certain boxing match services to be practiced without a license (announcers and knockdown timekeepers).
- Revises the current license requirements for restricted barbers to specify:
  - The services that may and may not be provided by restricted barbers; and
  - A minimum of 325 training hours.
- Specifies license requirements for specialists in practices defined as "nail specialty," "facial specialty," and "full specialty."
- Eliminates license and registration requirements for those who engage solely in:
  - Hair braiding, hair wrapping, or body wrapping; or
  - The polishing of nails or applying makeup.
- Eliminates registration requirements for labor organizations and licensing of labor organization business agents, while maintaining civil causes of action and criminal penalties.
- Eliminates license requirement for yacht and ship brokers' branch offices.

B. Amendments:

None.

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LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment

Delete line 295

and insert:

l. Other specialty contractors, excluding alarm system contractors.

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LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 296 - 380

and insert:

(b) Except as provided in s. 435.07(4) and convictions pursuant to chapter 812, a conviction for a crime more than 5 years before the date of the application may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means having been found guilty, with or without adjudication of guilt, as a result of a

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jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(c)1. A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the board of such release. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a license.

Section 13. Present subsections (2) through (8) of section

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464.203, Florida Statutes, are redesignated as subsections (3) through (9), respectively, and a new subsection (2) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(2)(a)1. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.

2. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for failure of a required background screening.

3. For purposes of this paragraph, the term "conviction" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(b)1. A person may apply for a certificate to practice as a certified nursing assistant before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a certificate solely on the basis of the person's current confinement or supervision.

2. After a certification application is approved, the board may stay the issuance of a certificate until the applicant notifies the board of his or her lawful release from confinement or supervision. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his

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or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a certification.

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

And the title is amended as follows:

Delete lines 47 - 67

and insert:

certain licenses; providing exceptions; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an

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applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to adopt rules specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 464.203, F.S.; prohibiting the conviction of a crime before a specified date from being grounds for the denial of a certification under certain circumstances; prohibiting the conviction of a crime before a specified date from being grounds for the failure of a background screening; providing exceptions; defining the term "conviction";

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LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment to Amendment (892840)

Delete lines 45 - 49
and insert:
(2)(a)1. Notwithstanding s. 456.0635, and except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.
2. Notwithstanding s. 456.0635, and except as provided in

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s. 435.07(4), a conviction for a

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LEGISLATIVE ACTION

Senate . House

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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment

Delete line 659

and insert:

2. Has received a minimum of 500 hours of training in

By the Committee on Commerce and Tourism; and Senators Brandes, Hutson, and Perry

577-02895-18 20181114c1

A bill to be entitled

An act relating to professional regulation; amending s. 120.565, F.S.; authorizing a person to seek a declaratory statement from an agency as to the effect of the person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; specifying that a person may seek a declaratory statement before meeting any prerequisites for the license, registration, or certification; requiring that an agency's conclusion in the declaratory statement contain certain statements; providing that the agency's conclusion is binding except under certain circumstances; requiring a person seeking a declaratory statement to submit certain items to the agency and pay certain fees and costs; providing requirements for the processing of the fingerprints; requiring the petitioner to pay the actual cost of processing the fingerprints; amending s. 326.004, F.S.; deleting the requirement for a yacht broker to maintain a separate license for each branch office; deleting the requirement for the Division of Florida Condominiums, Timeshares, and Mobile Homes to establish a fee; amending s. 447.02, F.S.; conforming provisions; repealing s. 447.04, F.S., relating to licensure and permit requirements for business agents; repealing s. 447.041, F.S., relating to hearings for persons or labor organizations denied licensure as a business agent; repealing s. 447.045, F.S., relating to confidential information obtained during the

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

577-02895-18 20181114c1

application process; repealing s. 447.06, F.S., relating to required registration of labor organizations; amending s. 447.09, F.S.; deleting certain prohibited actions relating to the right of franchise of a member of a labor organization; repealing s. 447.12, F.S., relating to registration fees; repealing s. 447.16, F.S., relating to applicability; amending s. 447.305, F.S.; deleting a provision that requires notification of registrations and renewals to the Department of Business and Professional Regulation; amending s. 455.213, F.S.; conforming a cross-reference; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants

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

at certain meetings; requiring the board to adopt rules specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 464.203, F.S.; prohibiting the conviction of a crime before a specified date from being grounds for the denial of a certification under certain circumstances; prohibiting the conviction of a crime before a specified date from being grounds for the failure of a background screening; defining the term "conviction"; authorizing a person to apply for certification before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing the denial of a certification solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved certificate under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to adopt rules specifying how certain crimes may affect an applicant's eligibility for certification; amending s. 400.211, F.S.; conforming a cross-reference; amending s. 469.006, F.S.; revising licensure requirements for asbestos abatement consulting or contracting as a partnership, corporation, business trust, or other legal entity; amending s. 469.009, F.S.; conforming provisions;

amending s. 476.034, F.S.; defining the terms "restricted barber" and "restricted barbering"; amending s. 476.114, F.S.; providing requirements for licensure by examination as a restricted barber; amending s. 476.144, F.S.; requiring the department to license an applicant who the board certifies is qualified to practice restricted barbering; amending s. 477.013, F.S.; revising and providing definitions; repealing s. 477.0132, F.S., relating to registration for hair braiding, hair wrapping, and body wrapping; amending s. 477.0135, F.S.; providing that licensure or registration is not required for persons whose occupation or practice is confined solely to hair braiding, hair wrapping, body wrapping, nail polishing, and makeup application; amending s. 477.019, F.S.; conforming provisions; amending s. 477.0201, F.S.; providing requirements for registration as a nail specialist, facial specialist, or full specialist; amending ss. 477.026, 477.0265, and 477.029, F.S.; conforming provisions; amending s. 481.203, F.S.; revising a definition; amending s. 481.219, F.S.; revising the process by which a business organization obtains the requisite license to perform architectural services or interior design; requiring that a licensee or an applicant apply to qualify a business organization to practice architecture or interior design; providing application requirements; authorizing the Board of Architecture and Interior Design to deny an application under

certain circumstances; providing notice requirements; prohibiting a business organization from engaging in certain practices until it is qualified by a qualifying agent; authorizing the executive director or the chair of the board to authorize a temporary qualifying agent for a specified timeframe under certain circumstances; requiring the board to allow an applicant to qualify one or more business organizations or to operate using a fictitious name under certain circumstances; deleting a requirement for the administration of disciplinary action against a corporation, limited liability company, or partnership; conforming provisions to changes made by the act; amending s. 481.221, F.S.; requiring a business organization to include the license number of a certain registered architect or interior designer in any advertising; providing an exception; conforming provisions to changes made by the act; amending s. 481.229, F.S.; conforming provisions to changes made by the act; amending s. 481.303, F.S.; revising definitions; amending ss. 481.311 and 481.317, F.S.; conforming provisions; amending s. 481.319, F.S.; deleting the requirement for a certificate of authorization; authorizing landscape architects to practice through a corporation or partnership; amending s. 481.321, F.S.; revising requirements related to the display of a certificate number; amending s. 481.329, F.S.; conforming a cross-reference; amending s. 287.055, F.S.; conforming a

provision; amending s. 548.003, F.S.; deleting the requirement that the Florida State Boxing Commission adopt rules relating to a knockdown timekeeper; amending s. 548.017, F.S.; deleting the licensure requirement for a timekeeper or announcer; providing an effective date.

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

Section 1. Subsection (4) is added to section 120.565, Florida Statutes, to read:

120.565 Declaratory statement by agencies.—

(4)(a) Any person may seek a declaratory statement regarding an agency's opinion as to the effect of the petitioner's criminal background on his or her eligibility for a specific occupational or professional license, registration, or certificate issued by the agency based on the applicable statutes and rules for the occupation or profession. The petition may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to, the time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense, and the petitioner's standing in his or her community. A person may seek a declaratory statement under this subsection before attaining any education, training, experience, or other prerequisites for the license, registration, or certification.

(b) The agency's conclusion in the declaratory statement

must indicate whether:

1. The petitioner is disqualified from obtaining the license, registration, or certification due to the petitioner's criminal background, regardless of the petitioner's education, training, experience, or other prerequisites required for the license, registration, or certification.

2. The petitioner is not eligible for a specified occupational or professional license, registration, or certification because of his or her criminal background, but that the conclusion may be reversed upon the petitioner's presentation of evidence of rehabilitation or mitigation identified by the agency in the declaratory statement at any time subsequent to the issuance of the declaratory statement.

3. Federal laws or regulations may impede the petitioner's licensure, registration, or certification in the profession or occupation.

4. Conditions or restrictions imposed by the court on the petitioner for a disqualifying offense may impede the petitioner's licensure, registration, or certification in the profession or occupation.

(c) The agency's conclusion in the declaratory statement shall be binding on the agency as to the petitioner, unless the petitioner's subsequent criminal history constitutes an independent basis for denial of the petitioner's application for a license, registration, or certification in the profession or occupation. The agency's conclusion is subject to judicial review pursuant to s. 120.68.

(d) A person seeking a declaratory statement under this subsection must submit to the agency, in addition to the

petition for a declaratory statement:

1. A fee set by the agency not to exceed $100;

2. A certified copy of each criminal judgment rendered against the petitioner; and

3. A complete set of electronic fingerprints.

(e) The agency shall submit the fingerprints to the Department of Law Enforcement for a state criminal history record check and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for a national criminal history record check. The agency shall review the criminal history record results to determine if the petitioner meets licensure, registration, or certification requirements. The petitioner shall pay the actual cost of state and federal processing in addition to the fee in subparagraph (d)1.

Section 2. Subsection (13) of section 326.004, Florida Statutes, is amended to read:

326.004 Licensing.—

(13) Each broker must maintain a principal place of business in this state and may establish branch offices in the state. ~~A separate license must be maintained for each branch office. The division shall establish by rule a fee not to exceed $100 for each branch office license.~~

Section 3. Subsection (3) of section 447.02, Florida Statutes, is amended to read:

447.02 Definitions.—The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

~~(3) The term "department" means the Department of Business and Professional Regulation.~~

Section 4. Section 447.04, Florida Statutes, is repealed.

Section 5. Section 447.041, Florida Statutes, is repealed.

Section 6. Section 447.045, Florida Statutes, is repealed.

Section 7. Section 447.06, Florida Statutes, is repealed.

Section 8. Subsections (6) and (8) of section 447.09, Florida Statutes, are amended to read:

447.09 Right of franchise preserved; penalties.—It shall be unlawful for any person:

~~(6) To act as a business agent without having obtained and possessing a valid and subsisting license or permit.~~

~~(8) To make any false statement in an application for a license.~~

Section 9. Section 447.12, Florida Statutes, is repealed.

Section 10. Section 447.16, Florida Statutes, is repealed.

Section 11. Subsection (4) of section 447.305, Florida Statutes, is amended to read:

447.305 Registration of employee organization.—

~~(4) Notification of registrations and renewals of registration shall be furnished at regular intervals by the commission to the Department of Business and Professional Regulation.~~

Section 12. Present subsections (3) through (12) of section 455.213, Florida Statutes, are redesignated as subsections (4) through (13), respectively, subsection (2) of that section is amended, and a new subsection (3) is added to that section, to read:

455.213 General licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the

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applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (4) ~~(3)~~, the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination. Upon a determination by the department that it erroneously issued a license, or upon the revocation of a license by the applicable board, or by the department when there is no board, the licensee must surrender his or her license to the department.

(3)(a) Notwithstanding any other provision of law, the board shall use the process in this subsection for review of an applicant's criminal record to determine his or her eligibility for licensure as a:

1. Barber under chapter 476;

2. Cosmetologist or cosmetology specialist under chapter 477; or

3. Any of the following construction professions under chapter 489:

a. Air-conditioning contractor;

b. Electrical contractor;

c. Mechanical contractor;

d. Plumbing contractor;

e. Pollutant storage systems contractor;

f. Roofing contractor;

g. Septic tank contractor;

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h. Sheet metal contractor;

i. Solar contractor;

j. Swimming pool and spa contractor;

k. Underground utility and excavation contractor; and

l. Other specialty contractors.

(b) A conviction for a crime more than 5 years before the date of the application may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(c)1. A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the board of such release. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the

Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license.

(e) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a license.

Section 13. Present subsections (2) through (8) of section 464.203, Florida Statutes, are redesignated as subsections (3) through (9), respectively, and a new subsection (2) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(2)(a)1. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.

2. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for failure of a required background screening.

3. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(b)1. A person may apply for a certificate to practice as a certified nursing assistant before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a certificate solely on the basis of the person's current confinement or supervision.

2. After a certification application is approved, the board may stay the issuance of a certificate until the applicant notifies the board of his or her lawful release from confinement or supervision. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a certification.

(e) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the

practice of the profession or the ability to practice the profession and may constitute grounds for denial of a certification.

Section 14. Subsection (4) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must meet all of the following requirements:

(a) Be sufficient to ensure the continuing competence of nursing assistants and must meet the standard specified in s. 464.203(8). ~~s. 464.203(7);~~

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; and

5. Recognizing changes that place a resident at risk for pressure ulcers and falls.~~; and~~

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 15. Paragraphs (a) and (e) of subsection (2), subsection (3), paragraph (b) of subsection (4), and subsection (6) of section 469.006, Florida Statutes, are amended to read:

469.006 Licensure of business organizations; qualifying agents.—

(2)(a) If the applicant proposes to engage in consulting or contracting as a partnership, corporation, business trust, or other legal entity, or in any name other than the applicant's legal name, the ~~legal entity must apply for licensure through a qualifying agent or the~~ individual applicant must apply for licensure under the ~~fictitious~~ name of the business organization.

(e) A ~~The~~ license~~, when issued upon application of a business organization,~~ must be in the name of the qualifying agent ~~business organization~~, and the name of the business organization ~~qualifying agent~~ must be noted on the license ~~thereon~~. If there is a change in any information that is required to be stated on the application, the qualifying agent ~~business organization~~ shall, within 45 days after such change occurs, mail the correct information to the department.

(3) The qualifying agent must ~~shall~~ be licensed under this chapter in order for the business organization to be qualified ~~licensed~~ in the category of the business conducted for which the qualifying agent is licensed. If any qualifying agent ceases to be affiliated with such business organization, the agent shall so inform the department. In addition, if such qualifying agent

is the only licensed individual affiliated with the business organization, the business organization shall notify the department of the termination of the qualifying agent and has ~~shall have~~ 60 days after ~~from~~ the date of termination of the qualifying agent's affiliation with the business organization ~~in which~~ to employ another qualifying agent. The business organization may not engage in consulting or contracting until a qualifying agent is employed, unless the department has granted a temporary nonrenewable license to the financially responsible officer, the president, the sole proprietor, a partner, or, in the case of a limited partnership, the general partner, who assumes all responsibilities of a primary qualifying agent for the entity. This temporary license only allows ~~shall only allow~~ the entity to proceed with incomplete contracts.

(4)

(b) Upon a favorable determination by the department, after investigation of the financial responsibility, credit, and business reputation of the qualifying agent and the new business organization, the department shall issue, without any examination, a new license in the qualifying agent's ~~business organization's~~ name, and the name of the business organization ~~qualifying agent~~ shall be noted thereon.

(6) Each qualifying agent shall pay the department an amount equal to the original fee for licensure ~~of a new business organization.~~ if the qualifying agent for a business organization desires to qualify additional business organizations.~~,~~ The department shall require the agent to present evidence of supervisory ability and financial responsibility of each such organization. Allowing a licensee to

qualify more than one business organization must ~~shall~~ be conditioned upon the licensee showing that the licensee has both the capacity and intent to adequately supervise each business organization. The department may ~~shall~~ not limit the number of business organizations that ~~which~~ the licensee may qualify except upon the licensee's failure to provide such information as is required under this subsection or upon a finding that the ~~such~~ information or evidence ~~as is~~ supplied is incomplete or unpersuasive in showing the licensee's capacity and intent to comply with the requirements of this subsection. A qualification for an additional business organization may be revoked or suspended upon a finding by the department that the licensee has failed in the licensee's responsibility to adequately supervise the operations of the business organization. Failure to adequately supervise the operations of a business organization is ~~shall be~~ grounds for denial to qualify additional business organizations.

Section 16. Subsection (1) of section 469.009, Florida Statutes, is amended to read:

469.009 License revocation, suspension, and denial of issuance or renewal.—

(1) The department may revoke, suspend, or deny the issuance or renewal of a license; reprimand, censure, or place on probation any contractor, consultant, or financially responsible officer~~, or business organization~~; require financial restitution to a consumer; impose an administrative fine not to exceed $5,000 per violation; require continuing education; or assess costs associated with any investigation and prosecution if the contractor or consultant, or business organization or

officer or agent thereof, is found guilty of any of the following acts:

(a) Willfully or deliberately disregarding or violating the health and safety standards of the Occupational Safety and Health Act of 1970, the Construction Safety Act, the National Emission Standards for Asbestos, the Environmental Protection Agency Asbestos Abatement Projects Worker Protection Rule, the Florida Statutes or rules promulgated thereunder, or any ordinance enacted by a political subdivision of this state.

(b) Violating any provision of chapter 455.

(c) Failing in any material respect to comply with the provisions of this chapter or any rule promulgated hereunder.

(d) Acting in the capacity of an asbestos contractor or asbestos consultant under any license issued under this chapter except in the name of the licensee as set forth on the issued license.

(e) Proceeding on any job without obtaining all applicable approvals, authorizations, permits, and inspections.

(f) Obtaining a license by fraud or misrepresentation.

(g) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of asbestos consulting or contracting or the ability to practice asbestos consulting or contracting.

(h) Knowingly violating any building code, lifesafety code, or county or municipal ordinance relating to the practice of asbestos consulting or contracting.

(i) Performing any act which assists a person or entity in engaging in the prohibited unlicensed practice of asbestos

consulting or contracting, if the licensee knows or has reasonable grounds to know that the person or entity was unlicensed.

(j) Committing mismanagement or misconduct in the practice of contracting that causes financial harm to a customer. Financial mismanagement or misconduct occurs when:

1. Valid liens have been recorded against the property of a contractor's customer for supplies or services ordered by the contractor for the customer's job; the contractor has received funds from the customer to pay for the supplies or services; and the contractor has not had the liens removed from the property, by payment or by bond, within 75 days after the date of such liens;

2. The contractor has abandoned a customer's job and the percentage of completion is less than the percentage of the total contract price paid to the contractor as of the time of abandonment, unless the contractor is entitled to retain such funds under the terms of the contract or refunds the excess funds within 30 days after the date the job is abandoned; or

3. The contractor's job has been completed, and it is shown that the customer has had to pay more for the contracted job than the original contract price, as adjusted for subsequent change orders, unless such increase in cost was the result of circumstances beyond the control of the contractor, was the result of circumstances caused by the customer, or was otherwise permitted by the terms of the contract between the contractor and the customer.

(k) Being disciplined by any municipality or county for an act or violation of this chapter.

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(l) Failing in any material respect to comply with the provisions of this chapter, or violating a rule or lawful order of the department.

(m) Abandoning an asbestos abatement project in which the asbestos contractor is engaged or under contract as a contractor. A project may be presumed abandoned after 20 days if the contractor terminates the project without just cause and without proper notification to the owner, including the reason for termination; if the contractor fails to reasonably secure the project to safeguard the public while work is stopped; or if the contractor fails to perform work without just cause for 20 days.

(n) Signing a statement with respect to a project or contract falsely indicating that the work is bonded; falsely indicating that payment has been made for all subcontracted work, labor, and materials which results in a financial loss to the owner, purchaser, or contractor; or falsely indicating that workers' compensation and public liability insurance are provided.

(o) Committing fraud or deceit in the practice of asbestos consulting or contracting.

(p) Committing incompetency or misconduct in the practice of asbestos consulting or contracting.

(q) Committing gross negligence, repeated negligence, or negligence resulting in a significant danger to life or property in the practice of asbestos consulting or contracting.

(r) Intimidating, threatening, coercing, or otherwise discouraging the service of a notice to owner under part I of chapter 713 or a notice to contractor under chapter 255 or part

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I of chapter 713.

(s) Failing to satisfy, within a reasonable time, the terms of a civil judgment obtained against the licensee, or the business organization qualified by the licensee, relating to the practice of the licensee's profession.

For the purposes of this subsection, construction is considered to be commenced when the contract is executed and the contractor has accepted funds from the customer or lender.

Section 17. Subsections (2) and (3) of section 476.034, Florida Statutes, are amended, and subsections (6) and (7) are added to that section, to read:

476.034 Definitions.—As used in this act:

(2) "Barbering" means any of the following practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances, and includes any services defined as restricted barbering.

(3) "Barbershop" means any place of business wherein the practice of barbering or restricted barbering is carried on.

(6) "Restricted barber" means a person who is licensed to engage in the practice of restricted barbering in this state under the authority of this chapter and is subject to the same requirements and restrictions as a barber, except as specifically provided in s. 476.114.

(7) "Restricted barbering" means any of the following

practices when done for remuneration and for the public, but not when done for the treatment of disease or physical or mental ailments:

(a) Hair cutting and styling, including the application of hair tonics and hair spray, but not including the application of other chemical preparations or solutions to the hair;

(b) Full facial shaves;

(c) Mustache and beard trimming; and

(d) Shampooing hair, including the application of shampoos and conditioners, and blow drying the hair.

Section 18. Section 476.114, Florida Statutes, is amended to read:

476.114 Examination; prerequisites.—

(1) A person desiring to be licensed as a barber shall apply to the department for licensure and~~.~~

~~(2) An applicant~~ shall be eligible for licensure by examination to practice barbering if the applicant:

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

(c)1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); or

2. Has received a minimum of 1,200 hours of training as established by the board, which shall include, but ~~shall~~ not be limited to, the equivalent of completion of services directly related to the practice of barbering at one of the following:

a. A school of barbering licensed pursuant to chapter 1005;

b. A barbering program within the public school system; or

c. A government-operated barbering program in this state.

The board shall establish by rule procedures whereby the school or program may certify that a person is qualified to take the required examination after the completion of a minimum of 1,000 actual school hours. If the person passes the examination, she or he shall have satisfied this requirement; but if the person fails the examination, she or he shall not be qualified to take the examination again until the completion of the full requirements provided by this section.

(2) A person desiring to be licensed as a restricted barber shall apply to the department for licensure and shall be eligible for licensure by examination to practice restricted barbering if the applicant:

(a) Is at least 16 years of age;

(b) Pays the required application fee; and

(c)1. Holds an active valid license to practice barbering in another state, has held the license for at least 1 year, and does not qualify for licensure by endorsement as provided for in s. 476.144(5); or

2. Has received a minimum of 325 hours of training in sanitation, safety, and laws and rules, as established by the board, which must include, but not be limited to, the equivalent of completion of services directly related to the practice of restricted barbering at one of the following:

a. A school of barbering licensed pursuant to chapter 1005;

b. A barbering program within the public school system; or

c. A government-operated barbering program in this state.

(3) An applicant who meets the requirements set forth in

subparagraphs (1)(c)1. and 2. ~~subparagraphs (2)(c)1. and 2.~~ who fails to pass the examination may take subsequent examinations as many times as necessary to pass, except that the board may specify by rule reasonable timeframes for rescheduling the examination and additional training requirements for applicants who, after the third attempt, fail to pass the examination. Before ~~Prior to~~ reexamination, the applicant must file the appropriate form and pay the reexamination fee as required by rule.

Section 19. Subsections (1) and (6) of section 476.144, Florida Statutes, are amended to read:

476.144 Licensure.—

(1) The department shall license any applicant who the board certifies is qualified to practice barbering or restricted barbering in this state.

(6) A person may apply for a restricted license to practice barbering. The board shall adopt rules specifying procedures for an applicant to obtain a restricted license if the applicant:

(a)1. Has successfully completed a restricted barber course, as established by rule of the board, at a school of barbering licensed pursuant to chapter 1005, a barbering program within the public school system, or a government-operated barbering program in this state; or

2.a. Holds or has within the previous 5 years held an active valid license to practice barbering in another state or country or has held a Florida barbering license which has been declared null and void for failure to renew the license, and the applicant fulfilled the requirements of s. 476.114(2)(c)2. for initial licensure; and

b. Has not been disciplined relating to the practice of barbering in the previous 5 years; and

(b) Passes a written examination on the laws and rules governing the practice of barbering in Florida, as established by the board.

~~The restricted license shall limit the licensee's practice to those specific areas in which the applicant has demonstrated competence pursuant to rules adopted by the board.~~

Section 20. Subsections (6) and (9) of section 477.013, Florida Statutes, are amended to read:

477.013 Definitions.—As used in this chapter:

(6) "Specialty" means the practice of one or more of the following:

(a) "Nail specialty" means manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive; and~~.~~

~~(b)~~ pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.

(b)~~(c)~~ "Facial specialty" means facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.

(c) "Full specialty" means all services within the definition of nail specialty and facial specialty, including manicuring, pedicuring, and facial services.

(9) "Hair braiding" means the weaving or interweaving of natural human hair or commercial hair, including the use of hair extensions or wefts, for compensation without cutting, coloring, permanent waving, relaxing, removing, or chemical treatment ~~and does not include the use of hair extensions or wefts~~.

Section 21. Section 477.0132, Florida Statutes, is repealed.

Section 22. Subsections (7) through (11) are added to section 477.0135, Florida Statutes, to read:

477.0135 Exemptions.—

(7) A license or registration is not required for a person whose occupation or practice is confined solely to hair braiding as defined in s. 477.013(9).

(8) A license or registration is not required for a person whose occupation or practice is confined solely to hair wrapping as defined in s. 477.013(10).

(9) A license or registration is not required for a person whose occupation or practice is confined solely to body wrapping as defined in s. 477.013(12).

(10) A license or registration is not required for a person whose occupation or practice is confined solely to applying polish to fingernails and toenails.

(11) A license or registration is not required for a person whose occupation or practice is confined solely to makeup application.

Section 23. Paragraph (b) of subsection (7) of section 477.019, Florida Statutes, is amended to read:

477.019 Cosmetologists; qualifications; licensure; supervised practice; license renewal; endorsement; continuing

education.—

(7)

~~(b) Any person whose occupation or practice is confined solely to hair braiding, hair wrapping, or body wrapping is exempt from the continuing education requirements of this subsection.~~

Section 24. Present subsections (2) through (6) of section 477.0201, Florida Statutes, are redesignated as subsections (4) through (8), respectively, new subsections (2) and (3) are added to that section, and subsection (1) of that section is amended to read:

477.0201 Specialty registration; qualifications; registration renewal; endorsement.—

(1) Any person is qualified for registration as a specialist in a nail ~~any one or more of the~~ specialty practice ~~practices~~ within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received at least 150 hours of training as established by the board, which must focus primarily on sanitation and safety and must include, but not be limited to, the equivalent of completion of services directly related to the practice of a nail ~~a certificate of completion in a~~ specialty pursuant to s. 477.013(6)(a) ~~477.013(6)~~ from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

(2) Any person is qualified for registration as a specialist in a facial specialty practice within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received at least 165 hours of training as established by the board, which must focus on sanitation and safety and must include, but not be limited to, the equivalent of completion of services directly related to the practice of facial specialty pursuant to s. 477.013(6)(b) from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

(3) Any person is qualified for registration as a specialist in a full specialty practice within the practice of cosmetology under this chapter who:

(a) Is at least 16 years of age or has received a high school diploma.

(b) Has received at least 300 hours of training as established by the board, which must focus primarily on sanitation and safety and must include, but not be limited to, the equivalent of completion of services directly related to the practice of full specialty pursuant to s. 477.013(6)(c) from one of the following:

1. A school licensed pursuant to s. 477.023.

2. A school licensed pursuant to chapter 1005 or the equivalent licensing authority of another state.

3. A specialty program within the public school system.

4. A specialty division within the Cosmetology Division of the Florida School for the Deaf and the Blind, provided the training programs comply with minimum curriculum requirements established by the board.

Section 25. Paragraph (f) of subsection (1) of section 477.026, Florida Statutes, is amended to read:

477.026 Fees; disposition.—

(1) The board shall set fees according to the following schedule:

~~(f) For hair braiders, hair wrappers, and body wrappers, fees for registration shall not exceed $25.~~

Section 26. Paragraph (f) of subsection (1) of section 477.0265, Florida Statutes, is amended to read:

477.0265 Prohibited acts.—

(1) It is unlawful for any person to:

(f) Advertise or imply that skin care services ~~or body wrapping~~, as performed under this chapter, have any relationship to the practice of massage therapy as defined in s. 480.033(3), except those practices or activities defined in s. 477.013.

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Section 27. Paragraph (a) of subsection (1) of section 477.029, Florida Statutes, is amended to read:

477.029 Penalty.—

(1) It is unlawful for any person to:

(a) Hold himself or herself out as a cosmetologist or~~,~~ specialist~~, hair wrapper, hair braider, or body wrapper~~ unless duly licensed or registered, or otherwise authorized, as provided in this chapter.

Section 28. Subsection (5) of section 481.203, Florida Statutes, is amended to read:

481.203 Definitions.—As used in this part:

(5) "Business organization" means a partnership, a limited liability company, a corporation, or an individual operating under a fictitious name ~~"Certificate of authorization" means a certificate issued by the department to a corporation or partnership to practice architecture or interior design~~.

Section 29. Section 481.219, Florida Statutes, is amended to read:

481.219 Business organization; qualifying agents ~~Certification of partnerships, limited liability companies, and corporations~~.—

(1) A licensee may ~~The practice of or the offer to~~ practice architecture or interior design ~~by licensees~~ through a business organization that offers ~~corporation, limited liability company, or partnership offering~~ architectural or interior design services to the public, or through ~~by~~ a business organization that offers ~~corporation, limited liability company, or partnership offering~~ architectural or interior design services to the public through such licensees ~~under this part~~ as agents,

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employees, officers, or partners~~, is permitted, subject to the provisions of this section~~.

(2) If a licensee or an applicant proposes to engage in the practice of architecture or interior design as a business organization, the licensee or applicant must apply to qualify the business organization ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person practicing under a fictitious name, offering architectural services to the public jointly or separately. However, when an individual is practicing architecture in her or his own name, she or he shall not be required to be certified under this section. Certification under this subsection to offer architectural services shall include all the rights and privileges of certification under subsection (3) to offer interior design services~~.

(a) An application to qualify a business organization must:

1. If the business is a partnership, state the names of the partnership and its partners.

2. If the business is a corporation, state the names of the corporation and its officers and directors and the name of each of its stockholders who is also an officer or a director.

3. If the business is operating under a fictitious name, state the fictitious name under which it is doing business.

4. If the business is not a partnership, a corporation, or operating under a fictitious name, state the name of such other legal entity and its members.

(b) The board may deny an application to qualify a business organization if the applicant or any person required to be named

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pursuant to paragraph (a) has been involved in past disciplinary actions or on any grounds for which an individual registration may be denied.

(3)(a) A business organization may not engage in the practice of architecture unless its qualifying agent is a registered architect under this part. A business organization may not engage in the practice of interior design unless its qualifying agent is a registered architect or a registered interior designer under this part. A qualifying agent who terminates her or his affiliation with a business organization shall immediately notify the department of such termination. If the qualifying agent who terminates her or his affiliation is the only qualifying agent for a business organization, the business organization must be qualified by another qualifying agent within 60 days after the termination. Except as provided in paragraph (b), the business organization may not engage in the practice of architecture or interior design until it is qualified by a qualifying agent.

(b) In the event a qualifying architect or interior designer ceases employment with the business organization, the executive director or the chair of the board may authorize another registered architect or interior designer employed by the business organization to temporarily serve as its qualifying agent for a period of no more than 60 days. The business organization is not authorized to operate beyond such period under this chapter absent replacement of the qualifying architect or interior designer who has ceased employment.

(c) A qualifying agent shall notify the department in writing before engaging in the practice of architecture or

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interior design in her or his own name or in affiliation with a different business organization, and she or he or such business organization shall supply the same information to the department as required of applicants under this part ~~For the purposes of this section, a certificate of authorization shall be required for a corporation, limited liability company, partnership, or person operating under a fictitious name, offering interior design services to the public jointly or separately. However, when an individual is practicing interior design in her or his own name, she or he shall not be required to be certified under this section~~.

(4) All final construction documents and instruments of service which include drawings, specifications, plans, reports, or other papers or documents that involve ~~involving~~ the practice of architecture which are prepared or approved for the use of the business organization ~~corporation, limited liability company, or partnership~~ and filed for public record within the state must ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

(5) All drawings, specifications, plans, reports, or other papers or documents prepared or approved for the use of the business organization ~~corporation, limited liability company, or partnership~~ by an interior designer in her or his professional capacity and filed for public record within the state must ~~shall~~ bear the signature and seal of the licensee who prepared or approved them and the date on which they were sealed.

~~(6) The department shall issue a certificate of authorization to any applicant who the board certifies as~~

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~~qualified for a certificate of authorization and who has paid the fee set in s. 481.207.~~

(6)~~(7)~~ The board shall allow ~~certify~~ an applicant to qualify one or more business organizations ~~as qualified for a certificate of authorization~~ to offer architectural or interior design services, or to use a fictitious name to offer such services, if ~~provided that~~:

(a) One or more of the principal officers of the corporation or limited liability company, or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as architects, are registered as provided by this part; or

(b) One or more of the principal officers of the corporation or one or more partners of the partnership, and all personnel of the corporation, limited liability company, or partnership who act in its behalf in this state as interior designers, are registered as provided by this part.

~~(8) The department shall adopt rules establishing a procedure for the biennial renewal of certificates of authorization.~~

~~(9) The department shall renew a certificate of authorization upon receipt of the renewal application and biennial renewal fee.~~

(7)~~(10)~~ Each qualifying agent approved to qualify a business organization ~~partnership, limited liability company, and corporation certified~~ under this section shall notify the department within 30 days after ~~of~~ any change in the information contained in the application upon which the qualification

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~~certification~~ is based. Any registered architect or interior designer who qualifies the business organization shall ensure ~~corporation, limited liability company, or partnership as provided in subsection (7) shall be responsible for ensuring~~ responsible supervising control of projects of the business organization ~~entity~~ and shall notify the department of the ~~upon~~ termination of her or his employment with a business organization qualified ~~partnership, limited liability company, or corporation certified~~ under this section ~~shall notify the department of the termination~~ within 30 days after such termination.

(8)~~(11)~~ A business organization is not ~~No corporation, limited liability company, or partnership shall be~~ relieved of responsibility for the conduct or acts of its agents, employees, or officers by reason of its compliance with this section. However, except as provided in s. 558.0035, the architect who signs and seals the construction documents and instruments of service is ~~shall be~~ liable for the professional services performed, and the interior designer who signs and seals the interior design drawings, plans, or specifications is ~~shall be~~ liable for the professional services performed.

~~(12) Disciplinary action against a corporation, limited liability company, or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered architect or interior designer, respectively.~~

(9)~~(13)~~ ~~Nothing in~~ This section may not ~~shall~~ be construed to mean that a certificate of registration to practice architecture or interior design must ~~shall~~ be held by a business

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organization ~~corporation, limited liability company, or partnership~~. ~~Nothing in~~ This section does not prohibit a business organization from offering ~~prohibits corporations, limited liability companies, and partnerships from joining together to offer~~ architectural, engineering, interior design, surveying and mapping, and landscape architectural services, or any combination of such services, to the public if the business organization~~, provided that each corporation, limited liability company, or partnership~~ otherwise meets the requirements of law.

(10)~~(14)~~ A business organization that is qualified by a registered architect may use ~~Corporations, limited liability companies, or partnerships holding a valid certificate of authorization to practice architecture shall be permitted to use in their title~~ the term "interior designer" or "registered interior designer" in its title. ~~designer."~~

Section 30. Subsection (10) of section 481.221, Florida Statutes, is amended to read:

481.221 Seals; display of certificate number.—

(10) Each registered architect or interior designer must~~, and each corporation, limited liability company, or partnership holding a certificate of authorization, shall~~ include her or his license ~~its certificate~~ number in any newspaper, telephone directory, or other advertising medium used by the registered licensee. Each business organization must include the license number of the registered architect or interior designer who serves as the qualifying agent for that business organization in any newspaper, telephone directory, or other advertising medium used by the business organization, but is not required to display the license numbers of other registered architects or

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interior designers employed by the business organization ~~architect, interior designer, corporation, limited liability company, or partnership~~. ~~A corporation, limited liability company, or partnership is not required to display the certificate number of individual registered architects or interior designers employed by or working within the corporation, limited liability company, or partnership.~~

Section 31. Paragraphs (a) and (c) of subsection (5) of section 481.229, Florida Statutes, are amended to read:

481.229 Exceptions; exemptions from licensure.—

(5)(a) ~~Nothing contained in~~ This part does not prohibit ~~shall prevent~~ a registered architect or a qualified business organization ~~partnership, limited liability company, or corporation holding a valid certificate of authorization to provide architectural services~~ from performing any interior design service or from using the title "interior designer" or "registered interior designer."

(c) Notwithstanding any other provision of this part, a registered architect or business organization qualified ~~any corporation, partnership, or person operating under a fictitious name which holds a certificate of authorization~~ to provide architectural services must ~~shall~~ be qualified, without fee, ~~for a certificate of authorization~~ to provide interior design services upon submission of a completed application for qualification ~~therefor~~. ~~For corporations, partnerships, and persons operating under a fictitious name which hold a certificate of authorization to provide interior design services, satisfaction of the requirements for renewal of the certificate of authorization to provide architectural services~~

~~under s. 481.219 shall be deemed to satisfy the requirements for renewal of the certificate of authorization to provide interior design services under that section.~~

Section 32. Section 481.303, Florida Statutes, is reordered and amended to read:

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

(1) "Board" means the Board of Landscape Architecture.

(2) "Business organization" means any partnership, limited liability company, corporation, or individual operating under a fictitious name.

(4) ~~(2)~~ "Department" means the Department of Business and Professional Regulation.

(7) ~~(3)~~ "Registered landscape architect" means a person who holds a license to practice landscape architecture in this state under the authority of this act.

(3) ~~(4)~~ "Certificate of registration" means a license issued by the department to a natural person to engage in the practice of landscape architecture.

~~(5) "Certificate of authorization" means a license issued by the department to a corporation or partnership to engage in the practice of landscape architecture.~~

(5) ~~(6)~~ "Landscape architecture" means professional services, including, but not limited to, the following:

(a) Consultation, investigation, research, planning, design, preparation of drawings, specifications, contract documents and reports, responsible construction supervision, or landscape management in connection with the planning and development of land and incidental water areas, including the use of Florida-friendly landscaping as defined in s. 373.185,

where, and to the extent that, the dominant purpose of such services or creative works is the preservation, conservation, enhancement, or determination of proper land uses, natural land features, ground cover and plantings, or naturalistic and aesthetic values;

(b) The determination of settings, grounds, and approaches for and the siting of buildings and structures, outdoor areas, or other improvements;

(c) The setting of grades, shaping and contouring of land and water forms, determination of drainage, and provision for storm drainage and irrigation systems where such systems are necessary to the purposes outlined herein; and

(d) The design of such tangible objects and features as are necessary to the purpose outlined herein.

(6)~~(7)~~ "Landscape design" means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.

Section 33. Subsection (4) of section 481.311, Florida Statutes, is amended to read:

481.311 Licensure.—

~~(4) The board shall certify as qualified for a certificate of authorization any applicant corporation or partnership who satisfies the requirements of s. 481.319.~~

Section 34. Subsection (2) of section 481.317, Florida Statutes, is amended to read:

481.317 Temporary certificates.—

~~(2) Upon approval by the board and payment of the fee set in s. 481.307, the department shall grant a temporary certificate of authorization for work on one specified project in this state for a period not to exceed 1 year to an out-of-state corporation, partnership, or firm, provided one of the principal officers of the corporation, one of the partners of the partnership, or one of the principals in the fictitiously named firm has obtained a temporary certificate of registration in accordance with subsection (1).~~

Section 35. Section 481.319, Florida Statutes, is amended to read:

481.319 Corporate and partnership practice of landscape architecture~~; certificate of authorization~~.—

(1) The practice of or offer to practice landscape architecture by registered landscape architects registered under this part through a corporation or partnership offering landscape architectural services to the public, or through a corporation or partnership offering landscape architectural services to the public through individual registered landscape architects as agents, employees, officers, or partners, is permitted, subject to the provisions of this section, if:

(a) One or more of the principal officers of the corporation, or partners of the partnership, and all personnel of the corporation or partnership who act in its behalf as landscape architects in this state are registered landscape architects; and

(b) One or more of the officers, one or more of the directors, one or more of the owners of the corporation, or one or more of the partners of the partnership is a registered landscape architect and has applied to be the qualifying agent for the business organization~~; and~~

~~(c) The corporation or partnership has been issued a certificate of authorization by the board as provided herein~~.

(2) All documents involving the practice of landscape architecture which are prepared for the use of the corporation or partnership shall bear the signature and seal of a registered landscape architect.

(3) A landscape architect applying to practice in the name of a ~~An applicant~~ corporation must ~~shall~~ file with the department the names and addresses of all officers and board members of the corporation, including the principal officer or officers, duly registered to practice landscape architecture in this state and, also, of all individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by the corporation in this state. A landscape architect applying to practice in the name of a ~~An applicant~~ partnership must ~~shall~~ file with the department the names and addresses of all partners of the partnership, including the partner or partners duly registered to practice landscape architecture in this state and, also, of an individual or individuals duly registered to practice landscape architecture in this state who shall be in responsible charge of the practice of landscape architecture by said partnership in this state.

(4) Each landscape architect qualifying a partnership or

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~~and~~ corporation ~~licensed~~ under this part must ~~shall~~ notify the department within 1 month after ~~of~~ any change in the information contained in the application upon which the license is based. Any landscape architect who terminates her or his ~~or her~~ employment with a partnership or corporation licensed under this part shall notify the department of the termination within 1 month after such termination.

~~(5) Disciplinary action against a corporation or partnership shall be administered in the same manner and on the same grounds as disciplinary action against a registered landscape architect.~~

(5)~~(6)~~ Except as provided in s. 558.0035, the fact that a registered landscape architect practices landscape architecture through a corporation or partnership as provided in this section does not relieve the landscape architect from personal liability for her or his ~~or her~~ professional acts.

Section 36. Subsection (5) of section 481.321, Florida Statutes, is amended to read:

481.321 Seals; display of certificate number.—

(5) Each registered landscape architect must ~~and each corporation or partnership holding a certificate of authorization shall~~ include her or his ~~its~~ certificate number in any newspaper, telephone directory, or other advertising medium used by the registered landscape architect, corporation, or partnership. A corporation or partnership must ~~is not required to~~ display the certificate number ~~numbers~~ of at least one officer, director, owner, or partner who is a ~~individual~~ registered landscape architect ~~architects~~ employed by or practicing with the corporation or partnership.

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Section 37. Subsection (5) of section 481.329, Florida Statutes, is amended to read:

481.329 Exceptions; exemptions from licensure.—

(5) This part does not prohibit any person from engaging in the practice of landscape design, as defined in s. 481.303(6) ~~481.303(7)~~, or from submitting for approval to a governmental agency planting plans that are independent of, or a component of, construction documents that are prepared by a Florida-registered professional. Persons providing landscape design services may ~~shall~~ not use the title, term, or designation "landscape architect," "landscape architectural," "landscape architecture," "L.A.," "landscape engineering," or any description tending to convey the impression that she or he is a landscape architect unless she or he is registered as provided in this part.

Section 38. Paragraph (h) of subsection (2) of section 287.055, Florida Statutes, is amended to read:

287.055 Acquisition of professional architectural, engineering, landscape architectural, or surveying and mapping services; definitions; procedures; contingent fees prohibited; penalties.—

(2) DEFINITIONS.—For purposes of this section:

(h) A "design-build firm" means a partnership, corporation, or other legal entity that:

1. Is certified under s. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

2. Is certified under s. 471.023 to practice or to offer to

practice engineering; qualified ~~certified~~ under s. 481.219 to practice or to offer to practice architecture; or qualified ~~certified~~ under s. 481.319 to practice or to offer to practice landscape architecture.

Section 39. Present paragraphs (j) and (k) of subsection (2) of section 548.003, Florida Statutes, are redesignated as paragraphs (i) and (j), respectively, and present paragraph (i) of that subsection is amended, to read:

548.003 Florida State Boxing Commission.—

(2) The Florida State Boxing Commission, as created by subsection (1), shall administer the provisions of this chapter. The commission has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this chapter and to implement each of the duties and responsibilities conferred upon the commission, including, but not limited to:

~~(i) Designation and duties of a knockdown timekeeper.~~

Section 40. Subsection (1) of section 548.017, Florida Statutes, is amended to read:

548.017 Participants, managers, and other persons required to have licenses.—

(1) A participant, manager, trainer, second, ~~timekeeper,~~ referee, judge, ~~announcer,~~ physician, matchmaker, or promoter must be licensed before directly or indirectly acting in such capacity in connection with any match involving a participant. A physician approved by the commission must be licensed pursuant to chapter 458 or chapter 459, must maintain an unencumbered license in good standing, and must demonstrate satisfactory medical training or experience in boxing, or a combination of both, to the executive director before working as the ringside

physician.

Section 41. This act shall take effect July 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 8, 2018

I respectfully request that **Senate Bill #1114**, relating to **Professional Regulation**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 114
Bill Number (if applicable)

35140
Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Michael Haimon

Job Title Board Member

Address 3665 E Bay Dr
Street

Largo FL 33771
City *State* *Zip*

Phone 727-686-7509

Email

Speaking: ☐ For ☑ Against ☐ Information

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

Representing F.A.C.T.S.

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

FEB 27/2018
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Deregulation Professional

Name Ortiz, Edwin E.

Job Title Student

Address 22939 Sills Loop Ln
Street

Land O'Lakes FL 34639
City *State* *Zip*

Phone 813-735-3542

Email cpted3052a@aol.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of Baking

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)

SB 1114

Meeting Date | *Bill Number (if applicable)*

356140

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Clarence Clover Jr.

Job Title Barber Educator

Address 3452 Trask Dr. Phone 727-641-0112

Street

Holiday Fl Email Clover.Clarence@gmail.com

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing America Institute of beauty.

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)

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Professional Regulation

Name Mez Varol

Job Title President

Address 2550 South Ridgewood Ave.
Street

South Daytona FL 32119
City *State* *Zip*

Phone 386-405-2711

Email mez@INTL-ACADEMY.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FACTS (Florida Association of Cosmetology and Technical Schools)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Deregulation SB 526 Amended to 1114

Name Frank Penna

Job Title

Address 8031 SW 108 St
Street

Phone 305 761 6653

Miami FL 33156
City *State* *Zip*

Email frank@fjpgroup.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Beauty Schools of America

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

356 140
Amendment Barcode (if applicable)

Topic State Regulation

Name Lillia English

Job Title Campus Director

Address 1271 E. Semoran Blvd suite 13
Street

Orlando FL 32707
City *State* *Zip*

Phone 407-681-2416

Email lenglish@hi.edu

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Professional Regulations

Name David Jones

Job Title Education

Address 1000 Courtland Blvd
Street

Phone 407 235-5104

Deltona FL. 32738
City *State* *Zip*

Email Djones@NI.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic State Regulation

Name Phillip Michael

Job Title Instructor (Barber)

Address 1271 E. Semoran blvd.
Street

Phone 407-205-9998

Casselberry
City

FL
State

32707
Zip

Email Philmichaelhairllc@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Professional Regulation

Name Phillip Michael

Job Title Barber/Shop Owner/Barber Instructor

Address 7237 Willowood St. *Street*

Phone 407-988-4695

Orlando *City* FL *State* 32818 *Zip*

Email PhilmichaelhairLLC@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Hollywood Institute

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

356140
Amendment Barcode (if applicable)

Topic Professional Regulation

Name Kia Dixon

Job Title Instructor/Education

Address 12118 Walden Woods Dr. *Street*

Phone 321-948-4198

Orlando *City* FL *State* 32824 *Zip*

Email kdixon@hi.edu

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

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)

Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional deregulation

356140
Amendment Barcode (if applicable)

Name Damon Clements

Job Title Master barber student

Address 3314 14th St. North Apt. 2
Street

Phone 727 320-7926

St. Petersburg FL 33705
City State Zip

Email gambitdabandit@gmail

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of beauty

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

SB 1114
Bill Number (if applicable)

35C140
Amendment Barcode (if applicable)

Topic SB 1114

Name John Rebstock

Job Title Vice President

Address 1176 SW 67 Ave
Street

Phone 786 239 0176

Miami FL
City State Zip

Email

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Beauty Schools of America

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)

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Mez Varol

Job Title President

Address 2550 South Ridgewood Ave.
Street

South Daytona FL 32119
City State Zip

Phone 386-405-2711

Email mez@intl-academy.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing FACTS (Florida Associations of Cosmetology and Technical Schools)

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic regulated professions

Name Robert Rosenberg

Job Title president

Address 3221 West Barcelona St
Street

Tampa FL 33629
City *State* *Zip*

Phone 813-601-6868

Email robert@custclassics.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing FACTS

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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Clarence Glover Jr

Job Title Barber Educator

Address 3452 Trask Dr.
Street
Holiday Fl. 34691
City *State* *Zip*

Phone 727-641-0112

Email Glover.clarence@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing America Institute of Beauty

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)

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic PROFESSIONAL DEREGULATION

Name MICHAEL HALMON

Job Title BOARD Member

Address 3665 EAST BAY DR #164
Street

City *State* *Zip*

Phone 727-686-7509

Email Michael.Halmon@yahoo

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

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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)

7/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Michael C. Halmon

Job Title Director

Address 2800 34th Street North
Street

Phone 813-748-3817

St. Petersburg FL 33713
City *State* *Zip*

Email MikeHalmon@aibschool.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of Beauty

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/27/19
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic De-Regulation Bill

Name Kayla Edwards

Job Title Cosmetologist student

Address 1312 Rosewood Cove
Street

Phone 850-502-9242

Niceville FL 32578
City *State* *Zip*

Email Richelleke@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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

02/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic De-Regulation Bill

Name Kelly Tracy

Job Title Cosmetologist Student

Address 1505 W Tharpe Street
Street

Tallahassee FL 32303
City *State* *Zip*

Phone (407) 579-0151

Email Ktracy98@icloud.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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Damon Clements

Job Title Master barber student

Address 334 14th Street north Apt 2
Street

Phone 727-320-7924

St. Petersburg *City* FL *State* 33705 *Zip*

Email gambitdabandit@gmail

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of beauty

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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02/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic De-Regulation Bill

Name Logan Poplin

Job Title Cosmetologist (student)

Address 1320 Hendrix Road #905
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 772 7660223

Email loganpoplin@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic De-Regulation Bill

Name Jacquenn Carlton

Job Title Cosmotologist student

Address 44 Trainor Ct.
Street

Crawfordville FL 32327
City *State* *Zip*

Phone 850-710-7044

Email jackiecarlton73@gmail.co

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

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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 27, 2018
Meeting Date

1114
SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Datiz, Edwin E

Job Title student

Address 22939 Sills loop
Street
LAND O LAKES FL 34639
City *State* *Zip*

Phone 813-735-3542

Email cpred3052@AOL.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing AMERICAN INSTITUTE OF BEAUTY

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Lillian English

Job Title Campus Director Hollywood Institute

Address 1271 E. Semoran Suite 131
Street

Orlando, FL 32707
City *State* *Zip*

Phone 407-681-2410

Email lenglish@hi.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Career

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Nicole Viter

Job Title Corporate Director of Compliance & Education

Address 420 South State Rd 7
Street

Phone 954-922-5505

Hollywood FL 33023
City *State* *Zip*

Email NViter@hi.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name DAVID JONES

Job Title Education

Address 1000 Courtland Blvd.
Street

Phone 407 235-5104

Deltona FL. 32738
City *State* *Zip*

Email Djones@HI.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 714
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Kia Dixon

Job Title Education/Instructor

Address 12118 Walden Woods Dr.
Street

Phone 321-948-4198

Orlando FL 32826
City *State* *Zip*

Email kdixon@hi.edu

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Hollywood Inst of Beauty Careers.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Nicole Vitez

Job Title Director of Compliance & Education

Address 420 South State Road 7
Street

Phone 954-922-5505

Hollywood FL 33023
City *State* *Zip*

Email NVitez@hi.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Hollywood Institute of Beauty Careers

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 1114

Meeting Date *Bill Number (if applicable)*

Topic Professional Deregulation

Amendment Barcode (if applicable)

Name Jim Petrillo

Job Title President Aveda Institute South

Address 235 3rd street South Phone 727-820-3173

Street

St Petersburg FL 33701 Email JimP@Avedaflorida.edu

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

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

Representing Aveda

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Proffesional Deregulation.

Amendment Barcode (if applicable)

Name Paul Villeneuve

Job Title Vice President Education Aveda Institute.

Address 235 3rd st ST Petersburg
Street

Phone 727-525-8711

Saint Petersburg FL 33703
City *State* *Zip*

Email PaulV@AvedaFL.edu.

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Aveda Institute

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Deregulation

Amendment Barcode (if applicable)

Name Luan Lippold

Job Title VP Sales + Marketing

Address 235 3rd St.
Street

St. Pete FL 33703
City *State* *Zip*

Phone 839-0570 (612-746-6720)

Email Luan.Lippold@avedaflorida.edu

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Aveda Inst

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)

2/27/2018
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name CURTIS AUSTIN

Job Title EXECUTIVE DIRECTOR

Address P.O. Box 12654
Street

Tallahassee FL 32312
City *State* *Zip*

Phone 850-577-3139

Email Curtis@Fapcc.org

Speaking: ☐ For ☑ Against ☐ Information

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

Representing FLA. ASSN OF POSTSECONDARY SCHOOLS & Colleges

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Melissa Ramba

Job Title Vice President

Address 227 S. Adams St.
Street
Tallahassee FL 32301
City *State* *Zip*

Phone 850-570-0269

Email melissa@frf.org

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Florida Retail Federation

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1114

Meeting Date *Bill Number (if applicable)*

Topic SB1114 *Amendment Barcode (if applicable)*

Name Frank Peng

Job Title

Address 8031 SW 108 St Phone 305 761 6653

Street

Miami FL 33156 Email

City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing Beauty Schools of America

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

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1114

Meeting Date *Bill Number (if applicable)*

Topic OCCUPATIONAL REGULATION *Amendment Barcode (if applicable)*

Name DANIEL GREENBERG

Job Title SENIOR POLICY ADVISOR, U.S. DEPT. OF LABOR

Address 200 CONSTITUTION AVE Phone 202-693-5916

Street

WASHINGTON, DC 20210 Email GREENBERG.DANIEL@DOL.GOV

City *State* *Zip*

Speaking: ☐ For ☐ Against ☑ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing U.S. DEPT. OF LABOR

Appearing at request of Chair: ☐ Yes ☑ No Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Occupational Licensing

Name Justin Pearson

Job Title Florida Office Managing Attorney - Institute for Justice

Address 2 S. Biscayne Blvd. Suite 3180
Street

Phone (305) 721-1600

Miami FL 33203
City *State* *Zip*

Email JPearson@IJ.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Institute for Justice

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Hair Braiding

Name Alkeisha Jackson

Job Title licenced Cosmetologist (Salon owner)

Address 1135 W Exmore Ave
Street

Port St Lucie Fl. 34983
City *State* *Zip*

Phone (561) 655 6706

Email Jacksonalkeisha@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

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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 27, 18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name Toni Winkley

Job Title Instructor

Address 4375 33rd Ave. N.
Street

St. Pete Fl. 33713
City *State* *Zip*

Phone 813-368-9438

Email toniwinkley@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of Beauty

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

02-27-2017 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1114

Meeting Date *Bill Number (if applicable)*

Topic Deregulation of Barber, SKIN + NAIL *Amendment Barcode (if applicable)*

Name Terri Alexander

Job Title Director of Education

Address 985 E. Memorial Blvd Phone

Street

Lakeland FL 33880 Email talexander@gotchairschool.com

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing Education of Licensed Professionals

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)

2.27.18
Meeting Date

SB 114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Deregulation of Skin, Nail & Barber

Name Deirdre Mullan

Job Title Campus President

Address 4351 Adamo Drive
Street

Tampa FL 33607
City *State* *Zip*

Phone 914-584-4072

Email dmullan@artisticbeauty school.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Education of Licensed Professionals

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)

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Deregulation Skin Nail & Barber

Name Nancy French

Job Title Skin Care Instructor

Address 4351 Adamo Dr.
Street

Tampa FL. 33607
City *State* *Zip*

Phone 813-654-4529

Email nancykayfrench.gmail

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Education of Z.S. Professionals

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)

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Deregulation Skin - Nail and Barber

Amendment Barcode (if applicable)

Name Carmen Dominguez

Job Title Instructor Cosmetology - Barber

Address 9351 Adamo dr.
Street

Tampa FL
City *State* *Zip*

Phone (813) 654-4529

Email Artistic Beauty

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Education of Licensed professionals

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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic PROFESSIONA DEREGULATION

Amendment Barcode (if applicable)

Name FRANK RAMIREZ

Job Title I

Address 25131 SW 120PL
Street

Phone (305) 801-7679

HOMESTEAD FL 33032
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

Feb 27, 2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1114

Meeting Date *Bill Number (if applicable)*

Topic Professional Deregulation

Amendment Barcode (if applicable)

Name Kayla Wilt

Job Title Student

Address 3191 Carriage DR Phone 7274103626

Street

Palm Harbor FL 34684 Email Kayelizabeth317@gmail

City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing American Institute of Beauty

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

Feb 27, 2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1114

Meeting Date *Bill Number (if applicable)*

Topic Professional Deregulation

Amendment Barcode (if applicable)

Name Amanda Bowell

Job Title Student

Address 2215 5th Avenue North Phone (727)512-8347

Street

Saint Petersburg FL 33713 Email mhiggins8349@gmail.com

City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing American Institute of Beauty

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)

Feb 27, 18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Deregulation

Amendment Barcode (if applicable)

Name * LENA DONIS

Job Title * STUDENT

Address * 1845 S. HIGHLAND AVE. BLDG. 6-14
Street

Phone * 727-657-9346

* CLEARWATER FL 33756
City *State* *Zip*

Email * LENAD87@GMAIL.COM

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of Beauty

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)

Feb 27, 18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Deregulation

Name* Cristal Salinas

Job Title* Student

Address* 611 N. Macdill Ave.
Street

Phone 727-600-2777

Tampa FL 33609
City *State* *Zip*

Email crystalsalinas17@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing American Institute of Beauty

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)

FEB 27, 2018
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic PROFESSIONAL DELEGATION

Name Stacy Thompson-Prissel

Job Title Director

Address 3321 21st Ave SW
Street

Largo FL 33774
City *State* *Zip*

Phone (715) 495-7567

Email Stacy.thompson@aibschool.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing AMERICAN INSTITUTE OF BEAUTY

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-2018
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name David Holden

Job Title Licensed Facial Specialist/Licensed Massage Therapist/Educator

Address 1650 Jacaranda St.
Street

Phone 727-458-6493

Dunedin FL 34698
City *State* *Zip*

Email dholden@sunstate.edu

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulations

Name Monica Whitlow

Job Title Licensed Cosmetologist

Address 3131 Meta Court
Street

Largo Florida 33771
City *State* *Zip*

Phone 727 692-7942

Email MWhitlow@sunstate.edu

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Jamie Murphy

Job Title Licensed Facial Specialist & NAIL Technician

Address 1299 Chelsea Lane
Street

Phone 727-215-6656

Holiday FL 34691
City *State* *Zip*

Email peanutmurphy@yahoo.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Tori Ashworth

Job Title Licensed Facial Specialist

Address 4101 32nd St N apt C
Street

Phone 727-403-7199

Saint petersburg FL 33714
City *State* *Zip*

Email ashworthtori8@gmail.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Ken Hilton

Job Title Licensed Barber

Address 1233 Grove St
Street

Phone 727-557-6560

Clearwater FL 33755
City *State* *Zip*

Email

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1714
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulations

Name Lana Lower

Job Title LMT/EST

Address 4808 Tea Rose Ct.
Street

Phone 727-220-2087

Lutz FL 33558
City *State* *Zip*

Email lanalower14@gmail

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Reg

Name Percy Williamson

Job Title License Barber

Address 1520 Washington Ave
Street

Clearwater fl 33756
City *State* *Zip*

Phone 7277657 2504

Email Percywilliamson3@Gmail

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

SB 1114
Bill Number (if applicable)

Meeting Date

Amendment Barcode (if applicable)

Topic Proffessional Regulation

Name Damian C. Rodriguez

Job Title Licensed Cosmetologyist

Address 11300 66 St N Apt 1012 Phone 352-277-9650
Street

Largo FL 33773 Email
City *State* *Zip*

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

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APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Prosecutorial Bias

Name Daysha'ann Jeff

Job Title Inmate Barber

Address 1225 Jennings Dr
Street

Holiday FL 34690
City *State* *Zip*

Phone 727-967-1181

Email JeffDayshaun@yahoo

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

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulations

Name Joshua Abdalla

Job Title liscenced Barber

Address 1717 Greenlea dr
Street

Phone 727-488-6986

Clearwater FL
City *State* *Zip*

Email joshua.abdalla@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Kathleen Givens

Job Title Licensed Full Specialist & Licensed Massage Therapist

Address 2507 Mobilaire Dr.
Street

Phone 813-484-9637

Lutz, FL 33559
City *State* *Zip*

Email appli_katie@yahoo.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Nazara Muwwakkil

Job Title Full Speaslist

Address 1836 harpoon Dr
Street

Phone 727-482-0284

Holiday FL 34690
City *State* *Zip*

Email nazzie@yahoo.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Jemisha Carroll

Job Title Licensed Full Specialist

Address 15581 Greenlea Dr.
Street

Clearwater FL 33755
City *State* *Zip*

Phone 727 600 2852

Email Carroll_Jemisha@yahoo.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Brandon Reyes

Job Title Licensed Barber

Address 2075 N Highland Ave Apt A8
Street

Phone 727-735-1532

Clearwater FL 33755
City *State* *Zip*

Email Brandon.Reyes3@Gmail.com

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

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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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic SB 1114

Amendment Barcode (if applicable)

Name Dr. Maura Scali-Sheahan

Job Title CEO. National Association of Barber Boards of America

Address 3336 Cypresswood Dr S.
Street

Jacksonville FL 32257
City *State* *Zip*

Phone 904-268-5351

Email nabba.mss@gmail.com

Speaking: ☐ For ☒ Against ☒ Information

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

Representing National Association of Barber Boards of America

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)

2-27-2018
Meeting Date

SB-1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name David Holden

Job Title Licensed Facial Specialist/Licensed Massage Therapist/Educator

Address 1650 Jacaranda St.
Street

Phone 727-458-6493

Dunedin FL 34698
City *State* *Zip*

Email dholden@sunstate.edu

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB1114

Meeting Date *Bill Number (if applicable)*

Amendment Barcode (if applicable)

Topic Professional Registration

Name Monica Whitlow

Job Title Licensed Cosmetologist

Address 3131 Meta Court *Street*

Phone 727 612-7942

Largo Florida 33771 *City* *State* *Zip*

Email mwhitlow@sunstate.edu

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

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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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Jamie Murphy

Job Title Licensed Facial Specialist & Nail Technician

Address 1299 Chelsea Lane
Street

Phone 727-215-6656

Holiday FL 34691
City *State* *Zip*

Email peanutmurphy@yahoo.com

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.

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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)

2/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Tori Ashworth

Job Title Licensed Facial Specialist

Address 4101 32nd st N #C
Street

Saint petersburg FL 33714
City *State* *Zip*

Phone 727-403-7199

Email ashworthtori8@gmail.com

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB114

Meeting Date *Bill Number (if applicable)*

Topic Professional Regulation *Amendment Barcode (if applicable)*

Name Kem Hilton

Job Title LICENSED BARBER

Address 1233 Grove St Phone 727-557-6560

Street

Clearwater FL 33755 Email

City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information Waive Speaking: ☐ In Support ☐ Against

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

Representing [redacted] SELF

Appearing at request of Chair: ☐ Yes ☑ No Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulations

Amendment Barcode (if applicable)

Name Lana Lower

Job Title LMT/EST

Address 4808 Tea Rose Ct.
Street

Phone 217-220-2087

Lutz FL 33558
City *State* *Zip*

Email lanalower14@gmail

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Proffesional Reg

Name Percy Williamson

Job Title Licese Barber

Address 1520 S Washington Ave
Street

Clearwater FL 33756
City *State* *Zip*

Phone 727 657 25-04

Email Percywilliamson30@Gmail

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

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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)

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Damian C Rodriguez

Job Title Licensed Cosmetologist

Address 11300 66st N Apt 1012
Street

Largo FL 33773
City *State* *Zip*

Phone 352-277-9650

Email

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Daryshawn Jett

Job Title Intern Barber

Address 1225 Jennings dr
Street

Holly FL 34960
City *State* *Zip*

Phone 727-967-1181

Email Jettdaryshawn@yahoo

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulations

Name Joshua Abdalla

Job Title licenced barber

Address 717 Greenlea dr
Street

Phone 727-488-6986

Clearwater FL 33755
City *State* *Zip*

Email joshua.abdalla@gmail.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Kathleen Givens

Job Title Licensed Full Specialist & Licensed Massage Therapist

Address 2507 Mobilaire Dr
Street

Phone 813-484-9637

Lutz, FL 33559
City *State* *Zip*

Email appli_katie@yahoo.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Nazara Muwwakil

Job Title full specialist

Address 1836 harpoon Dr
Street

Phone 727-482-0284

Holiday FL 34690
City *State* *Zip*

Email nazzie@yahoo.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Jamisha Carroll

Job Title Licensed Tull Specialist.

Address 1551 Greenleaf Dr. Phone 727 600 2852
Street

Clearwater FL 33755 Email Carroll_Jamisha@Yahoo.com
City *State* *Zip*

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
~~3/7/18~~
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Melvin Brown Jr

Job Title License Barber

Address 1675 Drew street
Street

Clearwater FL 33755
City *State* *Zip*

Phone 216·925·6300

Email melthebarber.mb26@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Brandon Reyes

Job Title Licensed Barber

Address 2075 N Highland Ave Apt A8
Street

Phone 727-735-1582

Clearwater FL 33755
City *State* *Zip*

Email Brandon.Reyes3@gmail.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Topic Deregulation of Barber, Skin & nail

Amendment Barcode (if applicable)

Name ELLE SEESE

Job Title Instructor

Address 985 E. Memorial Blvd
Street

Lakeland FL 33801
City *State* *Zip*

Phone

Email elle.seese1490@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing EDUCATION OF LICENSE PROFESSIONALS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1114

Meeting Date *Bill Number (if applicable)*

Topic Professional Regulation *Amendment Barcode (if applicable)*

Name Chelsea Murphy

Job Title State Director

Address 824 N. Duval St Phone 9545570016

Street

TLH FL 32303 Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☑ In Support ☐ Against

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

Representing Right on Crime

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)

2/27
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Sal Nuzzo

Job Title VP Policy

Address 100 N Duval Street
Street

Phone 850-322-9941

Tallahassee — FL — 32301
City — *State* — *Zip*

Email snuzzo@jamesmadison.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing The James Madison Institute

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date	Bill Number (if applicable)
	SB 1114

Amendment Barcode (if applicable)

Topic SB1114

Name John Rebstock

Job Title Vice President

Address 1176 SW 67 AVE Phone 786 239 0176
Street

Miami + 4 other cities FL 33149 Email
City *State* *Zip*

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02/27/2018
Meeting Date

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

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic PROFESSIONAL REGULATION

Name CESAR GRAJALES

Job Title COALITIONS DIRECTOR

Address 200 W. COLLEGE AVE.
Street

Phone 786.260.9283

TALLAHASSEE FL.
City State Zip

Email cgrajales@belibre.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing THE LIBRE INITIATIVE

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)

2-27-18
Meeting Date

1114
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Kurt Wenner

Job Title Vice President

Address 106 N. Bronough
Street

Tallhassee FL 32301
City *State* *Zip*

Phone 850-222-5052

Email kwenner@floridataxwatch.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida TaxWatch

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)

2.27.18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street
Tallahassee FL 32301
City *State* *Zip*

Phone 510-9922

Email Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Andrew Hosek

Job Title Analyst

Address 200 W College
Street

Tallahassee FL
City *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

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)

2-27-18
Meeting Date

1114
Bill Number (if applicable)

Topic Deregulation of Barbering, Skin, and Nail

Amendment Barcode (if applicable)

Name Kathleen M Johnson

Job Title Educator of Cosmetology n Barbering

Address 6207 Holly Heath Dr
Street

Phone

Riverview FL 33578
City *State* *Zip*

Email KTeachcosm@Yahoo.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Education of Licensee Prof

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Cosmetology

Name Amber Tookes

Job Title Student

Address 2020 W. Pensacola St.
Street

Tallahassee FL
City *State* *Zip*

Phone (850) 445-5485

Email tookesa@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Aveda Institute

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Cosmetology

Name Whitney Harris

Job Title Student

Address 2020 W. Pensacola St
Street
Tallahassee FL 32303
City *State* *Zip*

Phone (850)322-8184

Email lovelyenny@gmail.com

Speaking: ☒ For ☒ Against ☐ Information

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

Representing Aveda Institute

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1114

Meeting Date *Bill Number (if applicable)*

Topic Cosmetology bill *Amendment Barcode (if applicable)*

Name Mercedes Johnson

Job Title Student

Address 2020 W Pensacola st Phone 904 405 4715

Street

Tallahassee FL 32303 Email ejohnson7299@hotmail.com

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information Waive Speaking: ☐ In Support ☒ Against

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

Representing Aveda Institute

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulations

Name Mercedes Terrill

Job Title Business Owner, Divine Connections Massage & Spa

Address 6052 Van Dyke Rd
Street
Lutz FL
City *State* *Zip*

Phone 813-269-1194

Email mercyterrill@gmail.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
~~3/7/18~~
Meeting Date

SB 1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Melvin Brown Jr

Job Title License Barber

Address 1675 Drew Street
Street

Phone 216-925-6300

Clearwater FL 33755
City *State* *Zip*

Email Melthebarber.mb280@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing ~~Other~~ Thyself

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)

2/27/18
Meeting Date

SB1114
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Professional Regulation

Name Mercedes Terrill

Job Title Business Owner, Divine Connections Massage & Spa

Address 6052 Van Dyke Rd
Street

Phone 813-269-1194

Lutz FL 33558
City *State* *Zip*

Email mercyterrill@gmail.com

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 1144 (175328)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); Community Affairs Committee; and Senator Perry
SUBJECT:	Permit Fees
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Fav/CS**
2.	Gross	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Gross	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1144 requires the governing body of a local government to post its building permit and inspection fee schedules on its website. The bill also requires that before December 31, 2019, the governing body of a local government must publish its building permit and inspection utilization report on its website. After December 31, 2019, a local government must update the report prior to amending its building permit and inspection fee schedule. The report must use the most recently completed financial audit.

The bill does not affect state revenues or expenditures. Municipalities and counties may incur costs related to the implementation of this act.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida Building Codes Act

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act." The purpose and intent of the Florida Building Codes Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from

jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.[1]

Enforcement of the Florida Building Code

The board of county commissioners of each county is authorized to enforce the Building Code and issue building permits.[2] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit and paying reasonable fees as set forth in a schedule of fees adopted by the board.[3]

The board of county commissioners of each county and the governing body of a municipality are authorized to provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the Building Code.[4] A county that issues building permits must post each type of building permit application on its website.[5] Completed applications must be submitted electronically to the county or local enforcement agency building department, which must provide accepted methods of electronic submission.[6] However, payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.[7]

Local Government Fees

It is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of reasonable fees adopted by the enforcing agency.[8]

Except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities, each local government and each legally constituted enforcement district with statutory authority must regulate building construction.[9] Local governments are authorized to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code.[10] The basis for the fee structure must relate to the level of service provided by the local government.[11] Fees charged must be consistently applied.[12]

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[1] Section 553.72(1), F.S.
[2] Sections 125.56(1) and 125.01(1)(bb), F.S.
[3] Section 125.56(4)(a), F.S.
[4] Sections 125.56(2) and 166.222, F.S.
[5] Section 125.56(4)(b), F.S.
[6] *Id.*
[7] *Id.*
[8] Section 553.79(1), F.S.
[9] Section 553.80(1), F.S.
[10] The phrase "enforcing the Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. *See* s. 553.80(7)(a), F.S.
[11] Section 553.80(7), F.S.
[12] *Id.*

Local enforcement agencies, independent special districts,[13] or dependent special districts[14] may not require additional fees, charges, or expenses for:

- Providing proof of licensure pursuant to ch. 489, F.S.;
- Recording or filing a license issued; and
- Providing, recording, or filing evidence of workers' compensation insurance coverage required by ch. 440, F.S.[15]

A "local enforcement agency" means the agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for the design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.[16]

III. Effect of Proposed Changes:

Section 1 amends s. 125.56, F.S., to require the governing body of a county authorized to issue fees under this section or s. 553.80, F.S., to post its building permit and inspection fee schedule and its building permit and inspection report required under s. 553.80(7), F.S., on its website.

Section 2 amends s. 166.222, F.S., to require the governing body of a municipality authorized to issue fees under s. 553.80, F.S., to post its building permit and inspection fee schedule and its building permit and inspection report required under s. 553.80(7), F.S., on its website.

Section 3 amends s. 553.80, F.S., to require the governing body of a local government to publish its building permit and inspection report on its website by December 31, 2019. After December 31, 2019, a local government must update the report prior to amending its building permit and inspection fee schedules. The report must use the most recently completed financial audit.

Additionally, the report must include:

- Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to:
  - The review of building plans.
  - Building inspections.
  - Building reinspections.
  - Building permit processing.
  - Building code enforcement.

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[13] Section 189.012(3), F.S., defines an "independent special district" as a special district that is not a dependent special district as defined in s. 189.012(2), F.S.

[14] A dependent special district has a governing board comprised of members, which are identical in membership to, or all appointed by, or removable at will by, the governing body of a single county or municipality. A dependent special district also includes a district that has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or municipality. *See* s. 189.012(2), F.S. A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. *See 2017-2018 Local Gov't Formation Manual* at pg. 64, available at http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911.

[15] Section 553.80(7)(d), F.S.

[16] Section 553.71(5), F.S.

- Number of building permits requested.
- Number of building permits issued.
- Number of building inspections and reinspections conducted.
- Number of personnel employed by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Salary and related employee benefit costs incurred by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Revenue derived from fees pursuant to this subsection.
- Revenue derived from fines pursuant to this subsection.
- When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to this subsection.
- Balances carried forward by the local government pursuant to this subsection.
- Balances refunded by the local government pursuant to this subsection.

Section 4 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a), of the Florida Constitution provides that no county or municipality is bound by any general law that requires the expenditure of money unless the legislature determines that the law fulfills an important state interest and the bill is passed by a two-thirds vote of the membership of each house of the Legislature.

This bill requires local governments to revise their websites and post their permit and inspection fee schedules and their building permit and inspection utilization report on their websites, which may require expenditures. However, the mandates requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately $2.05 million or less.[17,18,19]

In so far as a county or municipality currently provides a schedule of reasonable permit and inspection fees on its website, the fiscal impact of this bill may be insignificant.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[17] FLA. CONST. art. VII, s. 18(d).
[18] Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf.
[19] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Dec. 19, 2017).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Requiring a local government to post its permit and inspection fee schedules as well as a building permit and inspection utilization report on its website will help applicants for building permits assess the associated costs of the permit.

C. Government Sector Impact:

Local governments will be required to post permit and inspection fee schedules as well as a building permit and inspection utilization report on their websites. Some local governments that do not currently post documents on their websites may have to make an initial expenditure of funds to revise their existing website to include the ability to post permit and inspection fee schedules as well as a report on the local government's website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.56, 166.222, and 553.80.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Finance and Tax on February 5, 2018:
The committee substitute:

- Removes the requirement that the building permit and inspection report, which must be posted on the local government's website, be accessible through a link.
- Clarifies that local governments must post on their websites the building and inspection utilization report by December 31, 2019.
- Clarifies that after December 31, 2019, any local government that intends to amend its schedule of fees shall first update its building permit and inspection utilization report.

- Requires local governments to use information available in the most recently completed financial audit as the basis for the building permit and inspection utilization report.
- Replaces the term "implement the Florida Building Code" with "enforce the Florida Building Code," which is consistent with current law.
- Removes "building fire inspections" as a requisite in the required report.

CS by Community Affairs Committee on January 16, 2018:

- Adds the permit and inspection fee schedule requirements to s. 166.222, F.S., so that the permit and inspection fee schedule requirements for municipalities are properly placed in the municipality chapter of the Florida Statutes.

B. Amendments:

None.

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

175328

576-02869-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to permit fees; amending ss. 125.56 and 166.222, F.S.; requiring the governing bodies of counties and municipalities to post their permit and inspection fee schedules and building permit and inspection utilization reports on their websites; amending s. 553.80, F.S.; requiring certain governing bodies of local governments to post their building permit and inspection utilization reports on their websites by a specified date; providing reporting requirements; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(c) The governing body of a county authorized under this section or s. 553.80 to issue fees shall post its permit and inspection fee schedules and its building permit and inspection utilization report required under s. 553.80(7) on its website.

Section 2. Section 166.222, Florida Statutes, is amended to read:

166.222 Building code inspection fees.—

175328

576-02869-18

(1) The governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code.

(2) The governing body of a municipality authorized under s. 553.80 to issue fees shall post its permit and inspection fee schedules and its building permit and inspection utilization report required under s. 553.80(7) on its website.

Section 3. Subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

1.~~(a)~~ As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2.~~(b)~~ The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a.~~1.~~ Planning and zoning or other general government activities.

b.~~2.~~ Inspections of public buildings for a reduced fee or no fee.

c.~~3.~~ Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d.~~4.~~ Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1 ~~paragraph (a)~~.

3.~~(c)~~ A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1 ~~paragraph (a)~~.

4.~~(d)~~ The local enforcement agency, independent district,

or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a.~~1.~~ Providing proof of licensure pursuant to chapter 489;

b.~~2.~~ Recording or filing a license issued pursuant to this chapter; or

c.~~3.~~ Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

(b) By December 31, 2019, the governing body of a local government that provides a schedule of fees shall post its building permit and inspection utilization report on its website. The report shall be based on the information available in the most recently completed financial audit. After December 31, 2019, the governing body of a local government that provides a schedule of fees shall update its building permit and inspection utilization report on its website prior to making any adjustments to the fee schedule. The report shall include:

1. Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to:

a. The review of building plans.

b. Building inspections.

c. Building reinspections.

d. Building permit processing.

e. Building code enforcement.

2. Number of building permits requested.

3. Number of building permits issued.

4. Number of building inspections and reinspections conducted.

5. Number of personnel employed by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.

6. Salary and related employee benefit costs incurred by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.

7. Revenue derived from fees pursuant to paragraph (a).

8. Revenue derived from fines pursuant to paragraph (a).

9. When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to paragraph (a).

10. Balances carried forward by the local government pursuant to paragraph (a).

11. Balances refunded by the local government pursuant to paragraph (a).

Section 4. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1144
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); Community Affairs Committee; and Senator Perry
SUBJECT:	Permit Fees
DATE:	March 1, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Fav/CS**
2.	Gross	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Gross	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1144 requires the governing body of a local government to post its building permit and inspection fee schedules on its website. The bill also requires that before December 31, 2019, the governing body of a local government must publish its building permit and inspection utilization report on its website. After December 31, 2019, a local government must update the report prior to amending its building permit and inspection fee schedule. The report must use the most recently completed financial audit.

The bill does not affect state revenues or expenditures. Municipalities and counties may incur costs related to the implementation of this act.

The bill takes effect July 1, 2018.

II. Present Situation:

Florida Building Codes Act

Part IV of chapter 553, F.S., is known as the "Florida Building Codes Act." The purpose and intent of the Florida Building Codes Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Florida Building Code must be applied, administered, and enforced uniformly and consistently from

jurisdiction to jurisdiction. It is the intent of the Legislature that local governments have the power to inspect all buildings, structures, and facilities within their jurisdictions in protection of the public's health, safety, and welfare.[1]

Enforcement of the Florida Building Code

The board of county commissioners of each county is authorized to enforce the Building Code and issue building permits.[2] It is unlawful for a person, firm, or corporation to construct, erect, alter, repair, secure, or demolish any building without first obtaining a permit and paying reasonable fees as set forth in a schedule of fees adopted by the board.[3]

The board of county commissioners of each county and the governing body of a municipality are authorized to provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the Building Code.[4] A county that issues building permits must post each type of building permit application on its website.[5] Completed applications must be submitted electronically to the county or local enforcement agency building department, which must provide accepted methods of electronic submission.[6] However, payments, attachments, or drawings required as part of the permit application may be submitted in person in a nonelectronic format, at the discretion of the building official.[7]

Local Government Fees

It is unlawful for any person, firm, corporation, or governmental entity to construct, erect, alter, modify, repair, or demolish any building without first obtaining a permit from the appropriate enforcing agency or from such persons delegated the authority to issue permits, upon the payment of reasonable fees adopted by the enforcing agency.[8]

Except for construction regarding correctional and mental health facilities, elevators, storage facilities, educational institutions, and toll collection facilities, each local government and each legally constituted enforcement district with statutory authority must regulate building construction.[9] Local governments are authorized to provide a schedule of consistent reasonable fees to be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code.[10] The basis for the fee structure must relate to the level of service provided by the local government.[11] Fees charged must be consistently applied.[12]

---

[1] Section 553.72(1), F.S.
[2] Sections 125.56(1) and 125.01(1)(bb), F.S.
[3] Section 125.56(4)(a), F.S.
[4] Sections 125.56(2) and 166.222, F.S.
[5] Section 125.56(4)(b), F.S.
[6] *Id.*
[7] *Id.*
[8] Section 553.79(1), F.S.
[9] Section 553.80(1), F.S.
[10] The phrase "enforcing the Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. *See* s. 553.80(7)(a), F.S.
[11] Section 553.80(7), F.S.
[12] *Id.*

Local enforcement agencies, independent special districts,[13] or dependent special districts[14] may not require additional fees, charges, or expenses for:

- Providing proof of licensure pursuant to ch. 489, F.S.;
- Recording or filing a license issued; and
- Providing, recording, or filing evidence of workers' compensation insurance coverage required by ch. 440, F.S.[15]

A "local enforcement agency" means the agency of local government, a local school board, a community college board of trustees, or a university board of trustees in the State University System with jurisdiction to make inspections of buildings and to enforce the codes which establish standards for the design, construction, erection, alteration, repair, modification, or demolition of public or private buildings, structures, or facilities.[16]

III. Effect of Proposed Changes:

Section 1 amends s. 125.56, F.S., to require the governing body of a county authorized to issue fees under this section or s. 553.80, F.S., to post its building permit and inspection fee schedule and its building permit and inspection report required under s. 553.80(7), F.S., on its website.

Section 2 amends s. 166.222, F.S., to require the governing body of a municipality authorized to issue fees under s. 553.80, F.S., to post its building permit and inspection fee schedule and its building permit and inspection report required under s. 553.80(7), F.S., on its website.

Section 3 amends s. 553.80, F.S., to require the governing body of a local government to publish its building permit and inspection report on its website by December 31, 2019. After December 31, 2019, a local government must update the report prior to amending its building permit and inspection fee schedules. The report must use the most recently completed financial audit.

Additionally, the report must include:

- Direct and indirect costs incurred by the local government to enforce the Florida Building Code, including costs related to:
  - The review of building plans.
  - Building inspections.
  - Building reinspections.
  - Building permit processing.
  - Building code enforcement.

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[13] Section 189.012(3), F.S., defines an "independent special district" as a special district that is not a dependent special district as defined in s. 189.012(2), F.S.

[14] A dependent special district has a governing board comprised of members, which are identical in membership to, or all appointed by, or removable at will by, the governing body of a single county or municipality. A dependent special district also includes a district that has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or municipality. *See* s. 189.012(2), F.S. A "special district" is a unit of local government created for a particular purpose, with jurisdiction to operate within a limited geographic boundary. *See 2017-2018 Local Gov't Formation Manual* at pg. 64, available at http://www.myfloridahouse.gov/Sections/Committees/committeesdetail.aspx?CommitteeId=2911.

[15] Section 553.80(7)(d), F.S.

[16] Section 553.71(5), F.S.

- Number of building permits requested.
- Number of building permits issued.
- Number of building inspections and reinspections conducted.
- Number of personnel employed by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Salary and related employee benefit costs incurred by the local government to enforce the Florida Building Code, issue building permits, and conduct inspections.
- Revenue derived from fees pursuant to this subsection.
- Revenue derived from fines pursuant to this subsection.
- When applicable, investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to this subsection.
- Balances carried forward by the local government pursuant to this subsection.
- Balances refunded by the local government pursuant to this subsection.

Section 4 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a), of the Florida Constitution provides that no county or municipality is bound by any general law that requires the expenditure of money unless the legislature determines that the law fulfills an important state interest and the bill is passed by a two-thirds vote of the membership of each house of the Legislature.

This bill requires local governments to revise their websites and post their permit and inspection fee schedules and their building permit and inspection utilization report on their websites, which may require expenditures. However, the mandates requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 is approximately $2.05 million or less.[17,18,19]

In so far as a county or municipality currently provides a schedule of reasonable permit and inspection fees on its website, the fiscal impact of this bill may be insignificant.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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[17] FLA. CONST. art. VII, s. 18(d).
[18] Based on the Demographic Estimating Conference's population estimate adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf.
[19] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited Dec. 19, 2017).

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Requiring a local government to post its permit and inspection fee schedules as well as a building permit and inspection utilization report on its website will help applicants for building permits assess the associated costs of the permit.

C. Government Sector Impact:

Local governments will be required to post permit and inspection fee schedules as well as a building permit and inspection utilization report on their websites. Some local governments that do not currently post documents on their websites may have to make an initial expenditure of funds to revise their existing website to include the ability to post permit and inspection fee schedules as well as a report on the local government's website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.56, 166.222, and 553.80.

IX. Additional Information:

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

CS/CS by Appropriations on February 27, 2018:
The committee substitute:

- Removes the requirement that the building permit and inspection report, which must be posted on the local government's website, be accessible through a link.
- Clarifies that local governments must post on their websites the building and inspection utilization report by December 31, 2019.
- Clarifies that after December 31, 2019, any local government that intends to amend its schedule of fees shall first update its building permit and inspection utilization report.

- Requires local governments to use information available in the most recently completed financial audit as the basis for the building permit and inspection utilization report.
- Replaces the term "implement the Florida Building Code" with "enforce the Florida Building Code," which is consistent with current law.
- Removes "building fire inspections" as a requisite in the required report.

CS by Community Affairs Committee on January 16, 2018:

- Adds the permit and inspection fee schedule requirements to s. 166.222, F.S., so that the permit and inspection fee schedule requirements for municipalities are properly placed in the municipality chapter of the Florida Statutes.

B. Amendments:

None.

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

By the Committee on Community Affairs; and Senator Perry

578-02145-18 20181144c1

A bill to be entitled

An act relating to permit fees; amending s. 125.56, F.S.; requiring the governing body of certain counties to post its permit and inspection fee schedules and a link to the annual building permit and inspection report on its website; amending s. 166.222, F.S.; requiring the governing body of a municipality to post its permit and inspection fee schedules and a link to the annual building permit and inspection report on its website; amending s. 553.80, F.S.; requiring the governing body of a local government, before making any adjustment to a fee schedule, to publish a building permit and inspection report and post it on the local government's website; requiring the report to be updated annually on such website and be easily accessible to the public; requiring the report to include specified information; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (4) of section 125.56, Florida Statutes, to read:

125.56 Enforcement and amendment of the Florida Building Code and the Florida Fire Prevention Code; inspection fees; inspectors; etc.—

(4)

(c) The governing body of a county authorized under this section or s. 553.80 to issue fees shall post its permit fee and

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

578-02145-18 20181144c1

inspection fee schedule on its website with a link to the building permit and inspection report required under s. 553.80(7).

Section 2. Section 166.222, Florida Statutes, is amended to read:

166.222 Building code inspection fees.—

(1) The governing body of a municipality may provide a schedule of reasonable inspection fees in order to defer the costs of inspection and enforcement of the provisions of its building code.

(2) The governing body of a municipality authorized under s. 553.80 to issue fees shall post its permit and inspection fee schedules on its website with a link to the building permit and inspection report required under s. 553.80(7).

Section 3. Subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7)(a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, shall be used solely for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances shall be carried forward to future years for allowable activities or shall be refunded at the discretion of

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

the local government. The basis for a fee structure for allowable activities shall relate to the level of service provided by the local government and shall include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged shall be consistently applied.

1.~~(a)~~ As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.

2.~~(b)~~ The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a.~~1.~~ Planning and zoning or other general government activities.

b.~~2.~~ Inspections of public buildings for a reduced fee or no fee.

c.~~3.~~ Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d.~~4.~~ Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly related to enforcing the Florida Building Code as defined in subparagraph 1 ~~paragraph (a)~~.

3.~~(c)~~ A local government shall use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1 ~~paragraph (a)~~.

4.~~(d)~~ The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

a.~~1.~~ Providing proof of licensure pursuant to chapter 489;

b.~~2.~~ Recording or filing a license issued pursuant to this chapter; or

c.~~3.~~ Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440.

(b) Before making any adjustment to a fee schedule, the governing body of a local government shall publish a building permit and inspection report and post it on the local government's website. The report must be updated annually on such website and be easily accessible to the public. The report must include:

1. Direct and indirect costs incurred by the local government to implement the Florida Building Code, including costs related to the review of:

a. Building plans.

b. Building inspections.

c. Building reinspections.

d. Building permit processing.

e. Building code enforcement.

f. Building fire inspections.

2. Number of building permits requested.

3. Number of building permits issued.

4. Number of building inspections and reinspections conducted.

5. Number of personnel employed by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.

6. Salary and related employee benefit costs incurred by the local government to implement the Florida Building Code, issue building permits, and conduct inspections.

7. Revenue derived from fees pursuant to this subsection.

8. Revenue derived from fines pursuant to this subsection.

9. Investment earnings derived from the local government's investment of revenue derived from fees and fines pursuant to this subsection.

10. Balances carried forward by the local government pursuant to this subsection.

11. Balances refunded by the local government pursuant to this subsection.

Section 4. This act shall take effect July 1, 2018.

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

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1144
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Permit Fees

Name Carol Bowen

Job Title Chief Lobbyist

Address 3730 Coconut Creek Pkwy
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Coconut Creek FL 33066
City *State* *Zip*

Phone (954)465-6811

Email cbowen@abcsouthflorida.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Associated Builders and Contractors

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)

2-2718
Meeting Date

CS/SB 1144
Bill Number (if applicable)

Topic PERMITS

Amendment Barcode (if applicable)

Name CAM FENTRISS

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TALLAHASSEE FL 32312
City *State* *Zip*

Email AFENTRISS@AOL.COM

Speaking: ☑ For ☐ Against ☐ Information

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

Representing FLA REFRIGERATION + AIR CONDITIONING CONTRACTORS ASSN

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

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) CS/SB 1144

Meeting Date *Bill Number (if applicable)*

Amendment Barcode (if applicable)

Topic PERMITS

Name CHAN FENTRISS

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City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

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

Representing FLA. ROOFING & SHEET METAL CONTRACTORS ASSN

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)

2/27/18
Meeting Date

1149
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Permit Fees

Name Rusty Payton

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Email rpayton@fhba.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Home Builders Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2018
Meeting Date

1144
Bill Number (if applicable)

Topic Permit Fees

Amendment Barcode (if applicable)

Name Jeff Branch

Job Title Legislative Advocate

Address Brough St.
Street

Tallahassee FL
City *State* *Zip*

Phone 701-360

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/SB 1156 (522090)
INTRODUCER:	Appropriations Subcommittee on Higher Education and Senator Perry
SUBJECT:	Missing Persons with Special Needs
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	**Favorable**
2.	Sikes	Elwell	AHE	**Recommend: Fav/CS**
3.	Sikes	Hansen	AP	**Pre-meeting**

I. Summary:

PCS/SB 1156 expands "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill does not affect state revenues or expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides $9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established supports to aid search-and-rescue efforts for persons with special needs.

Project Leo

In 2016, the Legislature created the "Project Leo" pilot project to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.[1]

[1] Chapter 2016-186, L.O.F.

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations.[2] Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.[3]

The pilot is a collaboration between each Center for Autism and Related Disabilities (CARD)[4] at the University of Florida (UF)[5], Florida Atlantic University (FAU)[6], and the University of South Florida (USF).[7] Each pilot project provides personal devices to aid in search-and-rescue efforts for person with special needs in cases of elopement in their respective areas.[8] Participants are selected based on criteria developed by the three participating universities and must, at a minimum, consider the individuals risk of elopement.[9] For instance, both CARD UF and CARD USF require that the individual:[10]

- Reside in a county served by the university's CARD;
- Have documentation of a diagnosis of autism spectrum disorder or related disability;
- Be at risk of wandering; and
- Be under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.

The number of participants is determined based on available funding within each center's existing resources, and participation in the project is voluntary and free of charge.[11] Participants are provided with a personal device to aid in search-and rescue efforts which is attachable to clothing or otherwise wearable.[12] The respective county sheriff's offices distribute the devices to

[2] AWAARE collaboration, *Autism & Wandering*, http://awaare.nationalautismassociation.org/autism-wandering/ (last visited Jan. 18, 2018).
[3] AWAARE collaboration, *Autism & Wandering*, http://awaare.nationalautismassociation.org/autism-wandering / (last visited Jan. 18, 2018).
[4] There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition. University of Florida, Center for Autism Related Disabilities, *About CARD FAQ*, http://card.ufl.edu/about-card/faq/ (last visited Jan. 18, 2018).
[5].The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida. The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union. Section 1004.55(1)(b), F.S.
[6] The counties served by CARD at Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie. Section 1004.55(1)(g), F.S.
[7] The counties served by CARD at the University of South Florida (CARD USF) are Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Section. 1004.55(1)(d), F.S.
[8] Section 937.041, F.S.
[9] *Id.* at (1)(b).
[10] University of Florida, *Project Leo FAQs*, http://card.ufl.edu/project-leo-faqs/ (last visited January 19, 2018), and University of South Florida, *Project Leo brochure*, *available* at http://cfs.cbcs.usf.edu/_docs/news/CARD_SafetyNet_Brochure.pdf.
[11] Section 937.041(2), F.S.
[12] *Id.* at (3).

the project participants.[13] CARD UF, CARD FAU, and CARD USF are tasked with funding any costs associated with monitoring the devices.[14]

Additionally, Project Leo requires CARD UF, CARD FAU, and CARD USF to submit a preliminary report by December 1, 2016, and final report by December 15, 2017, to the Governor, the Speaker of the House of Representatives, and the President of the Senate.[15] Both reports are required to include:[16]

- The criteria used to select the participants;
- The number of participants;
- The nature of the participants special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

The final report must include recommendations for modification or continued implementation of the program.[17]

Each of the three CARD programs received nonrecurring appropriation of $100,000 when the project was implemented in 2016.[18] The project's continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF.[19]

The project expires on June 30, 2018.[20]

III. Effect of Proposed Changes:

This bill expands "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. This expansion adds the CARD programs at Florida State University (FSU), the University of Central Florida (UCF), and the University of Miami to the project. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill may expand access to supports for search-and-rescue efforts for individuals with special needs as more CARD programs throughout state may be able to take advantage of the program.

The bill takes effect July 1, 2018.

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[13] *Id.*
[14] *Id.*
[15] Section 937.041(4), F.S.
[16] *Id.*
[17] Section 937.041(4), F.S.
[18] Section 2, ch. 2016-186, L.O.F.
[19] Section 937.041(5), F.S.
[20] *Id.* at (6).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect state revenues and no additional impact on state expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides $9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 937.041 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.)

Recommended CS by Appropriations Subcommittee on Higher Education on February 8, 2018:

The committee substitute expands "Project Leo" to all CARD programs statewide and makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.

B. Amendments:

None.

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

551402

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Perry) recommended the following:

Senate Amendment (with title amendment)

Before line 15
insert:
Section 1. Section 683.231, Florida Statutes, is amended to read:
683.231 Citizen support organization for Florida Missing Children's Day.—
(1) The Department of Law Enforcement may establish a citizen support organization to provide assistance, funding, and

promotional support for activities authorized for Florida Missing Children's Day under s. 683.23.

(2) As used in this section, the term "citizen support organization" means an organization that is:

(a) A Florida corporation not for profit incorporated under chapter 617 and approved by the Department of State.

(b) Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures to or for the direct or indirect benefit of the department in furtherance of Florida Missing Children's Day.

(3) The citizen support organization is not a registered lobbyist within the meaning of s. 11.045.

(4) The citizen support organization is specifically authorized to collect and expend funds to be used for awards; public awareness and awards ceremonies, workshops, and other meetings, including distribution materials for public education and awareness; travel; Internet and web-hosting services; administrative costs, including personnel costs; costs of audits; and costs of facilities rental.

(5) The activities of the citizen support organization must be determined by the department to be consistent with the goals and mission of the department and in the best interests of the state and approved in writing by the department to operate for the direct or indirect benefit of the department. The approval shall be given in a letter of agreement from the department.

(6)(a) The department may fix and collect charges for the

551402

rental of facilities and properties managed by the department and may permit, without charge, appropriate use of administrative services, property, and facilities of the department by the citizen support organization, subject to this section. The use must be directly in keeping with the approved purposes of the citizen support organization and may not be made at times or places that would unreasonably interfere with opportunities for the public to use such facilities for established purposes. Any money received from rentals of facilities and properties managed by the department may be held in the Operating Trust Fund of the department or in a separate depository account in the name of the citizen support organization and subject to the provisions of the letter of agreement with the department. The letter of agreement must provide that any funds held in the separate depository account in the name of the citizen support organization must revert to the department if the citizen support organization is no longer approved by the department to operate in the best interests of the state.

(b) The department may adopt rules with which a citizen support organization must comply in order to use department administrative services, property, or facilities.

(c) The department may not authorize ~~permit~~ the use of any administrative services, property, or facilities of the state by a citizen support organization that does not provide equal membership and employment opportunities to all persons regardless of race, color, religion, gender, age, or national origin.

(7) The citizen support organization shall provide for an

551402

independent annual financial audit in accordance with s. 215.981. Copies of the audit shall be provided to the department, the Office of Policy and Budget in the Executive Office of the Governor, and the ~~Florida~~ Cabinet.

~~(8) This section is repealed October 1, 2018, unless reviewed and saved from repeal by the Legislature.~~

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

And the title is amended as follows:

Delete lines 2 - 10

and insert:

An act relating to missing persons; amending s. 683.231, F.S.; abrogating the scheduled repeal of provisions relating to a citizen support organization for Florida Missing Children's Day; amending s. 937.041, F.S.; expanding a pilot project for missing persons with special needs from specified counties to statewide, through regional autism centers; requiring each center that opts to join the pilot project to distribute personal devices to aid search-and-rescue efforts; requiring that participants be selected based on criteria developed by the respective participating centers; revising the requirements for personal devices used in the pilot project; deleting a reporting requirement; delaying the scheduled repeal of the pilot project; conforming provisions to changes made by the act; providing an

522090

576-03020-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Higher Education)

A bill to be entitled

An act relating to missing persons with special needs; amending s. 937.041, F.S.; expanding pilot projects for missing persons with special needs to the regional autism centers; requiring each center that opts to join the pilot project to distribute personal devices under certain circumstances; revising the requirements for personal devices used in the pilot project; conforming provisions to changes made by the act; deleting a reporting requirement; providing an effective date.

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

Section 1. Section 937.041, Florida Statutes, is amended to read:

937.041 Missing persons with special needs pilot project ~~projects~~.—

(1)~~(a)~~ There is created a statewide pilot project ~~in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties~~, to be known as "Project Leo," through regional autism centers established under s. 1004.55. Each center that opts to join the pilot project shall distribute ~~to provide~~ personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

~~(b) There is created an additional pilot project in Palm Beach County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

~~(c) There is created an additional pilot project in Hillsborough County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

(2)~~(a)1.~~ Participants for the pilot project ~~specified in paragraph (1)(a)~~ shall be selected based on criteria developed by each participating center based on the specific needs of that center's service area counties prescribed under s. 1004.55 ~~the Center for Autism and Related Disabilities at the University of Florida~~.

~~2. Participants for the pilot project specified in paragraph (1)(b) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University.~~

~~3. Participants for the pilot project specified in paragraph (1)(c) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.~~

~~(b)~~ Criteria for participation in the pilot project ~~projects~~ must include, at a minimum, the person's risk of elopement. The qualifying participants shall be selected on a first-come, first-served basis by the respective centers to the extent of available funding within their existing resources. The ~~Each~~ project must be voluntary and free of charge to participants.

(3) Under the ~~each~~ pilot project, personal devices to aid search-and-rescue efforts ~~which are attachable to clothing or~~

Florida Senate - 2018 PROPOSED COMMITTEE SUBSTITUTE
Bill No. SB 1156

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576-03020-18

~~otherwise worn~~ shall be provided by the respective center to the sheriff's offices of the participating counties. The devices shall be distributed to project participants by the county sheriff's offices in conjunction with the respective center. The respective center shall fund any costs associated with monitoring the devices.

~~(4) Each center shall submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation and operation of its pilot project. At a minimum, each report must include the criteria used to select participants, the number of participants, the nature of the participants' special needs, the number of participants who elope, the amount of time taken to rescue such participants following elopement, and the outcome of any rescue attempts. Each final report shall also provide recommendations for modification or continued implementation of the project.~~

(4) ~~(5)~~ The ~~Each~~ project shall operate to the extent of available funding within the respective center's existing resources.

(5) ~~(6)~~ This section expires June 30, 2019 ~~2018~~.

Section 2. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1156
INTRODUCER:	Appropriations Committee; (Recommend by Appropriations Subcommittee on Higher Education) and Senator Perry
SUBJECT:	Missing Persons with Special Needs
DATE:	March 1, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick	Graf	ED	**Favorable**
2.	Sikes	Elwell	AHE	**Recommend: Fav/CS**
3.	Sikes	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1156 expands "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

The bill removes the scheduled repeal of the citizen support organization for Florida Missing Children's Day.

The bill does not affect state revenues or expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides $9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

The bill takes effect July 1, 2018.

II. Present Situation:

The Legislature has established supports to aid search-and-rescue efforts for persons with special needs.

Citizen Support Organizations

The Florida Department of Law Enforcement (FDLE) may establish a citizen support organization to provide assistance, funding, and promotional support for activities authorized for Florida Missing Children's Day.[1] A citizen support organization means an organization that is:[2]

- A Florida not-for-profit corporation incorporated under chapter 617 and approved by the Department of State;
- Organized and operated to conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, either real or personal; and make expenditures to or for the direct or indirect benefit of the department in furtherance of Florida Missing Children's Day;

The Florida Missing Children's Day Foundation (FMCDF) is the citizen support organization for Florida Missing Children's Day. FMCDF was formed in 2010 and is committed to financially supporting FDLE to ensure that Florida annually honors and recognizes victims, families, and first responders on Florida Missing Children's Day.[3]

The citizen support organization is scheduled to be repealed on October 1, 2018, unless reviewed and saved from repeal by the Legislature.[4]

Project Leo

In 2016, the Legislature created the "Project Leo" pilot project to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.[5]

Elopement, which means leaving an area without supervision or caregiver permission, is prevalent among persons with certain special needs and may expose them to dangerous situations.[6] Individuals with Alzheimer's disease or autism are two populations at higher risk to elope.[7]

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[1] Section 683.231, F.S. The second Monday in September of each year is designated as "Florida Missing Children's Day" in remembrance of Florida's past and present missing children and in recognition of the state's continued efforts to protect the safety of children through prevention, education, and community involvement. Section 683.23, F.S.
[2] Section 683.231(2)(a) and (b), F.S.
[3] Florida Missing Children's Day Foundation, *2017 Annual Report,* available at http://www.fmcdf.org/forms/2017-Annual-Report-Website.pdf.
[4] Section 683.231(8), F.S.
[5] Chapter 2016-186, L.O.F.
[6] AWAARE collaboration, *Autism & Wandering*, http://awaare.nationalautismassociation.org/autism-wandering/ (last visited Jan. 18, 2018).
[7] AWAARE collaboration, *Autism & Wandering*, http://awaare.nationalautismassociation.org/autism-wandering / (last visited Jan. 18, 2018).

The pilot is a collaboration between each Center for Autism and Related Disabilities (CARD)[8] at the University of Florida (UF)[9], Florida Atlantic University (FAU)[10], and the University of South Florida (USF).[11] Each pilot project provides personal devices to aid in search-and-rescue efforts for person with special needs in cases of elopement in their respective areas.[12] Participants are selected based on criteria developed by the three participating universities and must, at a minimum, consider the individuals risk of elopement.[13] For instance, both CARD UF and CARD USF require that the individual:[14]

- Reside in a county served by the university's CARD;
- Have documentation of a diagnosis of autism spectrum disorder or related disability;
- Be at risk of wandering; and
- Be under constant supervision and monitoring of a responsible adult, who can prevent wandering and can contact 911 in the event the individual is missing.

The number of participants is determined based on available funding within each center's existing resources, and participation in the project is voluntary and free of charge.[15] Participants are provided with a personal device to aid in search-and rescue efforts which is attachable to clothing or otherwise wearable.[16] The respective county sheriff's offices distribute the devices to the project participants.[17] CARD UF, CARD FAU, and CARD USF are tasked with funding any costs associated with monitoring the devices.[18]

Additionally, Project Leo requires CARD UF, CARD FAU, and CARD USF to submit a preliminary report by December 1, 2016, and final report by December 15, 2017, to the Governor, the Speaker of the House of Representatives, and the President of the Senate.[19] Both reports are required to include:[20]

- The criteria used to select the participants;

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[8] There are seven non-residential CARD centers across the state. The Center for Autism and Related Disabilities (CARD) works with families, caregivers, and professionals to optimize the potential of people with autism and related disabilities. CARD serves children and adults of all levels of intellectual functioning who have autism, autistic-like disabilities, pervasive developmental disorder, dual sensory impairments (deaf-blindness), or a vision or hearing loss with another disabling condition. University of Florida, Center for Autism Related Disabilities, *About CARD FAQ*, http://card.ufl.edu/about-card/faq/ (last visited Jan. 18, 2018).

[9].The Center for Autism and Related Disabilities at the University of Florida (CARD UF) serves fourteen counties in North Central Florida. The counties served by CARD UF are Alachua, Bradford, Citrus, Columbia, Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion, Putnam, Suwannee, and Union. Section 1004.55(1)(b), F.S.

[10] The counties served by CARD at Florida Atlantic University (CARD FAU) are Indian River, Martin, Okeechobee, Palm Beach, and St. Lucie. Section 1004.55(1)(g), F.S.

[11] The counties served by CARD at the University of South Florida (CARD USF) are Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Lee, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. Section. 1004.55(1)(d), F.S.

[12] Section 937.041, F.S.

[13] *Id.* at (1)(b).

[14] University of Florida, *Project Leo FAQs*, http://card.ufl.edu/project-leo-faqs/ (last visited January 19, 2018), and University of South Florida, *Project Leo brochure*, *available* at http://cfs.cbcs.usf.edu/_docs/news/CARD_SafetyNet_Brochure.pdf.

[15] Section 937.041(2), F.S.

[16] *Id.* at (3).

[17] *Id.*

[18] *Id.*

[19] Section 937.041(4), F.S.

[20] *Id.*

- The number of participants;
- The nature of the participants special needs;
- The number of participants who elope;
- The amount of time taken to rescue a participant following elopement; and
- The outcome of any rescue attempts.

The final report must include recommendations for modification or continued implementation of the program.[21]

Each of the three CARD programs received nonrecurring appropriation of $100,000 when the project was implemented in 2016.[22] The project's continued operation is subject to available funding within the existing resources of CARD UF, CARD FAU, and CARD USF.[23]

The project expires on June 30, 2018.[24]

III. Effect of Proposed Changes:

Section 1 amends s. 683.231, F.S., to remove the scheduled repeal of the citizen support organization for Florida Missing Children's Day.

Section 2 amends s. 937.041, F.S., to expand "Project Leo" statewide to all Centers for Autism and Related Disabilities (CARD) to aid search-and-rescue efforts for persons with special needs in case of elopement. This expansion adds the CARD programs at Florida State University (FSU), the University of Central Florida (UCF), and the University of Miami to the project. Additionally, the bill:

- Makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.
- Removes obsolete reporting requirements related to program implementation and operation.
- Extends the project from June 30, 2018, to June 30, 2019.

Section 2 may expand access to supports for search-and-rescue efforts for individuals with special needs, as more CARD programs throughout state may be able to take advantage of the program.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

[21] Section 937.041(4), F.S.
[22] Section 2, ch. 2016-186, L.O.F.
[23] Section 937.041(5), F.S.
[24] *Id.* at (6).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill does not affect state revenues and no additional impact on state expenditures. SB 2500, the Senate General Appropriations Bill for Fiscal Year 2018-2019, provides $9.4 million to the CARD programs statewide. By law, the project operates at each CARD program to the extent that funding is available within that program's existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 683.231 and 937.014.

IX. Additional Information:

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

CS by Appropriations on February 27, 2018:
The committee substitute

- Expands "Project Leo" to all CARD programs statewide and makes each CARD program responsible for developing eligibility criteria for the selection of participants based on the specific needs of that program's service area counties.

- Repeals the statutory sunset date for the citizen support organization for Florida Missing Children's Day by deleting the repeal date in the authorizing statute.

B. Amendments:

None.

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

By Senator Perry

8-01454-18 20181156__

A bill to be entitled

An act relating to missing persons with special needs; amending s. 937.041, F.S.; expanding pilot projects for missing persons with special needs to all centers for autism and related disabilities at institutions in the State University System; conforming provisions to changes made by the act; deleting a reporting requirement; providing an effective date.

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

Section 1. Section 937.041, Florida Statutes, is amended to read:

937.041 Missing persons with special needs pilot project ~~projects~~.—

(1)~~(a)~~ There is created a statewide pilot project ~~in Alachua, Baker, Columbia, Hamilton, and Suwannee Counties~~, to be known as "Project Leo," through the centers for autism and related disabilities at institutions in the State University System to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.

~~(b) There is created an additional pilot project in Palm Beach County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

~~(c) There is created an additional pilot project in Hillsborough County to provide personal devices to aid search-and-rescue efforts for persons with special needs in the case of elopement.~~

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

8-01454-18 20181156__

(2)~~(a)1.~~ Participants for the pilot project ~~specified in paragraph (1)(a)~~ shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of Florida.

~~2. Participants for the pilot project specified in paragraph (1)(b) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at Florida Atlantic University.~~

~~3. Participants for the pilot project specified in paragraph (1)(c) shall be selected based on criteria developed by the Center for Autism and Related Disabilities at the University of South Florida.~~

~~(b)~~ Criteria for participation in the pilot project ~~projects~~ must include, at a minimum, the person's risk of elopement. The qualifying participants shall be selected on a first-come, first-served basis by the respective centers to the extent of available funding within their existing resources. The ~~Each~~ project must be voluntary and free of charge to participants.

(3) Under the ~~each~~ pilot project, personal devices to aid search-and-rescue efforts which are attachable to clothing or otherwise worn shall be provided by the respective center to the sheriff's offices of the participating counties. The devices shall be distributed to project participants by the county sheriff's offices in conjunction with the respective center. The respective center shall fund any costs associated with monitoring the devices.

~~(4) Each center shall submit a preliminary report by December 1, 2016, and a final report by December 15, 2017, to~~

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

~~the Governor, the President of the Senate, and the Speaker of the House of Representatives describing the implementation and operation of its pilot project. At a minimum, each report must include the criteria used to select participants, the number of participants, the nature of the participants' special needs, the number of participants who elope, the amount of time taken to rescue such participants following elopement, and the outcome of any rescue attempts. Each final report shall also provide recommendations for modification or continued implementation of the project.~~

(4) ~~(5)~~ The ~~Each~~ project shall operate to the extent of available funding within the respective center's existing resources.

(5) ~~(6)~~ This section expires June 30, 2019 ~~2018~~.

Section 2. This act shall take effect July 1, 2018.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	PCS/CS/SB 1244 (113064)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Community Affairs Committee; and Senator Lee
SUBJECT:	Growth Management
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Pre-meeting**
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1244 amends provisions related to existing development of regional impact (DRI) development orders. The DRI program ended in 2015, but existing development orders continue to exist. The bill repeals provisions related to the state land planning agency's (Department of Economic Opportunity) role in the process and shifts the remaining responsibilities to local governments. Specifically, the bill:

- Repeals obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to amend a development order;
- Retains current statewide guidelines and standards for determining when a development is subject to state coordinated review;
- Updates reporting requirements;
- Preserves certain unexpired letters, development orders, and agreements;
- Ends all DRI appeals to the Administration Commission except decisions by local governments under the DRI abandonment process;
- Repeals state land planning agency rules related to DRIs and Administration Commission rules related to aggregation of developments for the purpose of DRI review; and
- Repeals the Florida Quality Developments (FQD) program and requires FQD development orders to be replaced by local government development orders.

The bill adds a requirement for an independent special district to commence a municipal conversion – that the independent special district has a minimum population, depending on the population of the county in which the district is located.

The Department of Economic Opportunity will incur less expenses related to the DRI process.

The bill is effective upon becoming law.

II. Present Situation:

Development of Regional Impact

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed law that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.[1] After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

In 2015, the Florida Legislature eliminated the requirement that new developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process for the review of local government comprehensive plan amendments.[2]

DRI Review

Before the program ended, all developments that met the DRI thresholds and standards provided by statute[3] and rules adopted by the Administration Commission[4] were required to undergo DRI review, unless the Legislature provided an exemption for that particular type of project or for the planning area in which the development was located (such as a sector plan or a rural land stewardship area) or unless the development was located within a "dense urban land area."[5] The types of developments required to undergo DRI review upon meeting the specified thresholds

[1] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[2] Section 380.06(30), F.S. Chapter 2015-30, L.O.F.
[3] Section 380.0651, F.S.
[4] Chapter 28-24, F.A.C.
[5] The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

and standards included attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.[6] Over the years, the Legislature enacted many exemptions and increased the thresholds that projects must have surpassed in order to trigger DRI review.

Florida's 11 regional planning councils (RPC) coordinated the multi-agency review of proposed DRIs. A DRI review began by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.[7] The developer or the RPC could request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that each agency would require in the application to assess those issues. At the pre-application conference, the RPC provided the developer with information about the DRI process and coordinated the identification of issues and the appropriate state and local agency requirements.

Upon completion of the pre-application conference with all parties, the developer filed an application for development approval with the local government, the RPC, and the state land planning agency (the Department of Economic Opportunity). The RPC reviewed the application for sufficiency and could request additional information (no more than twice, unless waived by the developer) if the application was deemed insufficient.[8]

When the RPC determined that the application was sufficient or the developer declined to provide additional information, the local government had to hold a public hearing on the application for development within 90 days.[9] Within 50 days after receiving notice of the public hearing, the RPC was required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[10] The RPC was required to identify regional issues specifically examining the extent to which:

- The development would have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- The development would significantly impact adjacent jurisdictions; and
- While reviewing the first two issues, the development would favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[11]

If the proposed project would have impacts within the purview of other state agencies, those agencies would also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdictions. These reports became part of the RPC's report, but the RPC could attach dissenting views.[12] When water management district (WMD) and Department of Environmental Protection (DEP) permits had been issued pursuant to ch. 373, F.S., or ch. 403, F.S., the RPC could comment on the regional implications of the permits but

[6] Section 380.0651, F.S.
[7] Section 380.06(7), F.S.
[8] Section 380.06(10), F.S.
[9] Section 380.06(11), F.S.
[10] Section 380.06(12), F.S.
[11] Section 380.06(12)(a), F.S.
[12] Section 380.06(12)(c), F.S.

could not offer conflicting recommendations.[13] Finally, the state land planning agency also reviewed DRIs for compliance with state laws, to identify regional and state impacts, and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[14]

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI had to be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considered the extent to which:

- The development was consistent with the local government's comprehensive plan and land development regulations;
- The development was consistent with the report and recommendations of the RPC; and
- The development was consistent with the state comprehensive plan.[15]

Within 30 days of the public hearing on the application for development approval, the local government had to decide whether to issue a development order or not.[16] Within 45 days after a development order was or was not rendered, the owner or developer of the property or the state land planning agency could appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[17] An "aggrieved or adversely affected party" could appeal and challenge the consistency of a development order with the local comprehensive plan.[18]

Completion of this entire process could take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies.

Substantial Deviation[19]

After a development order was issued, any proposed change to a previously approved DRI development order that created a reasonable likelihood of additional regional impact or any type of regional impact created by the change not previously reviewed by the regional planning agency, constituted a "substantial deviation" and required such proposed change to be subject to further DRI review. The process to amend DRIs still applies to existing DRIs that received local government development orders prior to July 1, 2015, and that have not been abandoned or rescinded.[20] The statute sets forth criteria and situations to determine whether a proposed change requires further DRI review, including:

- Certain threshold criteria beyond which a change constitutes a substantial deviation;
- Certain changes in development that do not amount to a substantial deviation;
- Scenarios in which a substantial deviation is presumed; and
- Scenarios in which a change is presumed not to create a substantial deviation.

[13] *Id*.
[14] *See* Senate Interim Report 2012-114. *The Development of Regional Impact Process*. Sept. 2011.
[15] Section 380.06(13) and (14), F.S. DRIs located in areas of critical state concern must also comply with the land development regulations in s. 380.05, F.S.
[16] Section 380.06(15), F.S.
[17] Section 380.07(2), F.S.
[18] Section 163.3215, F.S.
[19] Section 380.06(19), F.S.
[20] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

The DEO (state land planning agency) has adopted rules setting standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form requires the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. The developer must submit the form to the local government, the regional planning agency, and the DEO.

After the developer submits the form, the appropriate regional planning agency or the DEO reviews the proposed change. No later than 45 days after submittal of the form, the DEO advises the local government in writing whether the DEO objects to the proposed change, specifying the reasons for the objection if applicable, and provides a copy to the developer.

The local government schedules a public hearing with 15 days' notice to consider the change. This public hearing is held within 60 days after submittal of the proposed change, unless the developer requests to extend the time.

At the public hearing, the local government determines whether the proposed change requires further DRI review based on the thresholds and standards set out in law. The local government can deny the proposed change based on matters relating to local issues.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government issues an amendment to the development order incorporating the approved change and conditions of approval relating to the change. If, however, the local government determines that proposed change requires further DRI review, the local government determines whether to approve, approve with conditions, or deny the proposed change as it related to the entire development.

DRI Exemptions

Over the years, the DRI program was amended to include a number of exemptions. The following list of exemptions is not exhaustive, but illustrates the number and variety of the exemptions from the DRI program that were enacted:[21]

- Certain projects that created at least 100 jobs that met certain qualifications – 1997;
- Certain expansions to port harbors, certain port transportation facilities, and certain intermodal transportation facilities – 1999;
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as rural areas of opportunity) – 2001;
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002;
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002;
- Certain water port or marina developments – 2002; and
- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

[21] Section 360.06(24), F.S.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).[22] In 2015, 8 counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.[23]

Comprehensive Plans and the Comprehensive Plan Amendment Process

The Growth Management Act of 1985 required every city and county to create and implement a comprehensive plan to guide future development.[24] A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[25] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies, including the Department of Economic Opportunity (DEO) (as the state land planning agency), the relevant RPC, and adjacent local governments that request to participate in the review process.[26]

The state and regional agencies review the proposed amendment for impacts related to their statutory purviews. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[27] The DEO compiles reports from the various involved agencies and issues an Objections, Recommendation, and Comments Report, which consolidates the reports received.[28] Upon receipt of the consolidated report, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.[29] The DEO then has either 31 days or 45 days (depending on the review process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[30]

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[22] Chapter 2009-96, L.O.F.
[23] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Community Planning Table of Contents: List of Local Governments Qualifying as Dense Urban Land Areas*. (June 11, 2015). Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited February 3, 2018).
[24] Chapter 1985-55, L.O.F.
[25] Section 163.3174(4)(a), F.S.
[26] Section 163.3184, F.S.
[27] Section 163.3184(3)(b)3.a., F.S.
[28] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*. Available at http://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited February 3, 2018).
[29] Section 163.3184(3)(c)4. and (4)(e)4., F.S.
[30] *Id.*

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.[31] Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.

Florida Quality Developments

Florida Quality Developments (FQDs) are DRI-sized projects that receive a Florida Quality Development designation if they meet certain statutory criteria.[32] The criteria is designed to enhance the a development, by, as example, protecting and preserving environmentally sensitive lands including wildlife habitat and wetlands; participating in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area; providing for construction and maintenance of all onsite infrastructure necessary to support the project; or including open space, recreation areas, Florida-friendly landscaping, and energy conservation.[33] An application for a FQD is handled in much the same way as an application for a DRI was processed prior to the 2015 statutory change. The DRI impact application form is used and an additional section is added to consider the FQD-specific requirements. The "DEO and the appropriate local government determine if a development has met the Florida Quality Development requirements. A finding of no designation may be appealed. Unlike developments of regional impact, development orders for Florida Quality Developments are issued by DEO, not by the local government."[34] According to the DEO, there are 18 developments designated as FQDs, the last of which was designated on June 9, 1999, and the last FQD development order was requested and issued in 2002.[35]

III. Effect of Proposed Changes:

Independent Special Districts

Under current law, the electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district meets all of the following criteria:

- It was created by special act of the Legislature.

[31] Chapter 2011-14, L.O.F. *See* s. 163.3184(3) and (4), F.S.
[32] Section 380.061, F.S. *See also* Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[33] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[34] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *General Information About Developments of Regional Impact and Florida Quality Developments*. Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/general-information (last visited February 3, 2018).
[35] *Id*. Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- It is designated as an improvement district, created pursuant to chapter 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.
- Its governing board is elected and agrees to the conversion.
- It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.
- No portion of the district is located within the jurisdictional limits of a municipality.

Section 1 amends s. 165.0615, F.S., to add a criterion requiring the independent special district to have a minimum population. If the independent special district is in a county that has a population of less than 75,000 people, then population of the independent special district must be a minimum of 1,500 people. If the county has more than 75,000 people, then the independent special district must have a minimum population of 5,000 people.

DRIs and FQD Development Orders

The bill repeals the current DRI and FQD development order provisions and shifts the remaining responsibilities of reviewing amendments to DRIs and FQD development orders from the RPCs and the DEO to the local governments.

Section 2 amends s. 380.06, F.S., to repeal the DRI process. The bill retains statewide guidelines and standards and exemptions for DRIs in effective as of the effective date of the bill for local governments to use them to determine whether a development is subject to the review process. These guidelines will remain in effect unless repealed by statute.[36]

This section also:
- Repeals provisions that are obsolete with the repeal of the DRI program by this bill.
- Maintains the thresholds that determine whether a development will be subject to review.
- Preserves the following letters and agreements that are unexpired as of the effective date of the bill: binding letters, "essentially built out" agreements, "capital contribution front loading agreements" between a developer and local government, any agreements between a local government and a developer to reimburse the developer for voluntary contributions paid in excess of his or her fair share, agreements related to projects that include more than one DRI, and area-wide DRI development orders.
- Authorizes local governments to amend a binding letter of vested rights pursuant to the local government's comprehensive plan and land development regulations upon request of the developer.
- Prohibits a local government from changing to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment, unless the local government can demonstrate certain information.
- Specifies that selection of a contractor or design professional by the developer for work related to the construction or expansion of a public facility that is undertaken as a condition of the development order, is not subject to competitive bidding or negotiation.

[36] Effectively the guidelines and standards will not be amended in the future because the bill repeals provisions directing the Administration Commission to adopt the guidelines and standards.

- Limits a local government from changing any credit for a development order exaction or fee granted to the developer when an amendment to the development order is adopted, when the credit against impact fees, mobility fees, or exactions are based upon the developer's contribution of land or a public facility.
- Adds mobility fees to the types of fees a developer can petition a local government to give the developer a credit against for any contribution when such fees are imposes or increased after a development order is issued.
- Requires a developer to follow any reporting requirements set by the local government with jurisdiction over the development and permits the local government to set penalties for failure to file required reports.[37]
- Requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including but not limited to procedures for notice to the applicant and the public regarding issuance of development orders.[38] As under current law, a local government may approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved. There must be at least one public hearing on the proposed change to the development order, and the local governing body must approve any change before it becomes effective. Development within a portion of the DRI that is not directly affected by a proposed change can continue during the review of the proposed change, and review is limited to impacts created by the proposed change. Changes to extend a phase date, buildout date, expiration date, or termination date may also extend any required mitigation (which is consistent with current law). These provisions do not alter or limit any extension previously granted by statute.
- Provides that abandonment of a DRI development order shall be deemed to have occurred when the required notice of abandonment is filed with the county clerk. Local governments must issue an abandonment order if requested by a developer if all development that exists at the time of abandonment has been mitigated or will be mitigated pursuant to an existing permit enforceable through an administrative or judicial proceeding.
- Requires proposed developments that exceed the statewide guidelines and standards and are not otherwise exempt to be approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S.

Section 3 amends s. 380.061, F.S., to repeal the FQD program. FQD development orders in place prior to the effective date of the bill must be replaced by local government development orders, which will be subject to the DRI provisions discussed above in **Section 2**.

Section 4 amends s. 380.0651, F.S., to maintain the guidelines and standards formerly used for developments required to undergo DRI review. The guidelines and standards are retained to determine whether developments are subject to the DRI provisions discussed above in **Section 2**.

[37] Current law requires a biennial report submitted by the developer in alternate years as specified by the development order and sets a penalty of a temporary suspension of the development order as the penalty for failing to report. s. 380.06(18), F.S.
[38] This new provision for review of a change is applicable over any provision to the contrary in an existing development order, agreement, local comprehensive plan, or local land development regulation. The bill also changes the term "substantial deviation" to "changes."

Additionally, the statutory exemptions, partial statutory exemptions, and exemptions for DULAs from the DRI program are transferred from current s. 380.06, F.S., to s. 380.0651, F.S., so that the exemptions continue apply.[39]

Section 5 amends s. 380.07, F.S., to remove DRIs from the Florida Land and Water Adjudicatory Commission's (the Administration Commission) rulemaking authority and repeal related provisions. Under the bill, the state land planning agency may only challenge a local order *abandoning* a DRI; and appeals of development orders based upon consistency of the order with local comprehensive plans may only be made for development orders in areas of critical state concern.

Section 6 amends s. 380.115, F.S., to allow a development that has received a DRI development order but is no longer required to undergo DRI review to elect to rescind the development order pursuant to certain procedures. The local government issuing the development order must monitor the development and enforce the development order. The local government may not issue any permits or approvals or provide any service if the developer fails to act in substantial compliance with the development order.

Section 8 amends s. 163.3245, F.S., to continue to require a development subject to a master plan to remain subject to the master plan, unless the development order is abandoned or rescinded.

Section 10 amends s. 189.08, F.S., to allow a special district that is building, improving, or expanding public facilities addressed by a DRI development order to use the most recent report required by s. 380.06, F.S., to the extent needed to submit the special district's own public facilities report required by the statute (special district public facilities report).

Sections 7, 9, 11 – 18, 20, and 21 amend ss. 125.68, 163.3246, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524, F.S., to correct cross references and make conforming changes.

Section 19 repeals s. 380.065, F.S., which governed the certification of local government review of development.

Section 22 repeals the rules adopted by the DEO governing DRIs that are codified in ch. 73C-40, Florida Administrative Code. It also repeals rules adopted by the Administration Commission related to when two or more developments that are represented by their owners or developers to be separate developments are to be aggregated and treated as a single development.

Section 23 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the act takes effect.

Section 24 provides that the bill is effective upon becoming a law.

[39] The exemptions are discussed above in the Present Situation.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Local governments currently have responsibilities related to reviewing and administering development orders.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEO will have decreased responsibilities to review various processes for DRIs and FQDs. Many of these responsibilities have been transferred to local governments, which currently have responsibilities related to reviewing and administering development orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 165.0615, 380.06, 380.061, 380.0651, 380.07, 380.115, 125.68, 163.3245, 163.3246, 189.08, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524.

This bill repeals section 380.065 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.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 8, 2018:
The committee substitute:

- Clarifies that a local government may not change to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment.
- Restores current law, which allows a local government to approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved.

CS by Community Affairs on January 23, 2018:

- Reinserts language omitted in the moving of the DRI exemptions from one section to the other.
- Adds a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding.
- Makes technical wording changes.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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	.	
	.	

The Committee on Appropriations (Lee) recommended the following:

Senate Amendment (with title amendment)

Delete lines 2583 - 2594

and insert:

(12)~~(30)~~ PROPOSED DEVELOPMENTS.—

(a) A proposed development that exceeds the statewide guidelines and standards specified in s. 380.0651 and is not otherwise exempt pursuant to s. 380.0651 must ~~otherwise subject to the review requirements of this section shall~~ be approved by a local government pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, if the

447718

proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section.

(b) This subsection does not apply to:

1. Amendments to a development order governing an existing development of regional impact; or

2. Any application for development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to the provisions of this section as it existed on such date. Such election must be in writing and filed with the affected local government, regional planning council, and state land planning agency, before December 31, 2018.

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

And the title is amended as follows:

Between lines 116 and 117

insert:

providing an exception;

113064

576-03010A-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to growth management; amending s. 165.0615, F.S.; adding a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding; amending s. 380.06, F.S.; revising the statewide guidelines and standards for developments of regional impact; deleting criteria that the Administration Commission is required to consider in adopting its guidelines and standards; revising provisions relating to the application of guidelines and standards; revising provisions relating to variations and thresholds for such guidelines and standards; deleting provisions relating to the issuance of binding letters; specifying that previously issued letters remain valid unless previously expired; specifying the procedure for amending a binding letter of interpretation; specifying that previously issued clearance letters remain valid unless previously expired; deleting provisions relating to authorizations to develop, applications for approval of development, concurrent plan amendments, preapplication procedures, preliminary development agreements, conceptual agency review, application sufficiency, local notice, regional reports, and criteria for the approval of

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576-03010A-18

developments inside and outside areas of critical state concern; revising provisions relating to local government development orders; specifying that amendments to a development order for an approved development may not amend to an earlier date the date before when a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; removing a requirement that certain conditions of a development order meet specified criteria; specifying that construction of certain mitigation-of-impact facilities is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional; removing requirements relating to local government approval of developments of regional impact that do not meet certain requirements; removing a requirement that the Department of Economic Opportunity and other agencies cooperate in preparing certain ordinances; authorizing developers to record notice of certain rescinded development orders; specifying that certain agreements regarding developments that are essentially built out remain valid unless previously expired; deleting requirements for a local government to issue a permit for a development subsequent to the buildout date contained in the development order; specifying that amendments to development orders do not diminish or otherwise alter certain credits for a development order exaction or fee against impact fees, mobility fees, or

exactions; deleting a provision relating to the determination of certain credits for impact fees or extractions; deleting a provision exempting a nongovernmental developer from being required to competitively bid or negotiate construction or design of certain facilities except under certain circumstances; specifying that certain capital contribution front-ending agreements remain valid unless previously expired; deleting a provision relating to local monitoring; revising requirements for developers regarding reporting to local governments and specifying that such reports are not required unless required by a local government with jurisdiction over a development; revising the requirements and procedure for proposed changes to a previously approved development of regional impact and deleting rulemaking requirements relating to such procedure; revising provisions relating to the approval of such changes; specifying that certain extensions previously granted by statute are still valid and not subject to review or modification; deleting provisions relating to determinations as to whether a proposed change is a substantial deviation; deleting provisions relating to comprehensive development-of-regional-impact applications and master plan development orders; specifying that certain agreements that include two or more developments of regional impact which were the subject of a comprehensive development-of-regional-impact

application remain valid unless previously expired; deleting provisions relating to downtown development authorities; deleting provisions relating to adoption of rules by the state land planning agency; deleting statutory exemptions from development-of-regional-impact review; specifying that an approval of an authorized developer for an areawide development of regional impact remains valid unless previously expired; deleting provisions relating to areawide developments of regional impact; deleting an authorization for the state land planning agency to adopt rules relating to abandonment of developments of regional impact; requiring local governments to file a notice of abandonment under certain conditions; deleting an authorization for the state land planning agency to adopt a procedure for filing such notice; requiring a development-of-regional-impact development order to be abandoned by a local government under certain conditions; deleting a provision relating to abandonment of developments of regional impact in certain high-hazard coastal areas; authorizing local governments to approve abandonment of development orders for an approved development under certain conditions; deleting a provision relating to rights, responsibilities, and obligations under a development order; deleting partial exemptions from development-of regional-impact review; deleting exemptions for dense urban land areas; specifying that proposed developments that exceed the statewide guidelines and

standards and that are not otherwise exempt be approved by local governments instead of through specified development-of-regional-impact proceedings; amending s. 380.061, F.S.; specifying that the Florida Quality Developments program only applies to previously approved developments in the program before the effective date of the act; specifying a process for local governments to adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Developments; deleting program intent, eligibility requirements, rulemaking authorizations, and application and approval requirements and processes; deleting an appeals process and the Quality Developments Review Board; amending s. 380.0651, F.S.; deleting provisions relating to the superseding of guidelines and standards adopted by the Administration Commission and the publishing of guidelines and standards by the Administration Commission; conforming a provision to changes made by the act; specifying exemptions and partial exemptions from development-of-regional-impact review; deleting provisions relating to determining whether there is a unified plan of development; deleting provisions relating to the circumstances where developments should be aggregated; deleting a provision relating to prospective application of certain provisions; deleting a provision authorizing state land planning agencies to enter into agreements for the joint planning, sharing,

or use of specified public infrastructure, facilities, or services by developers; deleting an authorization for the state land planning agency to adopt rules; amending s. 380.07, F.S.; deleting an authorization for the Florida Land and Water Adjudicatory Commission to adopt rules regarding the requirements for developments of regional impact; revising when a local government must transmit a development order to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order; deleting a process for regional planning agencies to undertake appeals of development-of-regional-impact development orders; revising a process for appealing development orders for consistency with a local comprehensive plan to be available only for developments in areas of critical state concern; deleting a procedure regarding certain challenges to development orders relating to developments of regional impact; amending s. 380.115, F.S.; deleting a provision relating to changes in development-of-regional-impact guidelines and standards and the impact of such changes on vested rights, duties, and obligations pursuant to any development order or agreement; requiring local governments to monitor and enforce development orders and prohibiting local governments from issuing permits, approvals, or extensions of services if a developer does not act in substantial compliance with an order; deleting provisions relating to changes in

development of regional impact guidelines and standards and their impact on the development approval process; amending s. 125.68, F.S.; conforming a cross-reference; amending s. 163.3245, F.S.; conforming cross-references; conforming provisions to changes made by the act; revising the circumstances in which applicants who apply for master development approval for an entire planning area must remain subject to a master development order; specifying an exception; deleting a provision relating to the level of review for applications for master development approval; amending s. 163.3246, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 189.08, F.S.; conforming a cross-reference; conforming a provision to changes made by the act; amending s. 190.005, F.S.; conforming cross-references; amending ss. 190.012 and 252.363, F.S.; conforming cross-references; amending s. 369.303, F.S.; conforming a provision to changes made by the act; amending ss. 369.307, 373.236, and 373.414, F.S.; conforming cross-references; amending s. 378.601, F.S.; conforming a provision to changes made by the act; repealing s. 380.065, F.S., relating to a process to allow local governments to request certification to review developments of regional impact that are located within their jurisdictions in lieu of the regional review requirements; amending ss. 380.11 and 403.524, F.S.; conforming cross-references; repealing specified rules regarding uniform review of

developments of regional impact by the state land planning agency and regional planning agencies; repealing the rules adopted by the Administration Commission regarding whether two or more developments, represented by their owners or developers to be separate developments, shall be aggregated; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (1) of section 165.0615, Florida Statutes, is amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(1) The qualified electors of an independent special district may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposed to be converted if the district meets all of the following criteria:

(a) It was created by special act of the Legislature.

(b) It is designated as an improvement district and created pursuant to chapter 298 or is designated as a stewardship district and created pursuant to s. 189.031.

(c) Its governing board is elected.

(d) Its governing board agrees to the conversion.

(e) It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting,

parks and recreation, or library or cultural facilities.

(f) No portion of the district is located within the jurisdictional limits of a municipality.

(g) It meets the minimum population standards specified in s. 165.061(1)(b).

Section 2. Section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(1) DEFINITION.—The term "development of regional impact," as used in this section, means any development that ~~which~~, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) STATEWIDE GUIDELINES AND STANDARDS.—

~~(a)~~ The statewide guidelines and standards and the exemptions specified in s. 380.0651 and the statewide guidelines and standards adopted by the Administration Commission and codified in chapter 28-24, Florida Administrative Code, must be ~~state land planning agency shall recommend to the Administration Commission specific statewide guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt statewide guidelines and standards to be~~ used in determining whether particular developments are subject to the requirements of subsection (12) ~~shall undergo development-of-regional-impact review~~. The statewide guidelines and standards previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless ~~revised pursuant to this section or~~ superseded or repealed by statute ~~by other provisions of law~~.

~~(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:~~

~~1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.~~

~~2. The amount of pedestrian or vehicular traffic likely to be generated.~~

~~3. The number of persons likely to be residents, employees, or otherwise present.~~

~~4. The size of the site to be occupied.~~

~~5. The likelihood that additional or subsidiary development will be generated.~~

~~6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.~~

~~7. The unique qualities of particular areas of the state.~~

~~(c) With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.~~

~~(d)~~ The statewide guidelines and standards shall be applied as follows:

(a) ~~1. Fixed thresholds.—~~

~~a.~~ A development that is below 100 percent of all numerical thresholds in the statewide guidelines and standards is not subject to subsection (12) ~~is not required to undergo development-of-regional-impact review~~.

(b) ~~b.~~ A development that is at or above 100 ~~120~~ percent of any numerical threshold in the statewide guidelines and standards is subject to subsection (12) ~~shall be required to undergo development-of-regional-impact review~~.

~~c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Department of Economic Opportunity as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c) and (f) are not required to undergo development-of-regional-impact review.~~

~~2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.~~

~~(c) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the~~

~~applicable individual use guidelines and standards for residential, hotel, motel, office, and retail developments and multiuse guidelines and standards shall be increased by 100 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built before July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of opportunity pursuant to s. 288.0656 during the effectiveness of the designation.~~

~~(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS.—The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an~~

~~increase or decrease for a particular local government's jurisdiction or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction or a part of its jurisdiction. A number of requests may be combined in a single petition.~~

~~(a) When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:~~

~~1. Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.~~

~~2. Any applicable policies in an adopted strategic regional policy plan.~~

~~3. Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.~~

~~4. Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.~~

~~5. Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.~~

~~(b) The affected regional planning agency, adjoining local governments, and the local government shall be given a~~

~~reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.~~

~~(c) The Administration Commission shall have authority to increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.~~

~~(d) The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.~~

~~(e) Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective.~~

(3)~~(4)~~ BINDING LETTER.—

(a) Any binding letter previously issued to a developer by the state land planning agency as to ~~If any developer is in doubt~~ whether his or her proposed development must undergo development-of-regional-impact review ~~under the guidelines and standards~~, whether his or her rights have vested pursuant to subsection (8) ~~(20)~~, or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (8) ~~(20)~~ would divest such rights, remains valid unless it expired on or before the

effective date of this act ~~the developer may request a determination from the state land planning agency~~. ~~The developer or the appropriate local government having jurisdiction may request that the state land planning agency determine whether the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3.~~

(b) Upon a request by the developer, a binding letter of interpretation regarding which rights had previously vested in a development of regional impact may be amended by the local government of jurisdiction, based on standards and procedures in the adopted local comprehensive plan or the adopted local land development code, to reflect a change to the plan of development and modification of vested rights, provided that any such amendment to a binding letter of vested rights must be consistent with s. 163.3167(5). Review of a request for an amendment to a binding letter of vested rights may not include a review of the impacts created by previously vested portions of the development ~~Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards~~.

~~(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of~~

~~interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an administrative or judicial proceeding pursuant to this chapter.~~

~~(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.~~

~~(e) In determining whether a proposed substantial change to a development of regional impact concerning which rights had~~

~~previously vested pursuant to subsection (20) would divest such rights, the state land planning agency shall review the proposed change within the context of:~~

~~1. Criteria specified in paragraph (19)(b);~~

~~2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;~~

~~3. All rights and obligations arising out of the vested status of such development;~~

~~4. Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and~~

~~5. Any regional impacts arising from the proposed change.~~

~~(f) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20). Furthermore, where all or a portion of the development of regional impact for which rights had previously vested pursuant to subsection (20) is demolished and reconstructed within the same approximate footprint of buildings and parking lots, so that any change in the size of the development does not exceed the criteria of paragraph (19)(b), such demolition and reconstruction shall not divest the rights which had vested.~~

(c) ~~(g)~~ Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of

development has been substantially commenced within:

1. Three years from October 1, 1985, for binding letters issued prior to the effective date of this act; or

2. Three years from the date of issuance of binding letters issued on or after October 1, 1985.

(d) ~~(h)~~ The expiration date of a binding letter begins~~,~~ ~~established pursuant to paragraph (g), shall begin~~ to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction, and the developer.

(e) ~~(i)~~ ~~In response to an inquiry from a developer or the appropriate local government having jurisdiction, the state land planning agency may issue~~ An informal determination by the state land planning agency, in the form of a clearance letter as to whether a development is required to undergo development-of-regional-impact review or whether the amount of development that remains to be built in an approved development of regional impact, remains valid unless it expired on or before the effective date of this act ~~meets the criteria of subparagraph (15)(g)3. A clearance letter may be based solely on the information provided by the developer, and the state land planning agency is not required to conduct an investigation of that information. If any material information provided by the developer is incomplete or inaccurate, the clearance letter is not binding upon the state land planning agency. A clearance letter does not constitute final agency action~~.

~~(5) AUTHORIZATION TO DEVELOP.—~~

~~(a)1. A developer who is required to undergo development~~

~~of-regional-impact review may undertake a development of regional impact if the development has been approved under the requirements of this section.~~

~~2. If the land on which the development is proposed is within an area of critical state concern, the development must also be approved under the requirements of s. 380.05.~~

~~(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development-of-regional-impact review. If a project is undergoing or will be required to undergo development-of-regional-impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development-of-regional-impact review or after the developer obtains a development order pursuant to this section.~~

~~(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 373 and 403 in effect when such development order is issued. The rules adopted pursuant to chapters 373 and 403 in effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:~~

~~1. The later adopted rule is determined by the rule-adopting agency to be essential to the public health, safety, or welfare;~~

~~2. The later adopted rule is adopted pursuant to s. 403.061(27);~~

~~3. The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program;~~

~~4. The later adopted rule is mandated in order for the state to maintain delegation of a federal program; or~~

~~5. The later adopted rule is required by state or federal law.~~

~~(d) The provision of day care service facilities in developments approved pursuant to this section is permissible but is not required.~~

~~Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this~~

~~paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.~~

~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT PLAN AMENDMENTS.—~~

~~(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.~~

~~(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3184 and applicable local ordinances, without regard to local limits on the frequency of consideration of amendments to the local comprehensive plan. This paragraph does not require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:~~

~~1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the~~

~~applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).~~

~~2. When filing the application for development approval or the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.~~

~~3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.~~

~~4. If the local government approves the transmittal, procedures set forth in s. 163.3184 must be followed.~~

~~5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days after reviewing agency comments are due to the local government pursuant to s. 163.3184.~~

~~6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the~~

~~comprehensive plan amendments.~~

~~7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments must follow the provisions of s. 163.3184.~~

~~(7) PREAPPLICATION PROCEDURES.—~~

~~(a) Before filing an application for development approval, the developer shall contact the regional planning agency having jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The levels of service required in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If an agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. The reviewing agencies may make only

~~recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.~~

~~(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law.~~

~~(c) If the application for development approval is not submitted within 1 year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held.~~

~~(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—~~

~~(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be

~~subject to the following conditions:~~

~~1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.~~

~~2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.~~

~~3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.~~

~~4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.~~

~~5. The preliminary development agreement may allow development which is:~~

~~a. Less than 100 percent of any applicable threshold if the~~

~~developer demonstrates that such development is consistent with subparagraph 4.; or~~

~~b. Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a proposed downtown development of regional impact specified in subsection (22) or part of any areawide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.~~

~~6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.~~

~~7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.~~

~~8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.~~

~~9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land~~

~~planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.~~

~~10. A notice of the preliminary development agreement shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.~~

~~11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:~~

~~a. A final development order under this section has been rendered that approves all of the development actually constructed; or~~

~~b. The amount of development is less than 100 percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local~~

~~regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.~~

~~In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.~~

~~(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.~~

~~(c) The provisions of this subsection shall also be available to a developer who chooses to seek development approval of a Florida Quality Development pursuant to s. 380.061.~~

~~(9) CONCEPTUAL AGENCY REVIEW.—~~

~~(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development of—~~

~~regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).~~

~~2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.~~

~~3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.60(1) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under ss. 120.569 and 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under ss. 120.569 and 120.57 on the proposed development by any parties to the prior proceeding.~~

~~4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.~~

~~(b) The Department of Environmental Protection, each water~~

~~management district, and each other state or regional agency that requires construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their respective regulatory jurisdictions:~~

~~1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.~~

~~2. Dredging and filling activities.~~

~~3. The management and storage of surface waters.~~

~~4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 3.~~

~~Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.~~

~~(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.~~

~~2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.~~

~~(d) At the conclusion of the conceptual agency review, the~~

~~agency shall give notice of its proposed agency action as required by s. 120.60(3) and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.~~

~~(e) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:~~

~~1. That an applicant or his or her agent has submitted materially false or inaccurate information in the application for conceptual approval;~~

~~2. That the developer has violated a condition of the conceptual approval; or~~

~~3. That the development will cause a violation of the~~

~~agency's applicable laws or rules.~~

~~(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.~~

~~(g) Nothing contained in this subsection shall be construed to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.~~

~~(10) APPLICATION; SUFFICIENCY.—~~

~~(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.~~

~~(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional~~

~~information. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If an applicant does not provide the information requested by a regional planning agency within 120 days of its request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.~~

~~(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).~~

~~(11) LOCAL NOTICE.—Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:~~

~~(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review.~~

~~(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development of regional impact application may be reviewed.~~

~~(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency review process under subsection (9), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting. The public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set, unless an extension is requested by the applicant.~~

~~(12) REGIONAL REPORTS.—~~

~~(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:~~

~~1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified~~

~~in the applicable state or regional plans. As used in this subsection, the term "applicable state plan" means the state comprehensive plan. As used in this subsection, the term "applicable regional plan" means an adopted strategic regional policy plan.~~

~~2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.~~

~~3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment if the regional planning agency has adopted an affordable housing policy as part of its strategic regional policy plan. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.~~

~~(b) The regional planning agency report must contain recommendations that are consistent with the standards required by the applicable state permitting agencies or the water management district.~~

~~(c) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency~~

~~report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may comment on the regional implications of the permits but may not offer conflicting recommendations.~~

~~(d) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.~~

~~(e) If the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.~~

~~(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN.—If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. The provisions of this section shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.~~

~~(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If~~

~~the development is not located in an area of critical state concern, in considering whether the development is approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and the extent to which:~~

~~(a) The development is consistent with the local comprehensive plan and local land development regulations.~~

~~(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12).~~

~~(c) The development is consistent with the State Comprehensive Plan. In consistency determinations, the plan shall be construed and applied in accordance with s. 187.101(3).~~

~~However, a local government may approve a change to a development authorized as a development of regional impact if the change has the effect of reducing the originally approved height, density, or intensity of the development and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5).~~

(4) ~~(15)~~ LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(a) Notwithstanding any provision of any adopted local comprehensive plan or adopted local government land development regulation to the contrary, an amendment to a development order for an approved development of regional impact adopted pursuant to subsection (7) may not amend to an earlier date the ~~appropriate local government shall render a decision on the~~

~~application within 30 days after the hearing unless an extension is requested by the developer~~.

~~(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed development.~~

~~(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:~~

~~1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.~~

~~2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.~~

~~3. Shall establish a~~ date until when ~~which~~ the local government agrees that the approved development of regional impact will ~~shall~~ not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare. The date established pursuant to this paragraph may not be ~~subparagraph shall be no~~ sooner than the buildout date of the project.

~~4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope of any additional local requirements that may be necessary for the report.~~

~~5. May specify the types of changes to the development which shall require submission for a substantial deviation determination or a notice of proposed change under subsection (19).~~

~~6. Shall include a legal description of the property.~~

~~(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:~~

~~1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.~~

~~2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.~~

~~3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.~~

~~4. Construction or expansion of a public facility by a nongovernmental developer as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional for any part of the construction or design.~~

(b) ~~(c)~~ 1. A local government may ~~shall~~ not include~~,~~ as a development order condition for a development of regional impact~~,~~ any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Selection of a contractor or design professional for any aspect of construction or design related to the construction or expansion of a public facility by a nongovernmental developer which is undertaken as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation ~~A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to~~

~~provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development~~.

~~3. The Department of Economic Opportunity and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.~~

(c) ~~(f)~~ Notice of the adoption of an amendment ~~a development order or the subsequent amendments~~ to an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice does ~~shall~~ not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien,

cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980. If the local government of jurisdiction rescinds a development order for an approved development of regional impact pursuant to s. 380.115, the developer may record notice of the rescission.

(d) ~~(g)~~ Any agreement entered into by the state land planning agency, the developer, and the ~~A~~ local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before the effective date of this act. ~~may not issue a permit for a development subsequent to the buildout date contained in the development order unless:~~

~~1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) after the termination or expiration date;~~

~~2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with subsection (26);~~

~~3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 40 percent of any applicable development of regional impact threshold; or~~

~~4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations. The parties may amend the agreement without submission, review, or approval of a notification of proposed change pursuant to subsection (19). For the purposes of this paragraph, a development of regional impact is considered essentially built out, if:~~

~~a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date or reporting requirements; and~~

~~b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or~~

~~(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.~~

~~The single-family residential portions of a development may be considered essentially built out if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered essentially built out if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners. In order to accommodate changing market demands and achieve maximum land use efficiency in an essentially built out project, when a developer is building out a project, a local government, without the concurrence of the state land planning agency, may adopt a resolution authorizing the developer to exchange one approved land use for another approved land use as specified in the agreement. Before the issuance of a building permit pursuant to an exchange, the developer must demonstrate to the local government that the exchange ratio will not result in a net increase in impacts to public facilities and will meet all applicable requirements of the comprehensive plan and land development code. For developments previously determined to impact strategic intermodal facilities as defined in s. 339.63, the local government shall consult with the Department of Transportation before approving the exchange.~~

~~(h) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new~~

~~development order that incorporates all previous rights and obligations specified in the prior development order.~~

(5) ~~(16)~~ CREDITS AGAINST LOCAL IMPACT FEES.—

(a) Notwithstanding any provision of an adopted local comprehensive plan or adopted local government land development regulations to the contrary, the adoption of an amendment to a development order for an approved development of regional impact pursuant to subsection (7) does not diminish or otherwise alter any credits for a development order exaction or fee as against impact fees, mobility fees, or exactions when such credits are based upon the developer's contribution of land or a public facility or the construction, expansion, or payment for land acquisition or construction or expansion of a public facility, or a portion thereof ~~If the development order requires the developer to contribute land or a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address. The nongovernmental developer need not be required, by virtue of this credit, to~~

~~competitively bid or negotiate any part of the construction or design of the facility, unless otherwise requested by the local government~~.

(b) If the local government imposes or increases an impact fee, mobility fee, or exaction by local ordinance after a development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the development order toward an impact fee or exaction for the same need.

(c) Any ~~The local government and the developer may enter into~~ capital contribution front-ending agreement entered into by a local government and a developer which is still in effect as of the effective date of this act ~~agreements~~ as part of a development-of-regional-impact development order to reimburse the developer, or the developer's successor, for voluntary contributions paid in excess of his or her fair share remains valid.

(d) This subsection does not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent that such facilities are necessary to provide safe and adequate services to the development.

~~(17) LOCAL MONITORING. The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or~~

~~approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.~~

(6) ~~(18)~~ ~~BIENNIAL~~ REPORTS.—Notwithstanding any condition in a development order for an approved development of regional impact, the developer is not required to ~~shall~~ submit an annual or a biennial report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies ~~in alternate years on the date specified in the development order,~~ unless required to do so by the local government that has jurisdiction over the development. The penalty for failure to file such a required report is as prescribed by the local government ~~development order by its terms requires more frequent monitoring. If the report is not received, the state land planning agency shall notify the local government. If the local government does not receive the report or receives notification that the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government~~.

(7) ~~(19)~~ CHANGES ~~SUBSTANTIAL DEVIATIONS~~.—

(a) Notwithstanding any provision to the contrary in any development order, agreement, local comprehensive plan, or local land development regulation, any proposed change to a previously approved development of regional impact must be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including, but not limited to, procedures for notice to the applicant and the public regarding the issuance of development orders. However, a change to a development of regional impact that has the effect of reducing the originally approved height, density, or intensity of the development must be reviewed by the local government based on the standards in the local comprehensive plan at the time the development was originally approved, and if the development would have been consistent with the comprehensive plan in effect when the development was originally approved, the local government may approve the change. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5). For any proposed change to a previously approved development of regional impact, at least one public hearing must be held on the application for change, and any change must be approved by the local governing body before it becomes effective. The review must abide by any prior agreements or other actions vesting the laws and policies governing the development. Development within the previously approved development of regional impact may continue, as approved, during the review in portions of the development which are not directly affected by the proposed change ~~which creates a reasonable likelihood of additional regional impact, or any type of~~

~~regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose~~.

(b) The local government shall either adopt an amendment to the development order that approves the application, with or without conditions, or deny the application for the proposed change. Any new conditions in the amendment to the development order issued by the local government may address only those impacts directly created by the proposed change, and must be consistent with s. 163.3180(5), the adopted comprehensive plan, and adopted land development regulations. Changes to a phase date, buildout date, expiration date, or termination date may also extend any required mitigation associated with a phased construction project so that mitigation takes place in the same timeframe relative to the impacts as approved ~~Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the criteria in subparagraphs 1.-11. constitutes a substantial deviation and shall cause the development to be subject to further development of regional impact review through the notice of proposed change process under this section~~.

~~1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces,~~

~~whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.~~

~~2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.~~

~~3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.~~

~~4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.~~

~~5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced before the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the~~

~~term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.~~

~~7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.~~

~~8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.~~

~~9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.~~

~~10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.~~

~~11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or~~

~~species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (c)2.j.~~

~~The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.~~

(c) This section is not intended to alter or otherwise limit the extension, previously granted by statute, of a commencement, buildout, phase, termination, or expiration date in any development order for an approved development of regional impact and any corresponding modification of a related permit or agreement. Any such extension is not subject to review or modification in any future amendment to a development order pursuant to the adopted local comprehensive plan and adopted local land development regulations ~~An extension of the date of buildout of a development, or any phase thereof, by more than 7~~

~~years is presumed to create a substantial deviation subject to further development-of-regional-impact review~~.

~~1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.~~

~~2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.~~

~~For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.~~

~~(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to this subsection. The change shall be presumed not to create a substantial deviation subject to further development of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.~~

~~(c)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1. 10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph~~

~~(f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.~~

~~2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:~~

~~a. Changes in the name of the project, developer, owner, or monitoring official.~~

~~b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.~~

~~c. Changes to minimum lot sizes.~~

~~d. Changes in the configuration of internal roads which do not affect external access points.~~

~~e. Changes to the building design or orientation which stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.~~

~~f. Changes to increase the acreage in the development, if no development is proposed on the acreage to be added.~~

~~g. Changes to eliminate an approved land use, if there are no additional regional impacts.~~

~~h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, if these changes do not create additional regional impacts.~~

~~i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.~~

~~j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.~~

~~k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-subparagraph j.~~

~~l. A phase date extension, if the state land planning agency, in consultation with the regional planning council and subject to the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules.~~

~~m. Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-l. and that does not create the likelihood of any additional regional impact.~~

~~This subsection does not require the filing of a notice of~~

~~proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m. and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.~~

~~3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.~~

~~4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.~~

~~5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence:~~

~~a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.~~

~~b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use.~~

~~6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.~~

~~(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to~~

~~delete or add as an amendment to the development order.~~

~~2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.~~

~~3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.~~

~~4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.~~

~~5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (e), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (c)3. shall be applicable in determining whether further development-of-regional-impact review is~~

~~required. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.~~

~~6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (c)1. or subparagraph (c)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-~~

~~impact review.~~

~~(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:~~

~~1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.~~

~~2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.~~

~~3. If the local government determines that the proposed change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.~~

~~4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.~~

~~(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development~~

~~order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.~~

~~(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

(8)~~(20)~~ VESTED RIGHTS.—Nothing in this section shall limit or modify the rights of any person to complete any development that was authorized by registration of a subdivision pursuant to former chapter 498, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If a developer has, by his or her actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to the developer's interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. Anyone claiming vested rights under this paragraph must notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this paragraph to remain valid after June 30, 1990, development of the vested plan must be

commenced prior to that date upon the property that the state land planning agency has determined to have acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements have not been met, the vested rights authorized by this paragraph shall expire June 30, 1986, unless development commenced prior to that date.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(9)~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION~~; MASTER PLAN DEVELOPMENT ORDER~~.—

~~(a)~~ Any agreement previously entered into by a developer, a regional planning agency, and a local government regarding ~~If~~ a development project that includes two or more developments of regional impact and was the subject of~~, a developer may file~~ a comprehensive development-of-regional-impact application remains valid unless it expired on or before the effective date of this act.

~~(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) do not apply to this subsection, except that a~~

~~developer may elect to utilize the review process established in subsection (9) for review of the increments of a master plan.~~

~~1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.~~

~~2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order, unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.~~

~~(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.~~

~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

~~(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown~~

~~development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.~~

~~(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.~~

~~(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

~~(d) The provisions of subsection (9) do not apply to this subsection.~~

~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—~~

~~(a) The state land planning agency shall adopt rules to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement development-of-regional-impact reviews. The state land planning agency, in consultation with~~

~~the regional planning agencies, may also designate types of development or areas suitable for development in which reduced information requirements for development of regional impact review shall apply.~~

~~(b) Regional planning agencies shall be subject to rules adopted by the state land planning agency. At the request of a regional planning council, the state land planning agency may adopt by rule different standards for a specific comprehensive planning district upon a finding that the statewide standard is inadequate to protect or promote the regional interest at issue. If such a regional standard is adopted by the state land planning agency, the regional standard shall be applied to all pertinent development-of-regional-impact reviews conducted in that region until rescinded.~~

~~(c) Within 6 months of the effective date of this section, the state land planning agency shall adopt rules which:~~

~~1. Establish uniform statewide standards for development-of-regional-impact review.~~

~~2. Establish a short application for development approval form which eliminates issues and questions for any project in a jurisdiction with an adopted local comprehensive plan that is in compliance.~~

~~(d) Regional planning agencies that perform development-of-regional-impact and Florida Quality Development review are authorized to assess and collect fees to fund the costs, direct and indirect, of conducting the review process. The state land planning agency shall adopt rules to provide uniform criteria for the assessment and collection of such fees. The rules providing uniform criteria shall not be subject to rule~~

~~challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons. Until the state land planning agency adopts a rule implementing this paragraph, rules of the regional planning councils currently in effect regarding fees shall remain in effect. Fees may vary in relation to the type and size of a proposed project, but shall not exceed $75,000, unless the state land planning agency, after reviewing any disputed expenses charged by the regional planning agency, determines that said expenses were reasonable and necessary for an adequate regional review of the impacts of a project.~~

~~(24) STATUTORY EXEMPTIONS.—~~

~~(a) Any proposed hospital is exempt from this section.~~

~~(b) Any proposed electrical transmission line or electrical power plant is exempt from this section.~~

~~(c) Any proposed addition to an existing sports facility complex is exempt from this section if the addition meets the following characteristics:~~

~~1. It would not operate concurrently with the scheduled hours of operation of the existing facility.~~

~~2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.~~

~~3. The sports facility complex property is owned by a public body before July 1, 1983.~~

~~This exemption does not apply to any pari-mutuel facility.~~

~~(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility~~

~~complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.~~

~~(c) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, is exempt from this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.~~

~~(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which the facility is located of the increase at least 6 months before the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.~~

~~(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from this section, if the following conditions exist:~~

~~1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;~~

~~b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or~~

~~c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and~~

~~2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.~~

~~Any owner or developer who intends to rely on this statutory exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days after receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes~~

~~development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development of regional impact review.~~

~~(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with s. 163.3178.~~

~~(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from this section.~~

~~(j) Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use.~~

~~(k) Waterport and marina development, including dry storage facilities, are exempt from this section.~~

~~(l) Any proposed development within an urban service boundary established under s. 163.3177(14), Florida Statutes (2010), which is not otherwise exempt pursuant to subsection (29), is exempt from this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities.~~

~~(m) Any proposed development within a rural land stewardship area created under s. 163.3248.~~

~~(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.~~

~~(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.~~

~~(p) Any proposed nursing home or assisted living facility is exempt from this section.~~

~~(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4. is exempt from this section.~~

~~(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.~~

~~(s) Any development in a detailed specific area plan which is prepared and adopted pursuant to s. 163.3245 is exempt from this section.~~

~~(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in subsection (19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development of regional impact development orders having vested rights are is not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those~~

~~applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.~~

~~(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional-impact review under revised thresholds is not required to undergo such review.~~

~~(v) Any development within a county with a research and education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.~~

~~(w) Any development in an energy economic zone designated pursuant to s. 377.809 is exempt from this section upon approval by its local governing body.~~

~~(x) Any proposed development that is located in a local government jurisdiction that does not qualify for an exemption based on the population and density criteria in paragraph (29)(a), that is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4), and that is the subject of an agreement pursuant to s. 288.106(5) is exempt from this section. This exemption shall only be effective upon a written agreement executed by the applicant, the local government, and the state land planning agency. The state land planning agency shall only be a party to the agreement upon a determination that the development is the subject of an agreement pursuant to s. 288.106(5) and that the local government has the capacity to adequately assess the impacts of the proposed development. The local government shall only be a party to the agreement upon approval by the governing body of the local government and upon providing at least 21 days' notice to adjacent local governments that includes, at a minimum, information regarding the location, density and intensity of use, and timing of the proposed development. This exemption does not apply to areas within the boundary of any area of critical state concern designated pursuant to s. 380.05, within the boundary of the Wekiva Study Area as described in s. 369.316, or within 2 miles of the boundary of the Everglades Protection Area as defined in s. 373.4592(2).~~

~~If a use is exempt from review as a development of regional impact under paragraphs (a)-(u), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Department of Economic Opportunity under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.~~

(10)~~(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

~~(a)~~ Any approval of an authorized developer for ~~may submit~~ an areawide development of regional impact remains valid unless it expired on or before the effective date of this act. ~~to be reviewed pursuant to the procedures and standards set forth in this section. The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required under this section. After review and approval of an areawide development of regional impact under this section, all development within the defined planning area shall conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development-of-regional-impact review, unless otherwise provided in the development order. As used in this subsection, the term:~~

~~1. "Areawide development plan" means a plan of development that, at a minimum:~~

~~a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;~~

~~b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;~~

~~c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;~~

~~d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and~~

~~e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.~~

~~2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.~~

~~(b) A developer may petition for authorization to submit a proposed areawide development of regional impact for a defined planning area in accordance with the following requirements:~~

~~1. A petition shall be submitted to the local government, the regional planning agency, and the state land planning agency.~~

~~2. A public hearing or joint public hearing shall be held if required by paragraph (c), with appropriate notice, before the affected local government.~~

~~3. The state land planning agency shall apply the following criteria for evaluating a petition:~~

~~a. Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.~~

~~b. Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.~~

~~4. The state land planning agency shall develop and make~~

~~available standard forms for petitions and applications for development approval for use under this subsection.~~

~~(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that government to approve that person as a developer, whether or not any or all development will be undertaken by that person, and to approve the area as appropriate for an areawide development of regional impact.~~

~~(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only:~~

~~1. After scheduling and conducting a public hearing as specified in paragraph (c); and~~

~~2. After conducting such hearing, finding that the planning area meets the standards and criteria pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.~~

~~(c) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local~~

~~government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation that meets the requirements of this paragraph. The advertisement must be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement must be in type no smaller than 18 point. The advertisement shall not be published in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement must appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement must be in substantially the form used to advertise amendments to comprehensive plans pursuant to s. 163.3184. The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for and benefits of an areawide development of regional impact, and such other issues relevant to a full consideration of the petition. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such hearing shall address, at a minimum, the need to resolve conflicting ordinances or~~

~~comprehensive plans, if any. The local government holding the joint hearing shall comply with the following additional requirements:~~

~~1. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.~~

~~2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.~~

~~(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.~~

~~(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.~~

~~(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the~~

~~Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.~~

~~(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.~~

~~(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:~~

~~1. Whether the developer has demonstrated its legal, financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.~~

~~2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.~~

~~3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).~~

~~(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved~~

~~within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).~~

~~(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.~~

~~(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:~~

~~1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and~~

~~2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the~~

~~development order conditions.~~

~~(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

(11)~~(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in whose jurisdiction ~~in which~~ the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of record, and provided that no such owner or developer objects in writing to the local government before ~~prior to~~ or at the public hearing pertaining to abandonment of the development of regional impact. ~~The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development.~~ If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an

abandonment order may ~~shall~~ not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The local government must file ~~rules shall also provide a procedure for filing~~ notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Abandonment will be deemed to have occurred upon the recording of the notice. Any decision by a local government concerning the abandonment of a development of regional impact is ~~shall be~~ subject to an appeal pursuant to s. 380.07. The issues in any such appeal must ~~shall~~ be confined to whether the provisions of this subsection ~~or any rules promulgated thereunder~~ have been satisfied.

(b) If requested by the owner, developer, or local government, the development-of-regional-impact development order must be abandoned by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies ~~Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high hazard area of a rural area of opportunity which was approved before the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning~~

~~designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice~~. All development following abandonment must ~~shall~~ be fully consistent with the current comprehensive plan and applicable zoning.

(c) A development order for abandonment of an approved development of regional impact may be amended by a local government pursuant to subsection (7), provided that the amendment does not reduce any mitigation previously required as a condition of abandonment, unless the developer demonstrates that changes to the development no longer will result in impacts that necessitated the mitigation.

~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER. If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Economic Opportunity shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.~~

~~(28) PARTIAL STATUTORY EXEMPTIONS.—~~

~~(a) If the binding agreement referenced under paragraph~~

~~(24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development of regional impact review for projects within the urban service boundary must address transportation impacts only.~~

~~(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.~~

~~(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.~~

~~(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l) or paragraph (24)(m) shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), or a rural land stewardship area under paragraph (24)(m), must address transportation impacts only.~~

~~(e) The vesting provision of s. 163.3167(5) relating to an~~

~~authorized development of regional impact does not apply to those projects partially exempt from the development-of-regional impact review process under paragraphs (a)-(d).~~

~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—~~

~~(a) The following are exempt from this section:~~

~~1. Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan;~~

~~3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or~~

~~4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau~~

~~of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, shall remain on the list in accordance with the provisions of this paragraph.~~

~~(b) If a municipality that does not qualify as a dense~~

~~urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

~~2. Community redevelopment areas as defined in s. 163.340;~~

~~3. Downtown revitalization areas as defined in s. 163.3164;~~

~~4. Urban infill and redevelopment under s. 163.2517; or~~

~~5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14), Florida Statutes (2010).~~

~~(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

~~2. Urban infill and redevelopment under s. 163.2517; or~~

~~3. Urban service areas as defined in s. 163.3164.~~

~~(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development of regional impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-~~

~~impact.~~

~~(c) In an area that is exempt under paragraphs (a)-(c), any previously approved development of regional impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2).~~

~~(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of-regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraphs (a)-(c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.~~

~~(g) If a local government that qualifies as a dense urban land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.~~

~~(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.~~

~~(i) This subsection does not apply to areas:~~

~~1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;~~

~~2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or~~

~~3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).~~

(12) ~~(30)~~ PROPOSED DEVELOPMENTS.—A proposed development that exceeds the statewide guidelines and standards specified in s. 380.0651 and is not otherwise exempt pursuant to s. 380.0651 must ~~otherwise subject to the review requirements of this section shall~~ be approved by a local government pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, if the proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section. This subsection does not apply to amendments to a development order governing an existing development of regional impact.

Section 3. Section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(1) This section only applies to developments approved as Florida Quality Developments before the effective date of this act ~~There is hereby created the Florida Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all~~

~~agencies with jurisdiction over the project of his or her proposed development~~.

(2) Following written notification to the state land planning agency and the appropriate regional planning agency, a local government with an approved Florida Quality Development within its jurisdiction must set a public hearing pursuant to its local procedures and shall adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Development. Thereafter, the Florida Quality Development shall follow the procedures and requirements for developments of regional impact as specified in this chapter ~~Developments that may be designated as Florida Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development-of-regional-impact review pursuant to s. 380.06~~.

~~(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements if applicable to the site of a qualified development:~~

~~1. Donate or enter into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of this requirement, the developer may enter into a binding commitment that runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for passive~~

~~recreation that is consistent with the purposes for which the land was preserved.~~

~~a. Those wetlands and water bodies throughout the state which would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities if such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created if the redesign or alteration is done so as to produce a more naturally functioning system.~~

~~b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.~~

~~c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.~~

~~d. Areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.~~

~~e. Areas known to contain plant species designated as endangered by the Department of Agriculture and Consumer~~

~~Services.~~

~~2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency, the Department of Environmental Protection, or the Department of Agriculture and Consumer Services. This subparagraph does not apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.~~

~~3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.~~

~~4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as permitted pursuant to s. 403.813(1), and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic preserves, as applicable.~~

~~5. Include open space, recreation areas, Florida-friendly landscaping as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.~~

~~6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts that the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, are

~~available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.~~

~~7. Design and construct the development in a manner that is consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.~~

~~(b) In addition to the foregoing requirements, the developer shall plan and design his or her development in a manner which includes the needs of the people in this state as identified in the state comprehensive plan and the quality of life of the people who will live and work in or near the development. The developer is encouraged to plan and design his or her development in an innovative manner. These planning and design features may include, but are not limited to, such things as affordable housing, care for the elderly, urban renewal or redevelopment, mass transit, the protection and preservation of wetlands outside the jurisdiction of the Department of Environmental Protection or of uplands as wildlife habitat, provision for the recycling of solid waste, provision for onsite child care, enhancement of emergency management capabilities, the preservation of areas known to be primary habitat for significant populations of species of special concern designated

~~by the Fish and Wildlife Conservation Commission, or community economic development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.~~

~~(4) The department shall adopt an application for development designation consistent with the intent of this section.~~

~~(5)(a) Before filing an application for development designation, the developer shall contact the Department of Economic Opportunity to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.~~

~~(b) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review~~

~~shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when the state land planning agency and the local government have notified the applicant of their decision on whether the development should be designated under this program.~~

~~(c) At any time prior to the issuance of the Florida Quality Development development order, the developer of a proposed Florida Quality Development shall have the right to withdraw the proposed project from consideration as a Florida Quality Development. The developer may elect to convert the proposed project to a proposed development of regional impact. The conversion shall be in the form of a letter to the reviewing entities stating the developer's intent to seek authorization for the development as a development of regional impact under s. 380.06. If a proposed Florida Quality Development converts to a development of regional impact, the developer shall resubmit the appropriate application and the development shall be subject to all applicable procedures under s. 380.06, except that:~~

~~1. A preapplication conference held under paragraph (a) satisfies the preapplication procedures requirement under s. 380.06(7); and~~

~~2. If requested in the withdrawal letter, a finding of completeness of the application under paragraph (a) and s. 120.60 may be converted to a finding of sufficiency by the regional planning council if such a conversion is approved by the regional planning council.~~

~~The regional planning council shall have 30 days to notify the developer if the request for conversion of completeness to~~

~~sufficiency is granted or denied. If granted and the application is found sufficient, the regional planning council shall notify the local government that a public hearing date may be set to consider the development for approval as a development of regional impact, and the development shall be subject to all applicable rules, standards, and procedures of s. 380.06. If the request for conversion of completeness to sufficiency is denied, the developer shall resubmit the appropriate application for review and the development shall be subject to all applicable procedures under s. 380.06, except as otherwise provided in this paragraph.~~

~~(d) If the local government and state land planning agency agree that the project should be designated under this program, the state land planning agency shall issue a development order which incorporates the plan of development as set out in the application along with any agreed-upon modifications and conditions, based on recommendations by the local government and regional planning council, and a certification that the development is designated as one of Florida's Quality Developments. In the event of conflicting recommendations, the state land planning agency, after consultation with the local government and the regional planning agency, shall resolve such conflicts in the development order. Upon designation, the development, as approved, is exempt from development-of-regional-impact review pursuant to s. 380.06.~~

~~(e) If the local government or state land planning agency, or both, recommends against designation, the development shall undergo development-of-regional-impact review pursuant to s. 380.06, except as provided in subsection (6) of this section.~~

~~(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of Environmental Protection and a member designated by the secretary, the Secretary of Transportation, the executive director of the Fish and Wildlife Conservation Commission, the executive director of the appropriate water management district created pursuant to chapter 373, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.~~

~~(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.~~

~~(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.~~

~~(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.~~

~~(7)(a) The development order issued pursuant to this section is enforceable in the same manner as a development order issued pursuant to s. 380.06.~~

~~(b) Appeal of a development order issued pursuant to this section shall be available only pursuant to s. 380.07.~~

~~(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.~~

~~(b) The department shall adopt, by rule, standards and procedures necessary to implement the Florida Quality Developments program. The rules must include, but need not be limited to, provisions governing annual reports and criteria for determining whether a proposed change to an approved Florida Quality Development is a substantial change requiring further review.~~

Section 4. Section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines, ~~and~~ standards, and exemptions.—

(1) STATEWIDE GUIDELINES AND STANDARDS.—~~The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. Other standards and guidelines previously adopted by the Administration Commission, including the residential standards and guidelines, shall not be superseded. The guidelines and standards shall be applied in the manner~~

~~described in s. 380.06(2)(a).~~

~~(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2).~~

~~(3)~~ Subject to the exemptions and partial exemptions specified in this section, the following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments are subject to the requirements of s. 380.06 ~~shall be required to undergo development-of-regional-impact review~~:

(a) *Airports.*—

1. Any of the following airport construction projects is ~~shall be~~ a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a

general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport is ~~shall~~ not ~~be~~ a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) *Attractions and recreation facilities.*—Any sports, entertainment, amusement, or recreation facility, including, but not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more

than one time per day on a regular or continuous basis.

(c) *Office development.*—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d) *Retail and service development.*—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

(e) *Recreational vehicle development.*—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f) *Multiuse development.*—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15

percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g) *Residential development.*—A rule may not be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 miles or less of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold may not be controlling on any development wholly located within areas designated as rural areas of opportunity.

(h) *Workforce housing.*—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the

term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i) *Schools.*—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are

the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(a) Any proposed hospital.

(b) Any proposed electrical transmission line or electrical power plant.

(c) Any proposed addition to an existing sports facility complex if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility;

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility; and

3. The sports facility complex property was owned by a public body before July 1, 1983.

This exemption does not apply to any pari-mutuel facility as defined in s. 550.002.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university, if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing

sports facility having a permanent seating capacity of at least 50,000 spectators, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and does not exceed a total of 10 percent in any 5-year period. The sports facility must notify the appropriate local government within which the facility is located of the increase at least 6 months before the initial use of the increased seating in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan must be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction over the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer, and stormwater drainage provisions

of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the state land planning agency a copy of the local government application for a development permit. Within 45 days after receipt of the application, the state land planning agency shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the state land planning agency's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the state land planning agency. The owner, developer, or state land planning agency may appeal the local government development order pursuant to s. 380.07 within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions that were exempt under this paragraph must be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of the ports specified in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) when such expansions, projects, or facilities are consistent with port master plans and are in compliance with s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility.

(j) Any renovation or redevelopment within the same parcel as the existing development if such renovation or redevelopment does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities.

(l) Any proposed development within an urban service area boundary established under s. 163.3177(14), Florida Statutes 2010, that is not otherwise exempt pursuant to subsection (3),if the local government having jurisdiction over the area where the development is proposed has adopted the urban service area boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities.

(m) Any proposed development within a rural land stewardship area created under s. 163.3248.

(n) The establishment, relocation, or expansion of any military installation as specified in s. 163.3175.

(o) Any self-storage warehousing that does not allow retail or other services.

(p) Any proposed nursing home or assisted living facility.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30.

(s) Any development in a detailed specific area plan prepared and adopted pursuant to s. 163.3245.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine. A mine owner must, however, enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights are not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which are governed by s. 380.115(2). Notwithstanding this requirement, pursuant to s. 380.115(1), a previously approved solid mineral mine development-of-regional impact development order continues to have vested rights and continues to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines are applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provision in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of regional-impact review under the revised thresholds specified in s. 380.06(2)(b) and this section.

(v) Any development within a county that has a research and education authority created by special act and which is also

within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159.

(w) Any development in an energy economic zone designated pursuant to s. 377.809 upon approval by its local governing body.

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

(a) The following are exempt from the requirements of s. 380.06:

1. Any proposed development in a municipality having an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

2. Any proposed development within a county, including the municipalities located therein, having an average of at least 1,000 people per square mile of land area and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan as defined in s. 163.3164;

3. Any proposed development within a county, including the

municipalities located therein, having a population of at least 900,000 and an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; and

4. Any proposed development within a county, including the municipalities located therein, having a population of at least 1 million and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's

website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency must maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until the municipality as a whole meets the criteria. Any county that meets the criteria must remain on the list. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, must remain on the list.

(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from s. 380.06 unless otherwise required by part II of chapter 163:

1. Urban infill as defined in s. 163.3164;

2. Community redevelopment areas as defined in s. 163.340;

3. Downtown revitalization areas as defined in s. 163.3164;

4. Urban infill and redevelopment under s. 163.2517; or

5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service area boundary pursuant to s. 163.3177(14), Florida Statutes 2010.

(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Urban infill and redevelopment pursuant to s. 163.2517;

or

3. Urban service areas as defined in s. 163.3164.

(d) If any portion of a development is located in an area that is not exempt from review under s. 380.06, the development must undergo review pursuant to that section.

(e) In an area that is exempt under paragraphs (a), (b), and (c), any previously approved development-of-regional-impact development orders shall continue to be effective. However, the developer has the option to be governed by s. 380.115(1).

(f) If a local government qualifies as a dense urban land area under this subsection and is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development shall maintain the exemption if the developer is continuing the application process in good faith or the development is approved.

(g) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(h) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as defined in s. 373.4592.

(4) PARTIAL STATUTORY EXEMPTIONS.—

(a) If the binding agreement referenced under paragraph

(2)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service area boundary, the review pursuant to s. 380.06(12) for projects within the urban service area boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (2)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the review pursuant to s. 380.06(12) for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the review pursuant to s. 380.06(12) for projects within the urban infill and redevelopment area must address transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (2)(l) or paragraph (2)(m) must provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b), and (c). Following the notification of the state land planning agency, a review pursuant to s. 380.06(12) for projects within an urban service area boundary under paragraph (2)(l), or a rural land stewardship area under paragraph (2)(m), must address transportation impacts only.

(e) The vesting provision of s. 163.3167(5) relating to an authorized development of regional impact does not apply to those projects partially exempt from s. 380.06 under paragraphs (a)-(d) of this subsection.

~~(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.~~

~~(a) The criteria of three of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:~~

~~1.a. The same person has retained or shared control of the developments;~~

~~b. The same person has ownership or a significant legal or equitable interest in the developments; or~~

~~c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.~~

~~2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.~~

~~3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares,~~

~~and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.~~

~~4. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.~~

~~(b) The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:~~

~~1. Activities undertaken leading to the adoption or amendment of any comprehensive plan element described in part II of chapter 163.~~

~~2. The sale of unimproved parcels of land, where the seller does not retain significant control of the future development of the parcels.~~

~~3. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.~~

~~4. Drainage improvements that are not designed to accommodate the types of development listed in the guidelines and standards contained in or adopted pursuant to this chapter or which are not designed specifically to accommodate the developments sought to be aggregated.~~

~~(c) Aggregation is not applicable when the following circumstances and provisions of this chapter apply:~~

~~1. Developments that are otherwise subject to aggregation~~

~~with a development of regional impact which has received approval through the issuance of a final development order may not be aggregated with the approved development of regional impact. However, this subparagraph does not preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.~~

~~2. Two or more developments, each of which is independently a development of regional impact that has or will obtain a development order pursuant to s. 380.06.~~

~~3. Completion of any development that has been vested pursuant to s. 380.05 or s. 380.06, including vested rights arising out of agreements entered into with the state land planning agency for purposes of resolving vested rights issues. Development-of-regional-impact review of additions to vested developments of regional impact shall not include review of the impacts resulting from the vested portions of the development.~~

~~4. The developments sought to be aggregated were authorized to commence development before September 1, 1988, and could not have been required to be aggregated under the law existing before that date.~~

~~5. Any development that qualifies for an exemption under s. 380.06(29).~~

~~6. Newly acquired lands intended for development in coordination with a developed and existing development of regional impact are not subject to aggregation if the newly acquired lands comprise an area that is equal to or less than 10 percent of the total acreage subject to an existing development-of-regional-impact development order.~~

~~(d) The provisions of this subsection shall be applied prospectively from September 1, 1988. Written decisions, agreements, and binding letters of interpretation made or issued by the state land planning agency prior to July 1, 1988, shall not be affected by this subsection.~~

~~(e) In order to encourage developers to design, finance, donate, or build infrastructure, public facilities, or services, the state land planning agency may enter into binding agreements with two or more developers providing that the joint planning, sharing, or use of specified public infrastructure, facilities, or services by the developers shall not be considered in any subsequent determination of whether a unified plan of development exists for their developments. Such binding agreements may authorize the developers to pool impact fees or impact-fee credits, or to enter into front-end agreements, or other financing arrangements by which they collectively agree to design, finance, donate, or build such public infrastructure, facilities, or services. Such agreements shall be conditioned upon a subsequent determination by the appropriate local government of consistency with the approved local government comprehensive plan and land development regulations. Additionally, the developers must demonstrate that the provision and sharing of public infrastructure, facilities, or services is in the public interest and not merely for the benefit of the developments which are the subject of the agreement. Developments that are the subject of an agreement pursuant to this paragraph shall be aggregated if the state land planning agency determines that sufficient aggregation factors are present to require aggregation without considering the design~~

~~features, financial arrangements, donations, or construction that are specified in and required by the agreement.~~

~~(f) The state land planning agency has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.~~

Section 5. Section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(1) There is hereby created the Florida Land and Water Adjudicatory Commission, which shall consist of the Administration Commission. The commission may adopt rules necessary to ensure compliance with the area of critical state concern program ~~and the requirements for developments of regional impact as set forth in this chapter~~.

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to the abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the development order is not consistent with ~~the provisions of~~ this part. ~~The appropriate regional planning agency by vote at a regularly scheduled~~

~~meeting may recommend that the state land planning agency undertake an appeal of a development-of-regional-impact development order. Upon the request of an appropriate regional planning council, affected local government, or any citizen, the state land planning agency shall consider whether to appeal the order and shall respond to the request within the 45-day appeal period.~~

(3) Notwithstanding any other provision of law, an appeal of a development order in an area of critical state concern by the state land planning agency under this section may include consistency of the development order with the local comprehensive plan. ~~However, if a development order relating to a development of regional impact has been challenged in a proceeding under s. 163.3215 and a party to the proceeding serves notice to the state land planning agency of the pending proceeding under s. 163.3215, the state land planning agency shall:~~

~~(a) Raise its consistency issues by intervening as a full party in the pending proceeding under s. 163.3215 within 30 days after service of the notice; and~~

~~(b) Dismiss the consistency issues from the development order appeal.~~

(4) ~~The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after the completion of the appeal process.~~

~~(5) The 45-day appeal period for a development of regional impact within the jurisdiction of more than one local government~~

~~shall not commence until after all the local governments having jurisdiction over the proposed development of regional impact have rendered their development orders.~~ The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government that ~~which~~ issued the order. The filing of the notice of appeal stays ~~shall stay~~ the effectiveness of the order until after the completion of the appeal process.

(5)~~(6)~~ Before ~~Prior to~~ issuing an order, the Florida Land and Water Adjudicatory Commission shall hold a hearing pursuant to ~~the provisions of~~ chapter 120. The commission shall encourage the submission of appeals on the record made pursuant to subsection (7) ~~below~~ in cases in which the development order was issued after a full and complete hearing before the local government or an agency thereof.

(6)~~(7)~~ The Florida Land and Water Adjudicatory Commission shall issue a decision granting or denying permission to develop pursuant to the standards of this chapter and may attach conditions and restrictions to its decisions.

(7)~~(8)~~ If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403 and for which a permit or conceptual review approval has been obtained before ~~prior to~~ the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues that ~~which~~ constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained

before ~~prior to~~ the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there is ~~shall be~~ a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.

Section 6. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in statewide guidelines and standards.—

~~(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact.~~ A development that has received a development-of-regional-impact development order pursuant to s. 380.06 but is no longer required to undergo development-of-regional-impact review by operation of law may elect ~~a change in the guidelines and standards, a development that has reduced its size below the thresholds as specified in s. 380.0651, a development that is exempt pursuant to s. 380.06(24) or (29), or a development that elects~~ to rescind the development order pursuant to ~~are governed by~~ the following procedures:

(1)~~(a)~~ The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order

unless the developer or landowner has followed the procedures for rescission in subsection (2) ~~paragraph (b)~~. Any proposed changes to developments which continue to be governed by a development-of-regional-impact development order must be approved pursuant to s. 380.06(7) ~~s. 380.06(19) as it existed before a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria are doubled and all other criteria are increased by 10 percent~~. The local government issuing the development order must monitor the development and enforce the development order. Local governments may not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order. The development-of-regional-impact development order may be enforced ~~by the local government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11~~.

(2)~~(b)~~ If requested by the developer or landowner, the development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if such permit or authorization is subject to enforcement through administrative or judicial remedies.

~~(2) A development with an application for development approval pending, pursuant to s. 380.06, on the effective date of a change to the guidelines and standards, or a notification of proposed change pending on the effective date of a change to~~

~~the guidelines and standards, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).~~

~~(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.~~

Section 7. Paragraph (c) of subsection (1) of section 125.68, Florida Statutes, is amended to read:

125.68 Codification of ordinances; exceptions; public record.—

(1)

(c) The following ordinances are exempt from codification and annual publication requirements:

1. Any development agreement, or amendment to such agreement, adopted by ordinance pursuant to ss. 163.3220-163.3243.

2. Any development order, or amendment to such order, adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

Section 8. Paragraph (e) of subsection (3), subsection (6), and subsection (12) of section 163.3245, Florida Statutes, are amended to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption

pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific

area plan shall be conducted consistent with s. 380.07(5) ~~s. 380.07(6)~~. The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(6) An applicant who applied ~~Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply~~ for master development approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire planning area shall remain subject to the master development order ~~in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction,~~ unless the developer elects to rescind the development order pursuant to s. 380.115, the development order is abandoned pursuant to s. 380.06(11), or the local government can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. ~~Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan.~~ Notwithstanding s. 380.06, an increment of development in such an approved master

development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

Section 9. Subsections (11), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(11) If the local government of an area described in subsection (10) does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is ~~shall be~~ exempt from ~~review under~~ s. 380.06.

(12) A local government's certification shall be reviewed by the local government and the state land planning agency as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal, the state land planning agency must ~~shall~~ renew or revoke the certification. The local government's failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which

are found to be in compliance by the state land planning agency, is ~~shall be~~ cause for revoking the certification agreement. The state land planning agency's decision to renew or revoke is ~~shall be considered~~ agency action subject to challenge under s. 120.569.

(14) It is the intent of the Legislature to encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce, and entrepreneurship. It is the further intent of the Legislature to provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to achieve a cleaner, healthier environment; limit urban sprawl by promoting diverse but interconnected communities; provide a range of intergenerational housing types; protect wildlife and natural areas; assure the efficient use of land and other resources; create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and enhance the prospects for the creation of jobs. The Legislature finds and declares that this state's connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

(a) Notwithstanding subsections (2), (4), (5), (6), and (7), Pasco County is named a pilot community and shall be considered certified for a period of 10 years for connected-city corridor plan amendments. The state land planning agency shall provide a written notice of certification to Pasco County by July 15, 2015, which shall be considered a final agency action

subject to challenge under s. 120.569. The notice of certification must include:

1. The boundary of the connected-city corridor certification area; and

2. A requirement that Pasco County submit an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report must, at a minimum, include the number of amendments to the comprehensive plan adopted by Pasco County, the number of plan amendments challenged by an affected person, and the disposition of such challenges.

(b) A plan amendment adopted under this subsection may be based upon a planning period longer than the generally applicable planning period of the Pasco County local comprehensive plan, must specify the projected population within the planning area during the chosen planning period, may include a phasing or staging schedule that allocates a portion of Pasco County's future growth to the planning area through the planning period, and may designate a priority zone or subarea within the connected-city corridor for initial implementation of the plan. A plan amendment adopted under this subsection is not required to demonstrate need based upon projected population growth or on any other basis.

(c) If Pasco County adopts a long-term transportation network plan and financial feasibility plan, and subject to compliance with the requirements of such a plan, the projects within the connected-city corridor are deemed to have satisfied all concurrency and other state agency or local government transportation mitigation requirements except for site-specific

access management requirements.

(d) If Pasco County does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is exempt from ~~review under~~ s. 380.06.

(e) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2024, a report and recommendations for implementing a statewide program that addresses the legislative findings in this subsection. In consultation with the state land planning agency, OPPAGA shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. OPPAGA shall also solicit citizen input in the potentially affected areas and consult with the affected local government and stakeholder groups. Additionally, OPPAGA shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations must include:

1. Identification of local governments other than the local government participating in the pilot program which should be certified. The report may also recommend that a local government is no longer appropriate for certification; and

2. Changes to the certification pilot program.

Section 10. Subsection (4) of section 189.08, Florida Statutes, is amended to read:

189.08 Special district public facilities report.—

(4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent local government ~~annual~~ report required by s. 380.06(6) ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the extent the annual report provides the information required by subsection (2).

Section 11. Subsection (2) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in

making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may ~~shall~~ not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a

community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

Section 12. Paragraph (g) of subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent

with the local government comprehensive plan of the local government within which the project is to be located.

Section 13. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c) ~~pursuant to s. 380.06(19)(c)~~.

Section 14. Subsection (4) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(4) "Development of regional impact" means a development that ~~which~~ is subject to ~~the review procedures established by~~ s. 380.06 ~~or s. 380.065, and s. 380.07~~.

Section 15. Subsection (1) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(1) Notwithstanding s. 380.06(4) ~~the provisions of s. 380.06(15)~~, the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

Section 16. Subsection (8) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(8) A water management district may issue a permit to an applicant, as set forth in s. 163.3245(13), for the same period of time as the applicant's approved master development order if the master development order was issued under s. 380.06(9) ~~s. 380.06(21)~~ by a county which, at the time the order was issued, was designated as a rural area of opportunity under s. 288.0656, was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), and was not located within the basin management action plan of a first magnitude spring. In reviewing the permit application and determining the permit duration, the water management district shall apply s. 163.3245(4)(b).

Section 17. Subsection (13) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface

waters and wetlands.—

(13) Any declaratory statement issued by the department under s. 403.914, 1984 Supplement to the Florida Statutes 1983, as amended, or pursuant to rules adopted thereunder, or by a water management district under s. 373.421, in response to a petition filed on or before June 1, 1994, shall continue to be valid for the duration of such declaratory statement. Any such petition pending on June 1, 1994, shall be exempt from the methodology ratified in s. 373.4211, but the rules of the department or the relevant water management district, as applicable, in effect prior to the effective date of s. 373.4211, shall apply. Until May 1, 1998, activities within the boundaries of an area subject to a petition pending on June 1, 1994, and prior to final agency action on such petition, shall be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9). In the event that a jurisdictional declaratory statement pursuant to the vegetative index in effect prior to the effective date of chapter 84-79, Laws of Florida, has been obtained and is valid prior to the effective date of the rules adopted under subsection (9) or July 1, 1994, whichever is later, and the affected lands are part of a project for which a master development order has been issued pursuant to s. 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain valid for the duration of the buildout period of the project.

Any jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, shall remain in effect for a period of 5 years following the effective date of this act if proof of such validation is submitted to the department prior to January 1, 1995. In the event that a jurisdictional determination has been revalidated by the department pursuant to this subsection and the affected lands are part of a project for which a development order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a final development order to which s. 163.3167(5) applies has been issued, or a vested rights determination has been issued pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional determination shall remain valid until the completion of the project, provided proof of such validation and documentation establishing that the project meets the requirements of this sentence are submitted to the department prior to January 1, 1995. Activities proposed within the boundaries of a valid declaratory statement issued pursuant to a petition submitted to either the department or the relevant water management district on or before June 1, 1994, or a revalidated jurisdictional determination, prior to its expiration shall continue thereafter to be exempt from the methodology ratified in s. 373.4211 and to be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9).

Section 18. Subsection (5) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less may ~~shall~~ not be subject ~~required to undergo development of regional impact review pursuant~~ to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued.

Section 19. Section 380.065, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended to read:

380.11 Enforcement; procedures; remedies.—

(2) ADMINISTRATIVE REMEDIES.—

(a) If the state land planning agency has reason to believe a violation of this part or any rule, development order, or other order issued hereunder or of any agreement entered into under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.

Section 21. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding

letter of interpretation issued under s. 380.06(3) ~~s. 380.06(4)~~, or in which the Department of Economic Opportunity or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(8) ~~s. 380.06(20)~~.

Section 22. (1) The rules adopted by the state land planning agency to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies and codified in chapter 73C-40, Florida Administrative Code, are repealed.

(2) The rules adopted by the Administration Commission, as defined in s. 380.031, Florida Statutes, regarding whether two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under chapter 380, Florida Statutes, are repealed.

Section 23. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" where it occurs in this act with the date this act takes effect.

Section 24. This act shall take effect upon becoming a law.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	CS/CS/SB 1244
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Community Affairs Committee; and Senator Lee
SUBJECT:	Growth Management
DATE:	February 28 , 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cochran	Yeatman	CA	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Fav/CS**
4.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1244 amends provisions related to existing development of regional impact (DRI) development orders. The DRI program ended in 2015, but existing development orders continue to exist. The bill repeals provisions related to the state land planning agency's (Department of Economic Opportunity) role in the process and shifts the remaining responsibilities to local governments. Specifically, the bill:

- Repeals obsolete language for the application and review of DRIs;
- Changes the process for existing DRIs to amend a development order;
- Retains current statewide guidelines and standards for determining when a development is subject to state coordinated review;
- Updates reporting requirements;
- Preserves certain unexpired letters, development orders, and agreements;
- Ends all DRI appeals to the Administration Commission except decisions by local governments under the DRI abandonment process;
- Repeals state land planning agency rules related to DRIs and Administration Commission rules related to aggregation of developments for the purpose of DRI review; and
- Repeals the Florida Quality Developments (FQD) program and requires FQD development orders to be replaced by local government development orders.

The bill adds a requirement for an independent special district to commence a municipal conversion – that the independent special district has a minimum population, depending on the population of the county in which the district is located.

- The Department of Economic Opportunity will incur less expenses related to the DRI process.

The bill is effective upon becoming law.

II. Present Situation:

Development of Regional Impact

A development of regional impact (DRI) is defined in s. 380.06, F.S., as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." The DRI program was initially created in 1972 as an interim program intended to be replaced by comprehensive planning and permitting programs. The DRI program provided a lengthy and complicated review process for proposed projects that was largely duplicated by the successor comprehensive planning review process.

Comprehensive planning was first required by law in 1975. However, the Growth Management Act of 1985 is considered the watershed law that brought truly modern planning requirements into force. In recognition of this fact, the Environmental Land Management Study Committee in 1992 recommended that the DRI program be eliminated and relegated to an enhanced version of the Intergovernmental Coordination Element (ICE) that is required to be included in local comprehensive plans.[1] After much controversy, this recommendation was not implemented, and the DRI program continued in its previous form.

In 2015, the Florida Legislature eliminated the requirement that new developments be reviewed pursuant to the DRI process. Instead, the Legislature directed that proposed developments only need to comply with the requirements of the State Coordinated Review Process for the review of local government comprehensive plan amendments.[2]

DRI Review

Before the program ended, all developments that met the DRI thresholds and standards provided by statute[3] and rules adopted by the Administration Commission[4] were required to undergo DRI review, unless the Legislature provided an exemption for that particular type of project or for the planning area in which the development was located (such as a sector plan or a rural land stewardship area) or unless the development was located within a "dense urban land area."[5] The

[1] *See* Richard G. Rubino and Earl M. Starnes, *Lessons Learned? The History of Planning in Florida*. Tallahassee, FL: Sentry Press, 2008. ISBN 978-1-889574-31-8.
[2] Section 380.06(30), F.S. Chapter 2015-30, L.O.F.
[3] Section 380.0651, F.S.
[4] Chapter 28-24, F.A.C.
[5] The criteria for qualification as a dense urban land area are contained in s. 380.06(29), F.S. Currently, eight counties and 243 cities qualify as dense urban land areas that are exempt from the DRI program.

types of developments required to undergo DRI review upon meeting the specified thresholds and standards included attraction and recreation facilities, office developments, retail and service developments, mixed-use developments, residential developments, schools, and recreational vehicle developments.[6] Over the years, the Legislature enacted many exemptions and increased the thresholds that projects must have surpassed in order to trigger DRI review.

Florida's 11 regional planning councils (RPC) coordinated the multi-agency review of proposed DRIs. A DRI review began by a developer contacting the RPC with jurisdiction over a proposed development to arrange a pre-application conference.[7] The developer or the RPC could request other affected state and regional agencies participate in the conference to identify issues raised by the proposed project and the level of information that each agency would require in the application to assess those issues. At the pre-application conference, the RPC provided the developer with information about the DRI process and coordinated the identification of issues and the appropriate state and local agency requirements.

Upon completion of the pre-application conference with all parties, the developer filed an application for development approval with the local government, the RPC, and the state land planning agency (the Department of Economic Opportunity). The RPC reviewed the application for sufficiency and could request additional information (no more than twice, unless waived by the developer) if the application was deemed insufficient.[8]

When the RPC determined that the application was sufficient or the developer declined to provide additional information, the local government had to hold a public hearing on the application for development within 90 days.[9] Within 50 days after receiving notice of the public hearing, the RPC was required to prepare and submit to the local government a report and recommendations on the regional impact of the proposed development.[10] The RPC was required to identify regional issues specifically examining the extent to which:

- The development would have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state (state comprehensive plan) or regional (strategic regional policy plan) plans;
- The development would significantly impact adjacent jurisdictions; and
- While reviewing the first two issues, the development would favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment.[11]

If the proposed project would have impacts within the purview of other state agencies, those agencies would also prepare reports and recommendations on the issues raised by the project and within their statutorily-prescribed jurisdictions. These reports became part of the RPC's report, but the RPC could attach dissenting views.[12] When water management district (WMD) and Department of Environmental Protection (DEP) permits had been issued pursuant to ch. 373,

[6] Section 380.0651, F.S.
[7] Section 380.06(7), F.S.
[8] Section 380.06(10), F.S.
[9] Section 380.06(11), F.S.
[10] Section 380.06(12), F.S.
[11] Section 380.06(12)(a), F.S.
[12] Section 380.06(12)(c), F.S.

F.S., or ch. 403, F.S., the RPC could comment on the regional implications of the permits but could not offer conflicting recommendations.[13] Finally, the state land planning agency also reviewed DRIs for compliance with state laws, to identify regional and state impacts, and to make recommendations to local governments for approving, not approving, or suggesting mitigation conditions.[14]

At the local public hearing on the proposed DRI, concurrent comprehensive plan amendments associated with the proposed DRI had to be heard as well. When considering whether the development must be approved, denied, or approved subject to conditions, restrictions, or limitations, the local government considered the extent to which:

- The development was consistent with the local government's comprehensive plan and land development regulations;
- The development was consistent with the report and recommendations of the RPC; and
- The development was consistent with the state comprehensive plan.[15]

Within 30 days of the public hearing on the application for development approval, the local government had to decide whether to issue a development order or not.[16] Within 45 days after a development order was or was not rendered, the owner or developer of the property or the state land planning agency could appeal the order to the Governor and Cabinet, sitting as the Florida Land and Water Adjudicatory Commission.[17] An "aggrieved or adversely affected party" could appeal and challenge the consistency of a development order with the local comprehensive plan.[18]

Completion of this entire process could take one to two years and require the expenditure of significant resources, both on the part of private developers and state agencies.

Substantial Deviation[19]

After a development order was issued, any proposed change to a previously approved DRI development order that created a reasonable likelihood of additional regional impact or any type of regional impact created by the change not previously reviewed by the regional planning agency, constituted a "substantial deviation" and required such proposed change to be subject to further DRI review. The process to amend DRIs still applies to existing DRIs that received local government development orders prior to July 1, 2015, and that have not been abandoned or rescinded.[20] The statute sets forth criteria and situations to determine whether a proposed change requires further DRI review, including:

- Certain threshold criteria beyond which a change constitutes a substantial deviation;
- Certain changes in development that do not amount to a substantial deviation;
- Scenarios in which a substantial deviation is presumed; and

[13] *Id*.
[14] *See* Senate Interim Report 2012-114. *The Development of Regional Impact Process*. Sept. 2011.
[15] Section 380.06(13) and (14), F.S. DRIs located in areas of critical state concern must also comply with the land development regulations in s. 380.05, F.S.
[16] Section 380.06(15), F.S.
[17] Section 380.07(2), F.S.
[18] Section 163.3215, F.S.
[19] Section 380.06(19), F.S.
[20] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- Scenarios in which a change is presumed not to create a substantial deviation.

The DEO (state land planning agency) has adopted rules setting standard forms for submittal of proposed changes to a previously approved DRI development order. At a minimum, the form requires the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order. The developer must submit the form to the local government, the regional planning agency, and the DEO.

After the developer submits the form, the appropriate regional planning agency or the DEO reviews the proposed change. No later than 45 days after submittal of the form, the DEO advises the local government in writing whether the DEO objects to the proposed change, specifying the reasons for the objection if applicable, and provides a copy to the developer.

The local government schedules a public hearing with 15 days' notice to consider the change. This public hearing is held within 60 days after submittal of the proposed change, unless the developer requests to extend the time.

At the public hearing, the local government determines whether the proposed change requires further DRI review based on the thresholds and standards set out in law. The local government can deny the proposed change based on matters relating to local issues.

If the local government determines that the proposed change does not require further DRI review and is otherwise approved, the local government issues an amendment to the development order incorporating the approved change and conditions of approval relating to the change. If, however, the local government determines that proposed change requires further DRI review, the local government determines whether to approve, approve with conditions, or deny the proposed change as it related to the entire development.

DRI Exemptions

Over the years, the DRI program was amended to include a number of exemptions. The following list of exemptions is not exhaustive, but illustrates the number and variety of the exemptions from the DRI program that were enacted:[21]

- Certain projects that created at least 100 jobs that met certain qualifications – 1997;
- Certain expansions to port harbors, certain port transportation facilities, and certain intermodal transportation facilities – 1999;
- The thresholds used to identify projects subject to the program were increased by 150 percent for development in areas designated as rural areas of critical economic concern (now known as rural areas of opportunity) – 2001;
- Certain proposed facilities for the storage of any petroleum product or certain expansions of existing petroleum product storage facilities – 2002;
- Any renovation or redevelopment within the same land parcel which does not change land use or increase density or intensity of use – 2002;
- Certain water port or marina developments – 2002; and

[21] Section 360.06(24), F.S.

- The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, F.S. – 2005.

In 2009, the Legislature enacted the most significant exemption from the DRI program: the exemption for Dense Urban Land Areas (DULAs).[22] In 2015, 8 counties and 243 cities qualified as DULAs. This meant that all projects within those counties and cities were exempted from the DRI program. The areas qualifying as DULAs accounted for more than half of Florida's population.[23]

Comprehensive Plans and the Comprehensive Plan Amendment Process

The Growth Management Act of 1985 required every city and county to create and implement a comprehensive plan to guide future development.[24] A locality's comprehensive plan lays out the locations for future public facilities, including roads, water and sewer facilities, neighborhoods, parks, schools, and commercial and industrial developments. Development that does not conform to the comprehensive plan may not be approved by a local government unless the local government first amends its comprehensive plan.

State law requires a proposed comprehensive plan amendment to receive three public hearings, the first held by the local planning board.[25] The local commission (city or county) must then hold an initial public hearing regarding the proposed amendment and subsequently transmit it to several statutorily identified reviewing agencies, including the Department of Economic Opportunity (DEO) (as the state land planning agency), the relevant RPC, and adjacent local governments that request to participate in the review process.[26]

The state and regional agencies review the proposed amendment for impacts related to their statutory purviews. The RPC reviews the amendment specifically for "extrajurisdictional impacts that would be inconsistent with the comprehensive plan of any affected local government within the region" as well as adverse effects on regional resources or facilities.[27] The DEO compiles reports from the various involved agencies and issues an Objections, Recommendation, and Comments Report, which consolidates the reports received.[28] Upon receipt of the consolidated report, the local government holds a second public hearing at which the governing body votes to approve the amendment or not. If the amendment receives a favorable vote it is transmitted to the DEO for final review.[29] The DEO then has either 31 days or 45 days (depending on the review

[22] Chapter 2009-96, L.O.F.
[23] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Community Planning Table of Contents: List of Local Governments Qualifying as Dense Urban Land Areas*. (June 11, 2015). Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/list-of-local-governments-qualifying-as-dense-urban-land-areas (last visited February 3, 2018).
[24] Chapter 1985-55, L.O.F.
[25] Section 163.3174(4)(a), F.S.
[26] Section 163.3184, F.S.
[27] Section 163.3184(3)(b)3.a., F.S.
[28] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *Amendments that Must Follow the State Coordinated Review Process; Procedures and Timeframes*. Available at http://floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/amendments-that-must-follow-the-state-coordinated-review-process-procedures-and-timeframes (last visited February 3, 2018).
[29] Section 163.3184(3)(c)4. and (4)(e)4., F.S.

process to which the amendment is subject) to determine whether the proposed comprehensive plan amendment is in compliance with all relevant agency rules and laws.[30]

The Expedited State Review Process vs. the State Coordinated Review Process

In 2011, the Florida Legislature bifurcated the process for approving comprehensive plan amendments.[31] Most plan amendments were placed into the Expedited State Review Process, while plan amendments related to large-scale developments were placed into the State Coordinated Review Process. The two processes operate in much the same way, however, the State Coordinated Review Process provides a longer review period and requires all agency comments to be coordinated by the DEO, rather than communicated directly to the permitting local government by each individual reviewing agency.

Florida Quality Developments

Florida Quality Developments (FQDs) are DRI-sized projects that receive a Florida Quality Development designation if they meet certain statutory criteria.[32] The criteria is designed to enhance the a development, by, as example, protecting and preserving environmentally sensitive lands including wildlife habitat and wetlands; participating in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area; providing for construction and maintenance of all onsite infrastructure necessary to support the project; or including open space, recreation areas, Florida-friendly landscaping, and energy conservation.[33] An application for a FQD is handled in much the same way as an application for a DRI was processed prior to the 2015 statutory change. The DRI impact application form is used and an additional section is added to consider the FQD-specific requirements. The "DEO and the appropriate local government determine if a development has met the Florida Quality Development requirements. A finding of no designation may be appealed. Unlike developments of regional impact, development orders for Florida Quality Developments are issued by DEO, not by the local government."[34] According to the DEO, there are 18 developments designated as FQDs, the last of which was designated on June 9, 1999, and the last FQD development order was requested and issued in 2002.[35]

III. Effect of Proposed Changes:

Independent Special Districts

Under current law, the electors of an independent special district can petition the governing body of the district to commence a municipal conversion if the independent special district meets all of the following criteria:

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[30] *Id*.
[31] Chapter 2011-14, L.O.F. *See* s. 163.3184(3) and (4), F.S.
[32] Section 380.061, F.S. *See also* Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[33] Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.
[34] Department of Economic Opportunity. Community Planning, Development, and Services. Community Planning. *General Information About Developments of Regional Impact and Florida Quality Developments*. Available at http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/general-information (last visited February 3, 2018).
[35] *Id*. Department of Economic Opportunity. *2018 Agency Legislative Bill Analysis: SB 1244*. January 12, 2018.

- It was created by special act of the Legislature.
- It is designated as an improvement district, created pursuant to chapter 298, F.S., or is designated as a stewardship district, created pursuant to s. 189.031, F.S.
- Its governing board is elected and agrees to the conversion.
- It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.
- No portion of the district is located within the jurisdictional limits of a municipality.

Section 1 amends s. 165.0615, F.S., to add a criterion requiring the independent special district to have a minimum population. If the independent special district is in a county that has a population of less than 75,000 people, then population of the independent special district must be a minimum of 1,500 people. If the county has more than 75,000 people, then the independent special district must have a minimum population of 5,000 people.

DRIs and FQD Development Orders

The bill repeals the current DRI and FQD development order provisions and shifts the remaining responsibilities of reviewing amendments to DRIs and FQD development orders from the RPCs and the DEO to the local governments.

Section 2 amends s. 380.06, F.S., to repeal the DRI process. The bill retains statewide guidelines and standards and exemptions for DRIs in effective as of the effective date of the bill for local governments to use them to determine whether a development is subject to the review process. These guidelines will remain in effect unless repealed by statute.[36]

This section also:

- Repeals provisions that are obsolete with the repeal of the DRI program by this bill.
- Maintains the thresholds that determine whether a development will be subject to review.
- Preserves the following letters and agreements that are unexpired as of the effective date of the bill: binding letters, "essentially built out" agreements, "capital contribution front loading agreements" between a developer and local government, any agreements between a local government and a developer to reimburse the developer for voluntary contributions paid in excess of his or her fair share, agreements related to projects that include more than one DRI, and area-wide DRI development orders.
- Authorizes local governments to amend a binding letter of vested rights pursuant to the local government's comprehensive plan and land development regulations upon request of the developer.
- Prohibits a local government from changing to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment, unless the local government can demonstrate certain information.
- Specifies that selection of a contractor or design professional by the developer for work related to the construction or expansion of a public facility that is undertaken as a condition of the development order, is not subject to competitive bidding or negotiation.

[36] Effectively the guidelines and standards will not be amended in the future because the bill repeals provisions directing the Administration Commission to adopt the guidelines and standards.

- Limits a local government from changing any credit for a development order exaction or fee granted to the developer when an amendment to the development order is adopted, when the credit against impact fees, mobility fees, or exactions are based upon the developer's contribution of land or a public facility.
- Adds mobility fees to the types of fees a developer can petition a local government to give the developer a credit against for any contribution when such fees are imposes or increased after a development order is issued.
- Requires a developer to follow any reporting requirements set by the local government with jurisdiction over the development and permits the local government to set penalties for failure to file required reports.[37]
- Requires any proposed change to a previously approved DRI to be reviewed by the local government based on the standards and procedures in its adopted local comprehensive plan and adopted local land development regulations, including but not limited to procedures for notice to the applicant and the public regarding issuance of development orders.[38] As under current law, a local government may approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved. There must be at least one public hearing on the proposed change to the development order, and the local governing body must approve any change before it becomes effective. Development within a portion of the DRI that is not directly affected by a proposed change can continue during the review of the proposed change, and review is limited to impacts created by the proposed change. Changes to extend a phase date, buildout date, expiration date, or termination date may also extend any required mitigation (which is consistent with current law). These provisions do not alter or limit any extension previously granted by statute.
- Provides that abandonment of a DRI development order shall be deemed to have occurred when the required notice of abandonment is filed with the county clerk. Local governments must issue an abandonment order if requested by a developer if all development that exists at the time of abandonment has been mitigated or will be mitigated pursuant to an existing permit enforceable through an administrative or judicial proceeding.
- Requires proposed developments that exceed the statewide guidelines and standards and are not otherwise exempt to be approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S. This does not apply to any application for a development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to the provisions of s. 380.06, F.S., as it existed on May 14, 2015. The election must be in writing and filed with the local government, regional planning council, and the DEO before December 31, 2018.

[37] Current law requires a biennial report submitted by the developer in alternate years as specified by the development order and sets a penalty of a temporary suspension of the development order as the penalty for failing to report. s. 380.06(18), F.S.
[38] This new provision for review of a change is applicable over any provision to the contrary in an existing development order, agreement, local comprehensive plan, or local land development regulation. The bill also changes the term "substantial deviation" to "changes."

Section 3 amends s. 380.061, F.S., to repeal the FQD program. FQD development orders in place prior to the effective date of the bill must be replaced by local government development orders, which will be subject to the DRI provisions discussed above in **Section 2**.

Section 4 amends s. 380.0651, F.S., to maintain the guidelines and standards formerly used for developments required to undergo DRI review. The guidelines and standards are retained to determine whether developments are subject to the DRI provisions discussed above in **Section 2**. Additionally, the statutory exemptions, partial statutory exemptions, and exemptions for DULAs from the DRI program are transferred from current s. 380.06, F.S., to s. 380.0651, F.S., so that the exemptions continue apply.[39]

Section 5 amends s. 380.07, F.S., to remove DRIs from the Florida Land and Water Adjudicatory Commission's (the Administration Commission) rulemaking authority and repeal related provisions. Under the bill, the state land planning agency may only challenge a local order *abandoning* a DRI; and appeals of development orders based upon consistency of the order with local comprehensive plans may only be made for development orders in areas of critical state concern.

Section 6 amends s. 380.115, F.S., to allow a development that has received a DRI development order but is no longer required to undergo DRI review to elect to rescind the development order pursuant to certain procedures. The local government issuing the development order must monitor the development and enforce the development order. The local government may not issue any permits or approvals or provide any service if the developer fails to act in substantial compliance with the development order.

Section 8 amends s. 163.3245, F.S., to continue to require a development subject to a master plan to remain subject to the master plan, unless the development order is abandoned or rescinded.

Section 10 amends s. 189.08, F.S., to allow a special district that is building, improving, or expanding public facilities addressed by a DRI development order to use the most recent report required by s. 380.06, F.S., to the extent needed to submit the special district's own public facilities report required by the statute (special district public facilities report).

Sections 7, 9, 11 – 18, 20, and 21 amend ss. 125.68, 163.3246, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524, F.S., to correct cross references and make conforming changes.

Section 19 repeals s. 380.065, F.S., which governed the certification of local government review of development.

Section 22 repeals the rules adopted by the DEO governing DRIs that are codified in ch. 73C-40, Florida Administrative Code. It also repeals rules adopted by the Administration Commission related to when two or more developments that are represented by their owners or developers to be separate developments are to be aggregated and treated as a single development.

[39] The exemptions are discussed above in the Present Situation.

Section 23 directs the Division of Law Revision and Information to replace the phrase "the effective date of this act" with the date the act takes effect.

Section 24 provides that the bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Local governments currently have responsibilities related to reviewing and administering development orders.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DEO will have decreased responsibilities to review various processes for DRIs and FQDs. Many of these responsibilities have been transferred to local governments, which currently have responsibilities related to reviewing and administering development orders.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 165.0615, 380.06, 380.061, 380.0651, 380.07, 380.115, 125.68, 163.3245, 163.3246, 189.08, 190.005, 190.012, 252.363, 369.303, 369.307, 373.236, 373.414, 378.601, 380.11, and 403.524.

This bill repeals section 380.065 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/CS by Appropriations on February 27, 2018:
The committee substitute:

- Clarifies that a local government may not change to an earlier date, the date that the local government agreed that the development will not be subject to downsizing or other reduction based upon an amendment.
- Restores current law, which allows a local government to approve any change that has the effect of *reducing* the originally approved height, density, or intensity of the development if the change is consistent with the comprehensive plan in effect when the development was originally approved.
- Exempts certain proposed developments from being approved by a local government following the statewide coordinated review process in s. 163.3184(4), F.S. The exemption is for any application for a development approval filed with a concurrent plan amendment application pending as of May 14, 2015, if the applicant elects to have the application reviewed pursuant to the provisions of s. 380.06, F.S., as it existed on May 14, 2015. The election must be in writing and filed with the local government, regional planning council, and the DEO before December 31, 2018.

CS by Community Affairs on January 23, 2018:

- Reinserts language omitted in the moving of the DRI exemptions from one section to the other.
- Adds a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding.
- Makes technical wording changes.

B. Amendments:

None.

By the Committee on Community Affairs; and Senator Lee

578-02388-18 20181244c1

A bill to be entitled

An act relating to growth management; amending s. 165.0615, F.S.; adding a minimum population standard as a criteria that must be met before qualified electors of an independent special district commence a certain municipal conversion proceeding; amending s. 380.06, F.S.; revising the statewide guidelines and standards for developments of regional impact; deleting criteria that the Administration Commission is required to consider in adopting its guidelines and standards; revising provisions relating to the application of guidelines and standards; revising provisions relating to variations and thresholds for such guidelines and standards; deleting provisions relating to the issuance of binding letters; specifying that previously issued letters remain valid unless previously expired; specifying the procedure for amending a binding letter of interpretation; specifying that previously issued clearance letters remain valid unless previously expired; deleting provisions relating to authorizations to develop, applications for approval of development, concurrent plan amendments, preapplication procedures, preliminary development agreements, conceptual agency review, application sufficiency, local notice, regional reports, and criteria for the approval of developments inside and outside areas of critical state concern; revising provisions relating to local government development orders; specifying that

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amendments to a development order for an approved development may not alter the dates before which a development would be subject to downzoning, unit density reduction, or intensity reduction, except under certain conditions; removing a requirement that certain conditions of a development order meet specified criteria; specifying that construction of certain mitigation-of-impact facilities is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional; removing requirements relating to local government approval of developments of regional impact that do not meet certain requirements; removing a requirement that the Department of Economic Opportunity and other agencies cooperate in preparing certain ordinances; authorizing developers to record notice of certain rescinded development orders; specifying that certain agreements regarding developments that are essentially built out remain valid unless previously expired; deleting requirements for a local government to issue a permit for a development subsequent to the buildout date contained in the development order; specifying that amendments to development orders do not diminish or otherwise alter certain credits for a development order exaction or fee against impact fees, mobility fees, or exactions; deleting a provision relating to the determination of certain credits for impact fees or extractions; deleting a provision exempting a nongovernmental developer from being required to

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competitively bid or negotiate construction or design of certain facilities except under certain circumstances; specifying that certain capital contribution front-ending agreements remain valid unless previously expired; deleting a provision relating to local monitoring; revising requirements for developers regarding reporting to local governments and specifying that such reports are not required unless required by a local government with jurisdiction over a development; revising the requirements and procedure for proposed changes to a previously approved development of regional impact and deleting rulemaking requirements relating to such procedure; revising provisions relating to the approval of such changes; specifying that certain extensions previously granted by statute are still valid and not subject to review or modification; deleting provisions relating to determinations as to whether a proposed change is a substantial deviation; deleting provisions relating to comprehensive development-of-regional-impact applications and master plan development orders; specifying that certain agreements that include two or more developments of regional impact which were the subject of a comprehensive development-of-regional-impact application remain valid unless previously expired; deleting provisions relating to downtown development authorities; deleting provisions relating to adoption of rules by the state land planning agency; deleting

statutory exemptions from development-of-regional-impact review; specifying that an approval of an authorized developer for an areawide development of regional impact remains valid unless previously expired; deleting provisions relating to areawide developments of regional impact; deleting an authorization for the state land planning agency to adopt rules relating to abandonment of developments of regional impact; requiring local governments to file a notice of abandonment under certain conditions; deleting an authorization for the state land planning agency to adopt a procedure for filing such notice; requiring a development-of-regional-impact development order to be abandoned by a local government under certain conditions; deleting a provision relating to abandonment of developments of regional impact in certain high-hazard coastal areas; authorizing local governments to approve abandonment of development orders for an approved development under certain conditions; deleting a provision relating to rights, responsibilities, and obligations under a development order; deleting partial exemptions from development-of regional-impact review; deleting exemptions for dense urban land areas; specifying that proposed developments that exceed the statewide guidelines and standards and that are not otherwise exempt be approved by local governments instead of through specified development-of-regional-impact proceedings; amending s. 380.061, F.S.; specifying that the Florida

Quality Developments program only applies to previously approved developments in the program before the effective date of the act; specifying a process for local governments to adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Developments; deleting program intent, eligibility requirements, rulemaking authorizations, and application and approval requirements and processes; deleting an appeals process and the Quality Developments Review Board; amending s. 380.0651, F.S.; deleting provisions relating to the superseding of guidelines and standards adopted by the Administration Commission and the publishing of guidelines and standards by the Administration Commission; conforming a provision to changes made by the act; specifying exemptions and partial exemptions from development-of-regional-impact review; deleting provisions relating to determining whether there is a unified plan of development; deleting provisions relating to the circumstances where developments should be aggregated; deleting a provision relating to prospective application of certain provisions; deleting a provision authorizing state land planning agencies to enter into agreements for the joint planning, sharing, or use of specified public infrastructure, facilities, or services by developers; deleting an authorization for the state land planning agency to adopt rules; amending s. 380.07, F.S.; deleting an authorization

for the Florida Land and Water Adjudicatory Commission to adopt rules regarding the requirements for developments of regional impact; revising when a local government must transmit a development order to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order; deleting a process for regional planning agencies to undertake appeals of development-of-regional-impact development orders; revising a process for appealing development orders for consistency with a local comprehensive plan to be available only for developments in areas of critical state concern; deleting a procedure regarding certain challenges to development orders relating to developments of regional impact; amending s. 380.115, F.S.; deleting a provision relating to changes in development-of-regional-impact guidelines and standards and the impact of such changes on vested rights, duties, and obligations pursuant to any development order or agreement; requiring local governments to monitor and enforce development orders and prohibiting local governments from issuing permits, approvals, or extensions of services if a developer does not act in substantial compliance with an order; deleting provisions relating to changes in development of regional impact guidelines and standards and their impact on the development approval process; amending s. 125.68, F.S.; conforming a cross-reference; amending s. 163.3245, F.S.; conforming

cross-references; conforming provisions to changes made by the act; revising the circumstances in which applicants who apply for master development approval for an entire planning area must remain subject to a master development order; specifying an exception; deleting a provision relating to the level of review for applications for master development approval; amending s. 163.3246, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 189.08, F.S.; conforming a cross-reference; conforming a provision to changes made by the act; amending s. 190.005, F.S.; conforming cross-references; amending ss. 190.012 and 252.363, F.S.; conforming cross-references; amending s. 369.303, F.S.; conforming a provision to changes made by the act; amending ss. 369.307, 373.236, and 373.414, F.S.; conforming cross-references; amending s. 378.601, F.S.; conforming a provision to changes made by the act; repealing s. 380.065, F.S., relating to a process to allow local governments to request certification to review developments of regional impact that are located within their jurisdictions in lieu of the regional review requirements; amending ss. 380.11 and 403.524, F.S.; conforming cross-references; repealing specified rules regarding uniform review of developments of regional impact by the state land planning agency and regional planning agencies; repealing the rules adopted by the Administration Commission regarding whether two or more developments,

represented by their owners or developers to be separate developments, shall be aggregated; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (1) of section 165.0615, Florida Statutes, is amended to read:

165.0615 Municipal conversion of independent special districts upon elector-initiated and approved referendum.—

(1) The qualified electors of an independent special district may commence a municipal conversion proceeding by filing a petition with the governing body of the independent special district proposed to be converted if the district meets all of the following criteria:

(a) It was created by special act of the Legislature.

(b) It is designated as an improvement district and created pursuant to chapter 298 or is designated as a stewardship district and created pursuant to s. 189.031.

(c) Its governing board is elected.

(d) Its governing board agrees to the conversion.

(e) It provides at least four of the following municipal services: water, sewer, solid waste, drainage, roads, transportation, public works, fire and rescue, street lighting, parks and recreation, or library or cultural facilities.

(f) No portion of the district is located within the jurisdictional limits of a municipality.

(g) It meets the minimum population standards specified in

s. 165.061(1)(b).

Section 2. Section 380.06, Florida Statutes, is amended to read:

380.06 Developments of regional impact.—

(1) DEFINITION.—The term "development of regional impact," as used in this section, means any development that ~~which~~, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county.

(2) STATEWIDE GUIDELINES AND STANDARDS.—

~~(a)~~ The statewide guidelines and standards and the exemptions specified in s. 380.0651 and the statewide guidelines and standards adopted by the Administration Commission and codified in chapter 28-24, Florida Administrative Code, must be ~~state land planning agency shall recommend to the Administration Commission specific statewide guidelines and standards for adoption pursuant to this subsection. The Administration Commission shall by rule adopt statewide guidelines and standards to be~~ used in determining whether particular developments are subject to the requirements of subsection (12) ~~shall undergo development-of-regional-impact review~~. The statewide guidelines and standards previously adopted by the Administration Commission and approved by the Legislature shall remain in effect unless ~~revised pursuant to this section or~~ superseded or repealed by statute ~~by other provisions of law~~.

~~(b) In adopting its guidelines and standards, the Administration Commission shall consider and shall be guided by:~~

~~1. The extent to which the development would create or alleviate environmental problems such as air or water pollution or noise.~~

~~2. The amount of pedestrian or vehicular traffic likely to be generated.~~

~~3. The number of persons likely to be residents, employees, or otherwise present.~~

~~4. The size of the site to be occupied.~~

~~5. The likelihood that additional or subsidiary development will be generated.~~

~~6. The extent to which the development would create an additional demand for, or additional use of, energy, including the energy requirements of subsidiary developments.~~

~~7. The unique qualities of particular areas of the state.~~

~~(c) With regard to the changes in the guidelines and standards authorized pursuant to this act, in determining whether a proposed development must comply with the review requirements of this section, the state land planning agency shall apply the guidelines and standards which were in effect when the developer received authorization to commence development from the local government. If a developer has not received authorization to commence development from the local government prior to the effective date of new or amended guidelines and standards, the new or amended guidelines and standards shall apply.~~

~~(d)~~ The statewide guidelines and standards shall be applied as follows:

(a)~~1.~~ Fixed thresholds.—

~~a.~~ A development that is below 100 percent of all numerical thresholds in the statewide guidelines and standards is not subject to subsection (12) ~~is not required to undergo~~

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development-of-regional-impact review.

(b)b. A development that is at or above 100 120 percent of any numerical threshold in the statewide guidelines and standards is subject to subsection (12) shall be required to undergo development of regional impact review.

c. Projects certified under s. 403.973 which create at least 100 jobs and meet the criteria of the Department of Economic Opportunity as to their impact on an area's economy, employment, and prevailing wage and skill levels that are at or below 100 percent of the numerical thresholds for industrial plants, industrial parks, distribution, warehousing or wholesaling facilities, office development or multiuse projects other than residential, as described in s. 380.0651(3)(c) and (f) are not required to undergo development-of-regional-impact review.

2. Rebuttable presumption.—It shall be presumed that a development that is at 100 percent or between 100 and 120 percent of a numerical threshold shall be required to undergo development-of-regional-impact review.

(c) With respect to residential, hotel, motel, office, and retail developments, the applicable guidelines and standards shall be increased by 50 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163. With respect to multiuse developments, the applicable individual use guidelines and standards for residential, hotel, motel, office, and retail developments and multiuse guidelines and standards shall be increased by 100 percent in urban central business districts and regional

activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163, if one land use of the multiuse development is residential and amounts to not less than 35 percent of the jurisdiction's applicable residential threshold. With respect to resort or convention hotel developments, the applicable guidelines and standards shall be increased by 150 percent in urban central business districts and regional activity centers of jurisdictions whose local comprehensive plans are in compliance with part II of chapter 163 and where the increase is specifically for a proposed resort or convention hotel located in a county with a population greater than 500,000 and the local government specifically designates that the proposed resort or convention hotel development will serve an existing convention center of more than 250,000 gross square feet built before July 1, 1992. The applicable guidelines and standards shall be increased by 150 percent for development in any area designated by the Governor as a rural area of opportunity pursuant to s. 288.0656 during the effectiveness of the designation.

(3) VARIATION OF THRESHOLDS IN STATEWIDE GUIDELINES AND STANDARDS.—The state land planning agency, a regional planning agency, or a local government may petition the Administration Commission to increase or decrease the numerical thresholds of any statewide guideline and standard. The state land planning agency or the regional planning agency may petition for an increase or decrease for a particular local government's jurisdiction or a part of a particular jurisdiction. A local government may petition for an increase or decrease within its jurisdiction or a part of its jurisdiction. A number of requests

~~may be combined in a single petition.~~

~~(a) When a petition is filed, the state land planning agency shall have no more than 180 days to prepare and submit to the Administration Commission a report and recommendations on the proposed variation. The report shall evaluate, and the Administration Commission shall consider, the following criteria:~~

~~1. Whether the local government has adopted and effectively implemented a comprehensive plan that reflects and implements the goals and objectives of an adopted state comprehensive plan.~~

~~2. Any applicable policies in an adopted strategic regional policy plan.~~

~~3. Whether the local government has adopted and effectively implemented both a comprehensive set of land development regulations, which regulations shall include a planned unit development ordinance, and a capital improvements plan that are consistent with the local government comprehensive plan.~~

~~4. Whether the local government has adopted and effectively implemented the authority and the fiscal mechanisms for requiring developers to meet development order conditions.~~

~~5. Whether the local government has adopted and effectively implemented and enforced satisfactory development review procedures.~~

~~(b) The affected regional planning agency, adjoining local governments, and the local government shall be given a reasonable opportunity to submit recommendations to the Administration Commission regarding any such proposed variations.~~

~~(c) The Administration Commission shall have authority to~~

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~~increase or decrease a threshold in the statewide guidelines and standards up to 50 percent above or below the statewide presumptive threshold. The commission may from time to time reconsider changed thresholds and make additional variations as it deems necessary.~~

~~(d) The Administration Commission shall adopt rules setting forth the procedures for submission and review of petitions filed pursuant to this subsection.~~

~~(e) Variations to guidelines and standards adopted by the Administration Commission under this subsection shall be transmitted on or before March 1 to the President of the Senate and the Speaker of the House of Representatives for presentation at the next regular session of the Legislature. Unless approved as submitted by general law, the revisions shall not become effective.~~

(3)~~(4)~~ BINDING LETTER.—

(a) Any binding letter previously issued to a developer by the state land planning agency as to ~~If any developer is in doubt~~ whether his or her proposed development must undergo development-of-regional-impact review ~~under the guidelines and standards~~, whether his or her rights have vested pursuant to subsection (8) ~~(20)~~, or whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (8) ~~(20)~~ would divest such rights, remains valid unless it expired on or before the effective date of this act ~~the developer may request a determination from the state land planning agency~~. ~~The developer or the appropriate local government having jurisdiction may request that the state land planning agency determine whether~~

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~~the amount of development that remains to be built in an approved development of regional impact meets the criteria of subparagraph (15)(g)3.~~

(b) Upon a request by the developer, a binding letter of interpretation regarding which rights had previously vested in a development of regional impact may be amended by the local government of jurisdiction, based on standards and procedures in the adopted local comprehensive plan or the adopted local land development code, to reflect a change to the plan of development and modification of vested rights, provided that any such amendment to a binding letter of vested rights must be consistent with s. 163.3167(5). Review of a request for an amendment to a binding letter of vested rights may not include a review of the impacts created by previously vested portions of the development ~~Unless a developer waives the requirements of this paragraph by agreeing to undergo development-of-regional-impact review pursuant to this section, the state land planning agency or local government with jurisdiction over the land on which a development is proposed may require a developer to obtain a binding letter if the development is at a presumptive numerical threshold or up to 20 percent above a numerical threshold in the guidelines and standards~~.

~~(c) Any local government may petition the state land planning agency to require a developer of a development located in an adjacent jurisdiction to obtain a binding letter of interpretation. The petition shall contain facts to support a finding that the development as proposed is a development of regional impact. This paragraph shall not be construed to grant standing to the petitioning local government to initiate an~~

~~administrative or judicial proceeding pursuant to this chapter.~~

~~(d) A request for a binding letter of interpretation shall be in writing and in such form and content as prescribed by the state land planning agency. Within 15 days of receiving an application for a binding letter of interpretation or a supplement to a pending application, the state land planning agency shall determine and notify the applicant whether the information in the application is sufficient to enable the agency to issue a binding letter or shall request any additional information needed. The applicant shall either provide the additional information requested or shall notify the state land planning agency in writing that the information will not be supplied and the reasons therefor. If the applicant does not respond to the request for additional information within 120 days, the application for a binding letter of interpretation shall be deemed to be withdrawn. Within 35 days after acknowledging receipt of a sufficient application, or of receiving notification that the information will not be supplied, the state land planning agency shall issue a binding letter of interpretation with respect to the proposed development. A binding letter of interpretation issued by the state land planning agency shall bind all state, regional, and local agencies, as well as the developer.~~

~~(e) In determining whether a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would divest such rights, the state land planning agency shall review the proposed change within the context of:~~

~~1. Criteria specified in paragraph (19)(b);~~

~~2. Its conformance with any adopted state comprehensive plan and any rules of the state land planning agency;~~

~~3. All rights and obligations arising out of the vested status of such development;~~

~~4. Permit conditions or requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency; and~~

~~5. Any regional impacts arising from the proposed change.~~

~~(f) If a proposed substantial change to a development of regional impact concerning which rights had previously vested pursuant to subsection (20) would result in reduced regional impacts, the change shall not divest rights to complete the development pursuant to subsection (20). Furthermore, where all or a portion of the development of regional impact for which rights had previously vested pursuant to subsection (20) is demolished and reconstructed within the same approximate footprint of buildings and parking lots, so that any change in the size of the development does not exceed the criteria of paragraph (19)(b), such demolition and reconstruction shall not divest the rights which had vested.~~

(c) ~~(g)~~ Every binding letter determining that a proposed development is not a development of regional impact, but not including binding letters of vested rights or of modification of vested rights, shall expire and become void unless the plan of development has been substantially commenced within:

1. Three years from October 1, 1985, for binding letters issued prior to the effective date of this act; or

2. Three years from the date of issuance of binding letters

issued on or after October 1, 1985.

(d) ~~(h)~~ The expiration date of a binding letter begins~~,~~ ~~established pursuant to paragraph (g), shall begin~~ to run after final disposition of all administrative and judicial appeals of the binding letter and may be extended by mutual agreement of the state land planning agency, the local government of jurisdiction, and the developer.

(e) ~~(i) In response to an inquiry from a developer or the appropriate local government having jurisdiction, the state land planning agency may issue~~ An informal determination by the state land planning agency, in the form of a clearance letter as to whether a development is required to undergo development-of-regional-impact review or whether the amount of development that remains to be built in an approved development of regional impact, remains valid unless it expired on or before the effective date of this act ~~meets the criteria of subparagraph (15)(g)3. A clearance letter may be based solely on the information provided by the developer, and the state land planning agency is not required to conduct an investigation of that information. If any material information provided by the developer is incomplete or inaccurate, the clearance letter is not binding upon the state land planning agency. A clearance letter does not constitute final agency action~~.

~~(5) AUTHORIZATION TO DEVELOP.—~~

~~(a)1. A developer who is required to undergo development-of-regional-impact review may undertake a development of regional impact if the development has been approved under the requirements of this section.~~

~~2. If the land on which the development is proposed is~~

~~within an area of critical state concern, the development must also be approved under the requirements of s. 380.05.~~

~~(b) State or regional agencies may inquire whether a proposed project is undergoing or will be required to undergo development of regional impact review. If a project is undergoing or will be required to undergo development of regional impact review, any state or regional permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, upon expiration of the time allowed for an administrative appeal of the development or upon final action following an administrative appeal or judicial review, whichever is later. However, if the application for development approval is not filed within 18 months after the issuance of the permit, the time of validity of the permit shall be considered to be from the date of issuance of the permit. If a project is required to obtain a binding letter under subsection (4), any state or regional agency permit necessary for the construction or operation of the project that is valid for 5 years or less shall take effect, and the period of time for which the permit is valid shall begin to run, only after the developer obtains a binding letter stating that the project is not required to undergo development of regional impact review or after the developer obtains a development order pursuant to this section.~~

~~(c) Prior to the issuance of a final development order, the developer may elect to be bound by the rules adopted pursuant to chapters 373 and 403 in effect when such development order is issued. The rules adopted pursuant to chapters 373 and 403 in~~

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~~effect at the time such development order is issued shall be applicable to all applications for permits pursuant to those chapters and which are necessary for and consistent with the development authorized in such development order, except that a later adopted rule shall be applicable to an application if:~~

~~1. The later adopted rule is determined by the rule adopting agency to be essential to the public health, safety, or welfare;~~

~~2. The later adopted rule is adopted pursuant to s. 403.061(27);~~

~~3. The later adopted rule is being adopted pursuant to a subsequently enacted statutorily mandated program;~~

~~4. The later adopted rule is mandated in order for the state to maintain delegation of a federal program; or~~

~~5. The later adopted rule is required by state or federal law.~~

~~(d) The provision of day care service facilities in developments approved pursuant to this section is permissible but is not required.~~

~~Further, in order for any developer to apply for permits pursuant to this provision, the application must be filed within 5 years from the issuance of the final development order and the permit shall not be effective for more than 8 years from the issuance of the final development order. Nothing in this paragraph shall be construed to alter or change any permitting agency's authority to approve permits or to determine applicable criteria for longer periods of time.~~

~~(6) APPLICATION FOR APPROVAL OF DEVELOPMENT; CONCURRENT~~

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~~PLAN AMENDMENTS.—~~

~~(a) Prior to undertaking any development, a developer that is required to undergo development-of-regional-impact review shall file an application for development approval with the appropriate local government having jurisdiction. The application shall contain, in addition to such other matters as may be required, a statement that the developer proposes to undertake a development of regional impact as required under this section.~~

~~(b) Any local government comprehensive plan amendments related to a proposed development of regional impact, including any changes proposed under subsection (19), may be initiated by a local planning agency or the developer and must be considered by the local governing body at the same time as the application for development approval using the procedures provided for local plan amendment in s. 163.3184 and applicable local ordinances, without regard to local limits on the frequency of consideration of amendments to the local comprehensive plan. This paragraph does not require favorable consideration of a plan amendment solely because it is related to a development of regional impact. The procedure for processing such comprehensive plan amendments is as follows:~~

~~1. If a developer seeks a comprehensive plan amendment related to a development of regional impact, the developer must so notify in writing the regional planning agency, the applicable local government, and the state land planning agency no later than the date of preapplication conference or the submission of the proposed change under subsection (19).~~

~~2. When filing the application for development approval or~~

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~~the proposed change, the developer must include a written request for comprehensive plan amendments that would be necessitated by the development-of-regional-impact approvals sought. That request must include data and analysis upon which the applicable local government can determine whether to transmit the comprehensive plan amendment pursuant to s. 163.3184.~~

~~3. The local government must advertise a public hearing on the transmittal within 30 days after filing the application for development approval or the proposed change and must make a determination on the transmittal within 60 days after the initial filing unless that time is extended by the developer.~~

~~4. If the local government approves the transmittal, procedures set forth in s. 163.3184 must be followed.~~

~~5. Notwithstanding subsection (11) or subsection (19), the local government may not hold a public hearing on the application for development approval or the proposed change or on the comprehensive plan amendments sooner than 30 days after reviewing agency comments are due to the local government pursuant to s. 163.3184.~~

~~6. The local government must hear both the application for development approval or the proposed change and the comprehensive plan amendments at the same hearing. However, the local government must take action separately on the application for development approval or the proposed change and on the comprehensive plan amendments.~~

~~7. Thereafter, the appeal process for the local government development order must follow the provisions of s. 380.07, and the compliance process for the comprehensive plan amendments~~

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must follow the provisions of s. 163.3184.

(7) PREAPPLICATION PROCEDURES.—

(a) Before filing an application for development approval, the developer shall contact the regional planning agency having jurisdiction over the proposed development to arrange a preapplication conference. Upon the request of the developer or the regional planning agency, other affected state and regional agencies shall participate in this conference and shall identify the types of permits issued by the agencies, the level of information required, and the permit issuance procedures as applied to the proposed development. The levels of service required in the transportation methodology shall be the same levels of service used to evaluate concurrency in accordance with s. 163.3180. The regional planning agency shall provide the developer information about the development-of-regional-impact process and the use of preapplication conferences to identify issues, coordinate appropriate state and local agency requirements, and otherwise promote a proper and efficient review of the proposed development. If an agreement is reached regarding assumptions and methodology to be used in the application for development approval, the reviewing agencies may not subsequently object to those assumptions and methodologies unless subsequent changes to the project or information obtained during the review make those assumptions and methodologies inappropriate. The reviewing agencies may make only recommendations or comments regarding a proposed development which are consistent with the statutes, rules, or adopted local government ordinances that are applicable to developments in the jurisdiction where the proposed development is located.

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(b) The regional planning agency shall establish by rule a procedure by which a developer may enter into binding written agreements with the regional planning agency to eliminate questions from the application for development approval when those questions are found to be unnecessary for development-of-regional-impact review. It is the legislative intent of this subsection to encourage reduction of paperwork, to discourage unnecessary gathering of data, and to encourage the coordination of the development-of-regional-impact review process with federal, state, and local environmental reviews when such reviews are required by law.

(c) If the application for development approval is not submitted within 1 year after the date of the preapplication conference, the regional planning agency, the local government having jurisdiction, or the applicant may request that another preapplication conference be held.

(8) PRELIMINARY DEVELOPMENT AGREEMENTS.—

(a) A developer may enter into a written preliminary development agreement with the state land planning agency to allow a developer to proceed with a limited amount of the total proposed development, subject to all other governmental approvals and solely at the developer's own risk, prior to issuance of a final development order. All owners of the land in the total proposed development shall join the developer as parties to the agreement. Each agreement shall include and be subject to the following conditions:

1. The developer shall comply with the preapplication conference requirements pursuant to subsection (7) within 45 days after the execution of the agreement.

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~~2. The developer shall file an application for development approval for the total proposed development within 3 months after execution of the agreement, unless the state land planning agency agrees to a different time for good cause shown. Failure to timely file an application and to otherwise diligently proceed in good faith to obtain a final development order shall constitute a breach of the preliminary development agreement.~~

~~3. The agreement shall include maps and legal descriptions of both the preliminary development area and the total proposed development area and shall specifically describe the preliminary development in terms of magnitude and location. The area approved for preliminary development must be included in the application for development approval and shall be subject to the terms and conditions of the final development order.~~

~~4. The preliminary development shall be limited to lands that the state land planning agency agrees are suitable for development and shall only be allowed in areas where adequate public infrastructure exists to accommodate the preliminary development, when such development will utilize public infrastructure. The developer must also demonstrate that the preliminary development will not result in material adverse impacts to existing resources or existing or planned facilities.~~

~~5. The preliminary development agreement may allow development which is:~~

~~a. Less than 100 percent of any applicable threshold if the developer demonstrates that such development is consistent with subparagraph 4.; or~~

~~b. Less than 120 percent of any applicable threshold if the developer demonstrates that such development is part of a~~

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~~proposed downtown development of regional impact specified in subsection (22) or part of any areawide development of regional impact specified in subsection (25) and that the development is consistent with subparagraph 4.~~

~~6. The developer and owners of the land may not claim vested rights, or assert equitable estoppel, arising from the agreement or any expenditures or actions taken in reliance on the agreement to continue with the total proposed development beyond the preliminary development. The agreement shall not entitle the developer to a final development order approving the total proposed development or to particular conditions in a final development order.~~

~~7. The agreement shall not prohibit the regional planning agency from reviewing or commenting on any regional issue that the regional agency determines should be included in the regional agency's report on the application for development approval.~~

~~8. The agreement shall include a disclosure by the developer and all the owners of the land in the total proposed development of all land or development within 5 miles of the total proposed development in which they have an interest and shall describe such interest.~~

~~9. In the event of a breach of the agreement or failure to comply with any condition of the agreement, or if the agreement was based on materially inaccurate information, the state land planning agency may terminate the agreement or file suit to enforce the agreement as provided in this section and s. 380.11, including a suit to enjoin all development.~~

~~10. A notice of the preliminary development agreement shall~~

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~~be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located. The notice shall include a legal description of the land covered by the agreement and shall state the parties to the agreement, the date of adoption of the agreement and any subsequent amendments, the location where the agreement may be examined, and that the agreement constitutes a land development regulation applicable to portions of the land covered by the agreement. The provisions of the agreement shall inure to the benefit of and be binding upon successors and assigns of the parties in the agreement.~~

~~11. Except for those agreements which authorize preliminary development for substantial deviations pursuant to subsection (19), a developer who no longer wishes to pursue a development of regional impact may propose to abandon any preliminary development agreement executed after January 1, 1985, including those pursuant to s. 380.032(3), provided at the time of abandonment:~~

~~a. A final development order under this section has been rendered that approves all of the development actually constructed; or~~

~~b. The amount of development is less than 100 percent of all numerical thresholds of the guidelines and standards, and the state land planning agency determines in writing that the development to date is in compliance with all applicable local regulations and the terms and conditions of the preliminary development agreement and otherwise adequately mitigates for the impacts of the development to date.~~

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~~In either event, when a developer proposes to abandon said agreement, the developer shall give written notice and state that he or she is no longer proposing a development of regional impact and provide adequate documentation that he or she has met the criteria for abandonment of the agreement to the state land planning agency. Within 30 days of receipt of adequate documentation of such notice, the state land planning agency shall make its determination as to whether or not the developer meets the criteria for abandonment. Once the state land planning agency determines that the developer meets the criteria for abandonment, the state land planning agency shall issue a notice of abandonment which shall be recorded by the developer in accordance with s. 28.222 with the clerk of the circuit court for each county in which land covered by the terms of the agreement is located.~~

~~(b) The state land planning agency may enter into other types of agreements to effectuate the provisions of this act as provided in s. 380.032.~~

~~(c) The provisions of this subsection shall also be available to a developer who chooses to seek development approval of a Florida Quality Development pursuant to s. 380.061.~~

~~(9) CONCEPTUAL AGENCY REVIEW.—~~

~~(a)1. In order to facilitate the planning and preparation of permit applications for projects that undergo development-of-regional-impact review, and in order to coordinate the information required to issue such permits, a developer may elect to request conceptual agency review under this subsection either concurrently with development-of-regional-impact review~~

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~~and comprehensive plan amendments, if applicable, or subsequent to a preapplication conference held pursuant to subsection (7).~~

~~2. "Conceptual agency review" means general review of the proposed location, densities, intensity of use, character, and major design features of a proposed development required to undergo review under this section for the purpose of considering whether these aspects of the proposed development comply with the issuing agency's statutes and rules.~~

~~3. Conceptual agency review is a licensing action subject to chapter 120, and approval or denial constitutes final agency action, except that the 90-day time period specified in s. 120.60(1) shall be tolled for the agency when the affected regional planning agency requests information from the developer pursuant to paragraph (10)(b). If proposed agency action on the conceptual approval is the subject of a proceeding under ss. 120.569 and 120.57, final agency action shall be conclusive as to any issues actually raised and adjudicated in the proceeding, and such issues may not be raised in any subsequent proceeding under ss. 120.569 and 120.57 on the proposed development by any parties to the prior proceeding.~~

~~4. A conceptual agency review approval shall be valid for up to 10 years, unless otherwise provided in a state or regional agency rule, and may be reviewed and reissued for additional periods of time under procedures established by the agency.~~

~~(b) The Department of Environmental Protection, each water management district, and each other state or regional agency that requires construction or operation permits shall establish by rule a set of procedures necessary for conceptual agency review for the following permitting activities within their~~

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~~respective regulatory jurisdictions:~~

~~1. The construction and operation of potential sources of water pollution, including industrial wastewater, domestic wastewater, and stormwater.~~

~~2. Dredging and filling activities.~~

~~3. The management and storage of surface waters.~~

~~4. The construction and operation of works of the district, only if a conceptual agency review approval is requested under subparagraph 3.~~

~~Any state or regional agency may establish rules for conceptual agency review for any other permitting activities within its respective regulatory jurisdiction.~~

~~(c)1. Each agency participating in conceptual agency reviews shall determine and establish by rule its information and application requirements and furnish these requirements to the state land planning agency and to any developer seeking conceptual agency review under this subsection.~~

~~2. Each agency shall cooperate with the state land planning agency to standardize, to the extent possible, review procedures, data requirements, and data collection methodologies among all participating agencies, consistent with the requirements of the statutes that establish the permitting programs for each agency.~~

~~(d) At the conclusion of the conceptual agency review, the agency shall give notice of its proposed agency action as required by s. 120.60(3) and shall forward a copy of the notice to the appropriate regional planning council with a report setting out the agency's conclusions on potential development~~

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~~impacts and stating whether the agency intends to grant conceptual approval, with or without conditions, or to deny conceptual approval. If the agency intends to deny conceptual approval, the report shall state the reasons therefor. The agency may require the developer to publish notice of proposed agency action in accordance with s. 403.815.~~

~~(c) An agency's decision to grant conceptual approval shall not relieve the developer of the requirement to obtain a permit and to meet the standards for issuance of a construction or operation permit or to meet the agency's information requirements for such a permit. Nevertheless, there shall be a rebuttable presumption that the developer is entitled to receive a construction or operation permit for an activity for which the agency granted conceptual review approval, to the extent that the project for which the applicant seeks a permit is in accordance with the conceptual approval and with the agency's standards and criteria for issuing a construction or operation permit. The agency may revoke or appropriately modify a valid conceptual approval if the agency shows:~~

~~1. That an applicant or his or her agent has submitted materially false or inaccurate information in the application for conceptual approval;~~

~~2. That the developer has violated a condition of the conceptual approval; or~~

~~3. That the development will cause a violation of the agency's applicable laws or rules.~~

~~(f) Nothing contained in this subsection shall modify or abridge the law of vested rights or estoppel.~~

~~(g) Nothing contained in this subsection shall be construed~~

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~~to preclude an agency from adopting rules for conceptual review for developments which are not developments of regional impact.~~

~~(10) APPLICATION; SUFFICIENCY.—~~

~~(a) When an application for development approval is filed with a local government, the developer shall also send copies of the application to the appropriate regional planning agency and the state land planning agency.~~

~~(b) If a regional planning agency determines that the application for development approval is insufficient for the agency to discharge its responsibilities under subsection (12), it shall provide in writing to the appropriate local government and the applicant a statement of any additional information desired within 30 days of the receipt of the application by the regional planning agency. The applicant may supply the information requested by the regional planning agency and shall communicate its intention to do so in writing to the appropriate local government and the regional planning agency within 5 working days of the receipt of the statement requesting such information, or the applicant shall notify the appropriate local government and the regional planning agency in writing that the requested information will not be supplied. Within 30 days after receipt of such additional information, the regional planning agency shall review it and may request only that information needed to clarify the additional information or to answer new questions raised by, or directly related to, the additional information. The regional planning agency may request additional information no more than twice, unless the developer waives this limitation. If an applicant does not provide the information requested by a regional planning agency within 120 days of its~~

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~~request, or within a time agreed upon by the applicant and the regional planning agency, the application shall be considered withdrawn.~~

~~(c) The regional planning agency shall notify the local government that a public hearing date may be set when the regional planning agency determines that the application is sufficient or when it receives notification from the developer that the additional requested information will not be supplied, as provided for in paragraph (b).~~

~~(11) LOCAL NOTICE.—Upon receipt of the sufficiency notification from the regional planning agency required by paragraph (10)(c), the appropriate local government shall give notice and hold a public hearing on the application in the same manner as for a rezoning as provided under the appropriate special or local law or ordinance, except that such hearing proceedings shall be recorded by tape or a certified court reporter and made available for transcription at the expense of any interested party. When a development of regional impact is proposed within the jurisdiction of more than one local government, the local governments, at the request of the developer, may hold a joint public hearing. The local government shall comply with the following additional requirements:~~

~~(a) The notice of public hearing shall state that the proposed development is undergoing a development-of-regional-impact review.~~

~~(b) The notice shall be published at least 60 days in advance of the hearing and shall specify where the information and reports on the development of regional impact application may be reviewed.~~

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~~(c) The notice shall be given to the state land planning agency, to the applicable regional planning agency, to any state or regional permitting agency participating in a conceptual agency review process under subsection (9), and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~(d) A public hearing date shall be set by the appropriate local government at the next scheduled meeting. The public hearing shall be held no later than 90 days after issuance of notice by the regional planning agency that a public hearing may be set, unless an extension is requested by the applicant.~~

~~(12) REGIONAL REPORTS.~~

~~(a) Within 50 days after receipt of the notice of public hearing required in paragraph (11)(c), the regional planning agency, if one has been designated for the area including the local government, shall prepare and submit to the local government a report and recommendations on the regional impact of the proposed development. In preparing its report and recommendations, the regional planning agency shall identify regional issues based upon the following review criteria and make recommendations to the local government on these regional issues, specifically considering whether, and the extent to which:~~

~~1. The development will have a favorable or unfavorable impact on state or regional resources or facilities identified in the applicable state or regional plans. As used in this subsection, the term "applicable state plan" means the state comprehensive plan. As used in this subsection, the term "applicable regional plan" means an adopted strategic regional~~

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~~policy plan.~~

~~2. The development will significantly impact adjacent jurisdictions. At the request of the appropriate local government, regional planning agencies may also review and comment upon issues that affect only the requesting local government.~~

~~3. As one of the issues considered in the review in subparagraphs 1. and 2., the development will favorably or adversely affect the ability of people to find adequate housing reasonably accessible to their places of employment if the regional planning agency has adopted an affordable housing policy as part of its strategic regional policy plan. The determination should take into account information on factors that are relevant to the availability of reasonably accessible adequate housing. Adequate housing means housing that is available for occupancy and that is not substandard.~~

~~(b) The regional planning agency report must contain recommendations that are consistent with the standards required by the applicable state permitting agencies or the water management district.~~

~~(c) At the request of the regional planning agency, other appropriate agencies shall review the proposed development and shall prepare reports and recommendations on issues that are clearly within the jurisdiction of those agencies. Such agency reports shall become part of the regional planning agency report; however, the regional planning agency may attach dissenting views. When water management district and Department of Environmental Protection permits have been issued pursuant to chapter 373 or chapter 403, the regional planning council may~~

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~~comment on the regional implications of the permits but may not offer conflicting recommendations.~~

~~(d) The regional planning agency shall afford the developer or any substantially affected party reasonable opportunity to present evidence to the regional planning agency head relating to the proposed regional agency report and recommendations.~~

~~(e) If the location of a proposed development involves land within the boundaries of multiple regional planning councils, the state land planning agency shall designate a lead regional planning council. The lead regional planning council shall prepare the regional report.~~

~~(13) CRITERIA IN AREAS OF CRITICAL STATE CONCERN. If the development is in an area of critical state concern, the local government shall approve it only if it complies with the land development regulations therefor under s. 380.05 and the provisions of this section. The provisions of this section shall not apply to developments in areas of critical state concern which had pending applications and had been noticed or agendaed by local government after September 1, 1985, and before October 1, 1985, for development order approval. In all such cases, the state land planning agency may consider and address applicable regional issues contained in subsection (12) as part of its area-of-critical-state-concern review pursuant to ss. 380.05, 380.07, and 380.11.~~

~~(14) CRITERIA OUTSIDE AREAS OF CRITICAL STATE CONCERN.—If the development is not located in an area of critical state concern, in considering whether the development is approved, denied, or approved subject to conditions, restrictions, or limitations, the local government shall consider whether, and~~

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~~the extent to which:~~

~~(a) The development is consistent with the local comprehensive plan and local land development regulations.~~

~~(b) The development is consistent with the report and recommendations of the regional planning agency submitted pursuant to subsection (12).~~

~~(c) The development is consistent with the State Comprehensive Plan. In consistency determinations, the plan shall be construed and applied in accordance with s. 187.101(3).~~

~~However, a local government may approve a change to a development authorized as a development of regional impact if the change has the effect of reducing the originally approved height, density, or intensity of the development and if the revised development would have been consistent with the comprehensive plan in effect when the development was originally approved. If the revised development is approved, the developer may proceed as provided in s. 163.3167(5).~~

(4) ~~(15)~~ LOCAL GOVERNMENT DEVELOPMENT ORDER.—

(a) Notwithstanding any provision of any adopted local comprehensive plan or adopted local government land development regulation to the contrary, an amendment to a development order for an approved development of regional impact adopted pursuant to subsection (7) may not alter the ~~appropriate local government shall render a decision on the application within 30 days after the hearing unless an extension is requested by the developer~~.

~~(b) When possible, local governments shall issue development orders concurrently with any other local permits or development approvals that may be applicable to the proposed~~

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~~development.~~

~~(c) The development order shall include findings of fact and conclusions of law consistent with subsections (13) and (14). The development order:~~

~~1. Shall specify the monitoring procedures and the local official responsible for assuring compliance by the developer with the development order.~~

~~2. Shall establish compliance dates for the development order, including a deadline for commencing physical development and for compliance with conditions of approval or phasing requirements, and shall include a buildout date that reasonably reflects the time anticipated to complete the development.~~

~~3. Shall establish a~~ date until which the local government agrees that the approved development of regional impact will ~~shall~~ not be subject to downzoning, unit density reduction, or intensity reduction, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by local government to be essential to the public health, safety, or welfare. The date established pursuant to this paragraph may not be ~~subparagraph shall be no~~ sooner than the buildout date of the project.

~~4. Shall specify the requirements for the biennial report designated under subsection (18), including the date of submission, parties to whom the report is submitted, and contents of the report, based upon the rules adopted by the state land planning agency. Such rules shall specify the scope~~

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~~of any additional local requirements that may be necessary for the report.~~

~~5. May specify the types of changes to the development which shall require submission for a substantial deviation determination or a notice of proposed change under subsection (19).~~

~~6. Shall include a legal description of the property.~~

~~(d) Conditions of a development order that require a developer to contribute land for a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, shall meet the following criteria:~~

~~1. The need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.~~

~~2. Any contribution of funds, land, or public facilities required from the developer shall be comparable to the amount of funds, land, or public facilities that the state or the local government would reasonably expect to expend or provide, based on projected costs of comparable projects, to mitigate the impacts reasonably attributable to the proposed development.~~

~~3. Any funds or lands contributed must be expressly designated and used to mitigate impacts reasonably attributable to the proposed development.~~

~~4. Construction or expansion of a public facility by a nongovernmental developer as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation for selection of a contractor or design professional~~

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~~for any part of the construction or design.~~

(b) ~~(c)~~ 1. A local government may ~~shall~~ not include~~,~~ as a development order condition for a development of regional impact~~,~~ any requirement that a developer contribute or pay for land acquisition or construction or expansion of public facilities or portions thereof unless the local government has enacted a local ordinance which requires other development not subject to this section to contribute its proportionate share of the funds, land, or public facilities necessary to accommodate any impacts having a rational nexus to the proposed development, and the need to construct new facilities or add to the present system of public facilities must be reasonably attributable to the proposed development.

2. Selection of a contractor or design professional for any aspect of construction or design related to the construction or expansion of a public facility by a nongovernmental developer which is undertaken as a condition of a development order to mitigate the impacts reasonably attributable to the proposed development is not subject to competitive bidding or competitive negotiation ~~A local government shall not approve a development of regional impact that does not make adequate provision for the public facilities needed to accommodate the impacts of the proposed development unless the local government includes in the development order a commitment by the local government to provide these facilities consistently with the development schedule approved in the development order; however, a local government's failure to meet the requirements of subparagraph 1. and this subparagraph shall not preclude the issuance of a development order where adequate provision is made by the~~

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~~developer for the public facilities needed to accommodate the impacts of the proposed development. Any funds or lands contributed by a developer must be expressly designated and used to accommodate impacts reasonably attributable to the proposed development~~.

~~3. The Department of Economic Opportunity and other state and regional agencies involved in the administration and implementation of this act shall cooperate and work with units of local government in preparing and adopting local impact fee and other contribution ordinances.~~

(c) ~~(f)~~ Notice of the adoption of an amendment ~~a development order or the subsequent amendments~~ to an adopted development order shall be recorded by the developer, in accordance with s. 28.222, with the clerk of the circuit court for each county in which the development is located. The notice shall include a legal description of the property covered by the order and shall state which unit of local government adopted the development order, the date of adoption, the date of adoption of any amendments to the development order, the location where the adopted order with any amendments may be examined, and that the development order constitutes a land development regulation applicable to the property. The recording of this notice does ~~shall~~ not constitute a lien, cloud, or encumbrance on real property, or actual or constructive notice of any such lien, cloud, or encumbrance. This paragraph applies only to developments initially approved under this section after July 1, 1980. If the local government of jurisdiction rescinds a development order for an approved development of regional impact pursuant to s. 380.115, the developer may record notice of the

rescission.

(d) ~~(g)~~ Any agreement entered into by the state land planning agency, the developer, and the ~~A~~ local government with respect to an approved development of regional impact previously classified as essentially built out, or any other official determination that an approved development of regional impact is essentially built out, remains valid unless it expired on or before the effective date of this act. ~~may not issue a permit for a development subsequent to the buildout date contained in the development order unless:~~

~~1. The proposed development has been evaluated cumulatively with existing development under the substantial deviation provisions of subsection (19) after the termination or expiration date;~~

~~2. The proposed development is consistent with an abandonment of development order that has been issued in accordance with subsection (26);~~

~~3. The development of regional impact is essentially built out, in that all the mitigation requirements in the development order have been satisfied, all developers are in compliance with all applicable terms and conditions of the development order except the buildout date, and the amount of proposed development that remains to be built is less than 40 percent of any applicable development-of-regional-impact threshold; or~~

~~4. The project has been determined to be an essentially built-out development of regional impact through an agreement executed by the developer, the state land planning agency, and the local government, in accordance with s. 380.032, which will establish the terms and conditions under which the development~~

~~may be continued. If the project is determined to be essentially built out, development may proceed pursuant to the s. 380.032 agreement after the termination or expiration date contained in the development order without further development-of-regional-impact review subject to the local government comprehensive plan and land development regulations. The parties may amend the agreement without submission, review, or approval of a notification of proposed change pursuant to subsection (19). For the purposes of this paragraph, a development of regional impact is considered essentially built out, if:~~

~~a. The developers are in compliance with all applicable terms and conditions of the development order except the buildout date or reporting requirements; and~~

~~b.(I) The amount of development that remains to be built is less than the substantial deviation threshold specified in paragraph (19)(b) for each individual land use category, or, for a multiuse development, the sum total of all unbuilt land uses as a percentage of the applicable substantial deviation threshold is equal to or less than 100 percent; or~~

~~(II) The state land planning agency and the local government have agreed in writing that the amount of development to be built does not create the likelihood of any additional regional impact not previously reviewed.~~

~~The single-family residential portions of a development may be considered essentially built out if all of the workforce housing obligations and all of the infrastructure and horizontal development have been completed, at least 50 percent of the dwelling units have been completed, and more than 80 percent of~~

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~~the lots have been conveyed to third-party individual lot owners or to individual builders who own no more than 40 lots at the time of the determination. The mobile home park portions of a development may be considered essentially built out if all the infrastructure and horizontal development has been completed, and at least 50 percent of the lots are leased to individual mobile home owners. In order to accommodate changing market demands and achieve maximum land use efficiency in an essentially built out project, when a developer is building out a project, a local government, without the concurrence of the state land planning agency, may adopt a resolution authorizing the developer to exchange one approved land use for another approved land use as specified in the agreement. Before the issuance of a building permit pursuant to an exchange, the developer must demonstrate to the local government that the exchange ratio will not result in a net increase in impacts to public facilities and will meet all applicable requirements of the comprehensive plan and land development code. For developments previously determined to impact strategic intermodal facilities as defined in s. 339.63, the local government shall consult with the Department of Transportation before approving the exchange.~~

~~(h) If the property is annexed by another local jurisdiction, the annexing jurisdiction shall adopt a new development order that incorporates all previous rights and obligations specified in the prior development order.~~

(5) ~~(16)~~ CREDITS AGAINST LOCAL IMPACT FEES.—

(a) Notwithstanding any provision of an adopted local comprehensive plan or adopted local government land development

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regulations to the contrary, the adoption of an amendment to a development order for an approved development of regional impact pursuant to subsection (7) does not diminish or otherwise alter any credits for a development order exaction or fee as against impact fees, mobility fees, or exactions when such credits are based upon the developer's contribution of land or a public facility or the construction, expansion, or payment for land acquisition or construction or expansion of a public facility, or a portion thereof ~~If the development order requires the developer to contribute land or a public facility or construct, expand, or pay for land acquisition or construction or expansion of a public facility, or portion thereof, and the developer is also subject by local ordinance to impact fees or exactions to meet the same needs, the local government shall establish and implement a procedure that credits a development order exaction or fee toward an impact fee or exaction imposed by local ordinance for the same need; however, if the Florida Land and Water Adjudicatory Commission imposes any additional requirement, the local government shall not be required to grant a credit toward the local exaction or impact fee unless the local government determines that such required contribution, payment, or construction meets the same need that the local exaction or impact fee would address. The nongovernmental developer need not be required, by virtue of this credit, to competitively bid or negotiate any part of the construction or design of the facility, unless otherwise requested by the local government~~.

(b) If the local government imposes or increases an impact fee, mobility fee, or exaction by local ordinance after a

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development order has been issued, the developer may petition the local government, and the local government shall modify the affected provisions of the development order to give the developer credit for any contribution of land for a public facility, or construction, expansion, or contribution of funds for land acquisition or construction or expansion of a public facility, or a portion thereof, required by the development order toward an impact fee or exaction for the same need.

(c) Any ~~The local government and the developer may enter into~~ capital contribution front-ending agreement entered into by a local government and a developer which is still in effect as of the effective date of this act ~~agreements~~ as part of a development-of-regional-impact development order to reimburse the developer, or the developer's successor, for voluntary contributions paid in excess of his or her fair share remains valid.

(d) This subsection does not apply to internal, onsite facilities required by local regulations or to any offsite facilities to the extent that such facilities are necessary to provide safe and adequate services to the development.

~~(17) LOCAL MONITORING.—The local government issuing the development order is primarily responsible for monitoring the development and enforcing the provisions of the development order. Local governments shall not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order.~~

(6)~~(18)~~ ~~BIENNIAL~~ REPORTS.—Notwithstanding any condition in a development order for an approved development of regional

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impact, the developer is not required to ~~shall~~ submit an annual or a biennial report on the development of regional impact to the local government, the regional planning agency, the state land planning agency, and all affected permit agencies ~~in alternate years on the date specified in the development order,~~ unless required to do so by the local government that has jurisdiction over the development. The penalty for failure to file such a required report is as prescribed by the local government ~~development order by its terms requires more frequent monitoring. If the report is not received, the state land planning agency shall notify the local government. If the local government does not receive the report or receives notification that the state land planning agency has not received the report, the local government shall request in writing that the developer submit the report within 30 days. The failure to submit the report after 30 days shall result in the temporary suspension of the development order by the local government. If no additional development pursuant to the development order has occurred since the submission of the previous report, then a letter from the developer stating that no development has occurred shall satisfy the requirement for a report. Development orders that require annual reports may be amended to require biennial reports at the option of the local government~~.

(7) ~~(19)~~ CHANGES ~~SUBSTANTIAL DEVIATIONS~~.—

(a) Notwithstanding any provision to the contrary in any development order, agreement, local comprehensive plan, or local land development regulation, any proposed change to a previously approved development of regional impact shall be reviewed by the local government based on the standards and procedures in its

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adopted local comprehensive plan and adopted local land development regulations, including, but not limited to, procedures for notice to the applicant and the public regarding the issuance of development orders. At least one public hearing must be held on the application for change, and any change must be approved by the local governing body before it becomes effective. The review must abide by any prior agreements or other actions vesting the laws and policies governing the development. Development within the previously approved development of regional impact may continue, as approved, during the review in portions of the development which are not directly affected by the proposed change ~~which creates a reasonable likelihood of additional regional impact, or any type of regional impact created by the change not previously reviewed by the regional planning agency, shall constitute a substantial deviation and shall cause the proposed change to be subject to further development-of-regional-impact review. There are a variety of reasons why a developer may wish to propose changes to an approved development of regional impact, including changed market conditions. The procedures set forth in this subsection are for that purpose~~.

(b) The local government shall either adopt an amendment to the development order that approves the application, with or without conditions, or deny the application for the proposed change. Any new conditions in the amendment to the development order issued by the local government may address only those impacts directly created by the proposed change, and must be consistent with s. 163.3180(5), the adopted comprehensive plan, and adopted land development regulations. Changes to a phase

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date, buildout date, expiration date, or termination date may also extend any required mitigation associated with a phased construction project so that mitigation takes place in the same timeframe relative to the impacts as approved ~~Any proposed change to a previously approved development of regional impact or development order condition which, either individually or cumulatively with other changes, exceeds any of the criteria in subparagraphs 1.-11. constitutes a substantial deviation and shall cause the development to be subject to further development-of-regional-impact review through the notice of proposed change process under this section~~.

~~1. An increase in the number of parking spaces at an attraction or recreational facility by 15 percent or 500 spaces, whichever is greater, or an increase in the number of spectators that may be accommodated at such a facility by 15 percent or 1,500 spectators, whichever is greater.~~

~~2. A new runway, a new terminal facility, a 25 percent lengthening of an existing runway, or a 25 percent increase in the number of gates of an existing terminal, but only if the increase adds at least three additional gates.~~

~~3. An increase in land area for office development by 15 percent or an increase of gross floor area of office development by 15 percent or 100,000 gross square feet, whichever is greater.~~

~~4. An increase in the number of dwelling units by 10 percent or 55 dwelling units, whichever is greater.~~

~~5. An increase in the number of dwelling units by 50 percent or 200 units, whichever is greater, provided that 15 percent of the proposed additional dwelling units are dedicated~~

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~~to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced before the completion of 50 percent of the market rate dwelling. For purposes of this subparagraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this subparagraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

~~6. An increase in commercial development by 60,000 square feet of gross floor area or of parking spaces provided for customers for 425 cars or a 10 percent increase, whichever is greater.~~

~~7. An increase in a recreational vehicle park area by 10 percent or 110 vehicle spaces, whichever is less.~~

~~8. A decrease in the area set aside for open space of 5 percent or 20 acres, whichever is less.~~

~~9. A proposed increase to an approved multiuse development of regional impact where the sum of the increases of each land use as a percentage of the applicable substantial deviation~~

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~~criteria is equal to or exceeds 110 percent. The percentage of any decrease in the amount of open space shall be treated as an increase for purposes of determining when 110 percent has been reached or exceeded.~~

~~10. A 15 percent increase in the number of external vehicle trips generated by the development above that which was projected during the original development-of-regional-impact review.~~

~~11. Any change that would result in development of any area which was specifically set aside in the application for development approval or in the development order for preservation or special protection of endangered or threatened plants or animals designated as endangered, threatened, or species of special concern and their habitat, any species protected by 16 U.S.C. ss. 668a-668d, primary dunes, or archaeological and historical sites designated as significant by the Division of Historical Resources of the Department of State. The refinement of the boundaries and configuration of such areas shall be considered under sub-subparagraph (c)2.j.~~

~~The substantial deviation numerical standards in subparagraphs 3., 6., and 9., excluding residential uses, and in subparagraph 10., are increased by 100 percent for a project certified under s. 403.973 which creates jobs and meets criteria established by the Department of Economic Opportunity as to its impact on an area's economy, employment, and prevailing wage and skill levels. The substantial deviation numerical standards in subparagraphs 3., 4., 5., 6., 9., and 10. are increased by 50 percent for a project located wholly within an urban infill and~~

~~redevelopment area designated on the applicable adopted local comprehensive plan future land use map and not located within the coastal high hazard area.~~

(c) This section is not intended to alter or otherwise limit the extension, previously granted by statute, of a commencement, buildout, phase, termination, or expiration date in any development order for an approved development of regional impact and any corresponding modification of a related permit or agreement. Any such extension is not subject to review or modification in any future amendment to a development order pursuant to the adopted local comprehensive plan and adopted local land development regulations ~~An extension of the date of buildout of a development, or any phase thereof, by more than 7 years is presumed to create a substantial deviation subject to further development-of-regional-impact review~~.

~~1. An extension of the date of buildout, or any phase thereof, of more than 5 years but not more than 7 years is presumed not to create a substantial deviation. The extension of the date of buildout of an areawide development of regional impact by more than 5 years but less than 10 years is presumed not to create a substantial deviation. These presumptions may be rebutted by clear and convincing evidence at the public hearing held by the local government. An extension of 5 years or less is not a substantial deviation.~~

~~2. In recognition of the 2011 real estate market conditions, at the option of the developer, all commencement, phase, buildout, and expiration dates for projects that are currently valid developments of regional impact are extended for 4 years regardless of any previous extension. Associated~~

~~mitigation requirements are extended for the same period unless, before December 1, 2011, a governmental entity notifies a developer that has commenced any construction within the phase for which the mitigation is required that the local government has entered into a contract for construction of a facility with funds to be provided from the development's mitigation funds for that phase as specified in the development order or written agreement with the developer. The 4-year extension is not a substantial deviation, is not subject to further development-of-regional-impact review, and may not be considered when determining whether a subsequent extension is a substantial deviation under this subsection. The developer must notify the local government in writing by December 31, 2011, in order to receive the 4-year extension.~~

~~For the purpose of calculating when a buildout or phase date has been exceeded, the time shall be tolled during the pendency of administrative or judicial proceedings relating to development permits. Any extension of the buildout date of a project or a phase thereof shall automatically extend the commencement date of the project, the termination date of the development order, the expiration date of the development of regional impact, and the phases thereof if applicable by a like period of time.~~

~~(d) A change in the plan of development of an approved development of regional impact resulting from requirements imposed by the Department of Environmental Protection or any water management district created by s. 373.069 or any of their successor agencies or by any appropriate federal regulatory agency shall be submitted to the local government pursuant to~~

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~~this subsection. The change shall be presumed not to create a substantial deviation subject to further development-of-regional-impact review. The presumption may be rebutted by clear and convincing evidence at the public hearing held by the local government.~~

~~(e)1. Except for a development order rendered pursuant to subsection (22) or subsection (25), a proposed change to a development order which individually or cumulatively with any previous change is less than any numerical criterion contained in subparagraphs (b)1.-10. and does not exceed any other criterion, or which involves an extension of the buildout date of a development, or any phase thereof, of less than 5 years is not subject to the public hearing requirements of subparagraph (f)3., and is not subject to a determination pursuant to subparagraph (f)5. Notice of the proposed change shall be made to the regional planning council and the state land planning agency. Such notice must include a description of previous individual changes made to the development, including changes previously approved by the local government, and must include appropriate amendments to the development order.~~

~~2. The following changes, individually or cumulatively with any previous changes, are not substantial deviations:~~

~~a. Changes in the name of the project, developer, owner, or monitoring official.~~

~~b. Changes to a setback which do not affect noise buffers, environmental protection or mitigation areas, or archaeological or historical resources.~~

~~c. Changes to minimum lot sizes.~~

~~d. Changes in the configuration of internal roads which do~~

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~~not affect external access points.~~

~~e. Changes to the building design or orientation which stay approximately within the approved area designated for such building and parking lot, and which do not affect historical buildings designated as significant by the Division of Historical Resources of the Department of State.~~

~~f. Changes to increase the acreage in the development, if no development is proposed on the acreage to be added.~~

~~g. Changes to eliminate an approved land use, if there are no additional regional impacts.~~

~~h. Changes required to conform to permits approved by any federal, state, or regional permitting agency, if these changes do not create additional regional impacts.~~

~~i. Any renovation or redevelopment of development within a previously approved development of regional impact which does not change land use or increase density or intensity of use.~~

~~j. Changes that modify boundaries and configuration of areas described in subparagraph (b)11. due to science-based refinement of such areas by survey, by habitat evaluation, by other recognized assessment methodology, or by an environmental assessment. In order for changes to qualify under this sub-subparagraph, the survey, habitat evaluation, or assessment must occur before the time that a conservation easement protecting such lands is recorded and must not result in any net decrease in the total acreage of the lands specifically set aside for permanent preservation in the final development order.~~

~~k. Changes that do not increase the number of external peak hour trips and do not reduce open space and conserved areas within the project except as otherwise permitted by sub-~~

~~subparagraph j.~~

~~l. A phase date extension, if the state land planning agency, in consultation with the regional planning council and subject to the written concurrence of the Department of Transportation, agrees that the traffic impact is not significant and adverse under applicable state agency rules.~~

~~m. Any other change that the state land planning agency, in consultation with the regional planning council, agrees in writing is similar in nature, impact, or character to the changes enumerated in sub-subparagraphs a.-l. and that does not create the likelihood of any additional regional impact.~~

~~This subsection does not require the filing of a notice of proposed change but requires an application to the local government to amend the development order in accordance with the local government's procedures for amendment of a development order. In accordance with the local government's procedures, including requirements for notice to the applicant and the public, the local government shall either deny the application for amendment or adopt an amendment to the development order which approves the application with or without conditions. Following adoption, the local government shall render to the state land planning agency the amendment to the development order. The state land planning agency may appeal, pursuant to s. 380.07(3), the amendment to the development order if the amendment involves sub-subparagraph g., sub-subparagraph h., sub-subparagraph j., sub-subparagraph k., or sub-subparagraph m. and if the agency believes that the change creates a reasonable likelihood of new or additional regional impacts.~~

~~3. Except for the change authorized by sub-subparagraph 2.f., any addition of land not previously reviewed or any change not specified in paragraph (b) or paragraph (c) shall be presumed to create a substantial deviation. This presumption may be rebutted by clear and convincing evidence.~~

~~4. Any submittal of a proposed change to a previously approved development must include a description of individual changes previously made to the development, including changes previously approved by the local government. The local government shall consider the previous and current proposed changes in deciding whether such changes cumulatively constitute a substantial deviation requiring further development-of-regional-impact review.~~

~~5. The following changes to an approved development of regional impact shall be presumed to create a substantial deviation. Such presumption may be rebutted by clear and convincing evidence:~~

~~a. A change proposed for 15 percent or more of the acreage to a land use not previously approved in the development order. Changes of less than 15 percent shall be presumed not to create a substantial deviation.~~

~~b. Notwithstanding any provision of paragraph (b) to the contrary, a proposed change consisting of simultaneous increases and decreases of at least two of the uses within an authorized multiuse development of regional impact which was originally approved with three or more uses specified in s. 380.0651(3)(c) and (d) and residential use.~~

~~6. If a local government agrees to a proposed change, a change in the transportation proportionate share calculation and~~

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~~mitigation plan in an adopted development order as a result of recalculation of the proportionate share contribution meeting the requirements of s. 163.3180(5)(h) in effect as of the date of such change shall be presumed not to create a substantial deviation. For purposes of this subsection, the proposed change in the proportionate share calculation or mitigation plan may not be considered an additional regional transportation impact.~~

~~(f)1. The state land planning agency shall establish by rule standard forms for submittal of proposed changes to a previously approved development of regional impact which may require further development-of-regional-impact review. At a minimum, the standard form shall require the developer to provide the precise language that the developer proposes to delete or add as an amendment to the development order.~~

~~2. The developer shall submit, simultaneously, to the local government, the regional planning agency, and the state land planning agency the request for approval of a proposed change.~~

~~3. No sooner than 30 days but no later than 45 days after submittal by the developer to the local government, the state land planning agency, and the appropriate regional planning agency, the local government shall give 15 days' notice and schedule a public hearing to consider the change that the developer asserts does not create a substantial deviation. This public hearing shall be held within 60 days after submittal of the proposed changes, unless that time is extended by the developer.~~

~~4. The appropriate regional planning agency or the state land planning agency shall review the proposed change and, no later than 45 days after submittal by the developer of the~~

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~~proposed change, unless that time is extended by the developer, and prior to the public hearing at which the proposed change is to be considered, shall advise the local government in writing whether it objects to the proposed change, shall specify the reasons for its objection, if any, and shall provide a copy to the developer.~~

~~5. At the public hearing, the local government shall determine whether the proposed change requires further development-of-regional-impact review. The provisions of paragraphs (a) and (c), the thresholds set forth in paragraph (b), and the presumptions set forth in paragraphs (c) and (d) and subparagraph (e)3. shall be applicable in determining whether further development-of-regional-impact review is required. The local government may also deny the proposed change based on matters relating to local issues, such as if the land on which the change is sought is plat restricted in a way that would be incompatible with the proposed change, and the local government does not wish to change the plat restriction as part of the proposed change.~~

~~6. If the local government determines that the proposed change does not require further development-of-regional-impact review and is otherwise approved, or if the proposed change is not subject to a hearing and determination pursuant to subparagraphs 3. and 5. and is otherwise approved, the local government shall issue an amendment to the development order incorporating the approved change and conditions of approval relating to the change. The requirement that a change be otherwise approved shall not be construed to require additional local review or approval if the change is allowed by applicable~~

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~~local ordinances without further local review or approval. The decision of the local government to approve, with or without conditions, or to deny the proposed change that the developer asserts does not require further review shall be subject to the appeal provisions of s. 380.07. However, the state land planning agency may not appeal the local government decision if it did not comply with subparagraph 4. The state land planning agency may not appeal a change to a development order made pursuant to subparagraph (c)1. or subparagraph (c)2. for developments of regional impact approved after January 1, 1980, unless the change would result in a significant impact to a regionally significant archaeological, historical, or natural resource not previously identified in the original development-of-regional-impact review.~~

~~(g) If a proposed change requires further development-of-regional-impact review pursuant to this section, the review shall be conducted subject to the following additional conditions:~~

~~1. The development-of-regional-impact review conducted by the appropriate regional planning agency shall address only those issues raised by the proposed change except as provided in subparagraph 2.~~

~~2. The regional planning agency shall consider, and the local government shall determine whether to approve, approve with conditions, or deny the proposed change as it relates to the entire development. If the local government determines that the proposed change, as it relates to the entire development, is unacceptable, the local government shall deny the change.~~

~~3. If the local government determines that the proposed~~

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~~change should be approved, any new conditions in the amendment to the development order issued by the local government shall address only those issues raised by the proposed change and require mitigation only for the individual and cumulative impacts of the proposed change.~~

~~4. Development within the previously approved development of regional impact may continue, as approved, during the development-of-regional-impact review in those portions of the development which are not directly affected by the proposed change.~~

~~(h) When further development-of-regional-impact review is required because a substantial deviation has been determined or admitted by the developer, the amendment to the development order issued by the local government shall be consistent with the requirements of subsection (15) and shall be subject to the hearing and appeal provisions of s. 380.07. The state land planning agency or the appropriate regional planning agency need not participate at the local hearing in order to appeal a local government development order issued pursuant to this paragraph.~~

~~(i) An increase in the number of residential dwelling units shall not constitute a substantial deviation and shall not be subject to development-of-regional-impact review for additional impacts, provided that all the residential dwelling units are dedicated to affordable workforce housing and the total number of new residential units does not exceed 200 percent of the substantial deviation threshold. The affordable workforce housing shall be subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for~~

~~income-eligible homeowners and renters. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.~~

(8) ~~(20)~~ VESTED RIGHTS.—Nothing in this section shall limit or modify the rights of any person to complete any development that was authorized by registration of a subdivision pursuant to former chapter 498, by recordation pursuant to local subdivision plat law, or by a building permit or other authorization to commence development on which there has been reliance and a change of position and which registration or recordation was accomplished, or which permit or authorization was issued, prior to July 1, 1973. If a developer has, by his or her actions in reliance on prior regulations, obtained vested or other legal rights that in law would have prevented a local government from changing those regulations in a way adverse to the developer's interests, nothing in this chapter authorizes any governmental agency to abridge those rights.

(a) For the purpose of determining the vesting of rights under this subsection, approval pursuant to local subdivision

plat law, ordinances, or regulations of a subdivision plat by formal vote of a county or municipal governmental body having jurisdiction after August 1, 1967, and prior to July 1, 1973, is sufficient to vest all property rights for the purposes of this subsection; and no action in reliance on, or change of position concerning, such local governmental approval is required for vesting to take place. Anyone claiming vested rights under this paragraph must notify the department in writing by January 1, 1986. Such notification shall include information adequate to document the rights established by this subsection. When such notification requirements are met, in order for the vested rights authorized pursuant to this paragraph to remain valid after June 30, 1990, development of the vested plan must be commenced prior to that date upon the property that the state land planning agency has determined to have acquired vested rights following the notification or in a binding letter of interpretation. When the notification requirements have not been met, the vested rights authorized by this paragraph shall expire June 30, 1986, unless development commenced prior to that date.

(b) For the purpose of this act, the conveyance of, or the agreement to convey, property to the county, state, or local government as a prerequisite to zoning change approval shall be construed as an act of reliance to vest rights as determined under this subsection, provided such zoning change is actually granted by such government.

(9) ~~(21)~~ VALIDITY OF COMPREHENSIVE APPLICATION~~; MASTER PLAN DEVELOPMENT ORDER~~.—

~~(a)~~ Any agreement previously entered into by a developer, a regional planning agency, and a local government regarding ~~If~~ a

development project that includes two or more developments of regional impact and was the subject of~~, a developer may file~~ a comprehensive development-of-regional-impact application remains valid unless it expired on or before the effective date of this act.

~~(b) If a proposed development is planned for development over an extended period of time, the developer may file an application for master development approval of the project and agree to present subsequent increments of the development for preconstruction review. This agreement shall be entered into by the developer, the regional planning agency, and the appropriate local government having jurisdiction. The provisions of subsection (9) do not apply to this subsection, except that a developer may elect to utilize the review process established in subsection (9) for review of the increments of a master plan.~~

~~1. Prior to adoption of the master plan development order, the developer, the landowner, the appropriate regional planning agency, and the local government having jurisdiction shall review the draft of the development order to ensure that anticipated regional impacts have been adequately addressed and that information requirements for subsequent incremental application review are clearly defined. The development order for a master application shall specify the information which must be submitted with an incremental application and shall identify those issues which can result in the denial of an incremental application.~~

~~2. The review of subsequent incremental applications shall be limited to that information specifically required and those issues specifically raised by the master development order,~~

~~unless substantial changes in the conditions underlying the approval of the master plan development order are demonstrated or the master development order is shown to have been based on substantially inaccurate information.~~

~~(c) The state land planning agency, by rule, shall establish uniform procedures to implement this subsection.~~

~~(22) DOWNTOWN DEVELOPMENT AUTHORITIES.—~~

~~(a) A downtown development authority may submit a development-of-regional-impact application for development approval pursuant to this section. The area described in the application may consist of any or all of the land over which a downtown development authority has the power described in s. 380.031(5). For the purposes of this subsection, a downtown development authority shall be considered the developer whether or not the development will be undertaken by the downtown development authority.~~

~~(b) In addition to information required by the development-of-regional-impact application, the application for development approval submitted by a downtown development authority shall specify the total amount of development planned for each land use category. In addition to the requirements of subsection (15), the development order shall specify the amount of development approved within each land use category. Development undertaken in conformance with a development order issued under this section does not require further review.~~

~~(c) If a development is proposed within the area of a downtown development plan approved pursuant to this section which would result in development in excess of the amount specified in the development order for that type of activity,~~

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~~changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

~~(d) The provisions of subsection (9) do not apply to this subsection.~~

~~(23) ADOPTION OF RULES BY STATE LAND PLANNING AGENCY.—~~

~~(a) The state land planning agency shall adopt rules to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies under this section. These rules shall be adopted pursuant to chapter 120 and shall include all forms, application content, and review guidelines necessary to implement development of regional impact reviews. The state land planning agency, in consultation with the regional planning agencies, may also designate types of development or areas suitable for development in which reduced information requirements for development-of-regional-impact review shall apply.~~

~~(b) Regional planning agencies shall be subject to rules adopted by the state land planning agency. At the request of a regional planning council, the state land planning agency may adopt by rule different standards for a specific comprehensive planning district upon a finding that the statewide standard is inadequate to protect or promote the regional interest at issue. If such a regional standard is adopted by the state land planning agency, the regional standard shall be applied to all pertinent development-of-regional-impact reviews conducted in that region until rescinded.~~

~~(c) Within 6 months of the effective date of this section, the state land planning agency shall adopt rules which:~~

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~~1. Establish uniform statewide standards for development of regional impact review.~~

~~2. Establish a short application for development approval form which eliminates issues and questions for any project in a jurisdiction with an adopted local comprehensive plan that is in compliance.~~

~~(d) Regional planning agencies that perform development of regional impact and Florida Quality Development review are authorized to assess and collect fees to fund the costs, direct and indirect, of conducting the review process. The state land planning agency shall adopt rules to provide uniform criteria for the assessment and collection of such fees. The rules providing uniform criteria shall not be subject to rule challenge under s. 120.56(2) or to drawout proceedings under s. 120.54(3)(c)2., but, once adopted, shall be subject to an invalidity challenge under s. 120.56(3) by substantially affected persons. Until the state land planning agency adopts a rule implementing this paragraph, rules of the regional planning councils currently in effect regarding fees shall remain in effect. Fees may vary in relation to the type and size of a proposed project, but shall not exceed $75,000, unless the state land planning agency, after reviewing any disputed expenses charged by the regional planning agency, determines that said expenses were reasonable and necessary for an adequate regional review of the impacts of a project.~~

~~(24) STATUTORY EXEMPTIONS.—~~

~~(a) Any proposed hospital is exempt from this section.~~

~~(b) Any proposed electrical transmission line or electrical power plant is exempt from this section.~~

~~(c) Any proposed addition to an existing sports facility complex is exempt from this section if the addition meets the following characteristics:~~

~~1. It would not operate concurrently with the scheduled hours of operation of the existing facility.~~

~~2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility.~~

~~3. The sports facility complex property is owned by a public body before July 1, 1983.~~

~~This exemption does not apply to any pari-mutuel facility.~~

~~(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university is exempt if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.~~

~~(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, is exempt from this section if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.~~

~~(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators is exempt from this section, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and not to exceed a total of 10 percent in any 5-year period, and provided that the sports facility notifies the appropriate local government within which~~

~~the facility is located of the increase at least 6 months before the initial use of the increased seating, in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan shall be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.~~

~~(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility is exempt from this section, if the following conditions exist:~~

~~1.a. The sports facility had a permanent seating capacity on January 1, 1991, of at least 41,000 spectator seats;~~

~~b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or~~

~~c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and~~

~~2. The local government having jurisdiction of the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.~~

~~Any owner or developer who intends to rely on this statutory~~

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~~exemption shall provide to the department a copy of the local government application for a development permit. Within 45 days after receipt of the application, the department shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the department's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the department. The owner, developer, or department may appeal the local government development order pursuant to s. 380.07, within 45 days after the order is rendered. The scope of review shall be limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions which were exempt under this paragraph shall be included in the development-of-regional-impact review.~~

~~(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of ports listed in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) are exempt from this section when such expansions, projects, or facilities are consistent with comprehensive master plans that are in compliance with s. 163.3178.~~

~~(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility is exempt from this section.~~

~~(j) Any renovation or redevelopment within the same land~~

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~~parcel which does not change land use or increase density or intensity of use.~~

~~(k) Waterport and marina development, including dry storage facilities, are exempt from this section.~~

~~(l) Any proposed development within an urban service boundary established under s. 163.3177(14), Florida Statutes (2010), which is not otherwise exempt pursuant to subsection (29), is exempt from this section if the local government having jurisdiction over the area where the development is proposed has adopted the urban service boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities.~~

~~(m) Any proposed development within a rural land stewardship area created under s. 163.3248.~~

~~(n) The establishment, relocation, or expansion of any military installation as defined in s. 163.3175, is exempt from this section.~~

~~(o) Any self-storage warehousing that does not allow retail or other services is exempt from this section.~~

~~(p) Any proposed nursing home or assisted living facility is exempt from this section.~~

~~(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4. is exempt from this section.~~

~~(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30 is exempt from this section.~~

~~(s) Any development in a detailed specific area plan which is prepared and adopted pursuant to s. 163.3245 is exempt from~~

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~~this section.~~

~~(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine is exempt from this section. A mine owner will enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities pursuant to the transportation thresholds in subsection (19) or rule 9J-2.045(6), Florida Administrative Code. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights are is not subject to further review or approval as a development of regional impact or notice of proposed change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which shall be governed by s. 380.115(2). Notwithstanding the foregoing, however, pursuant to s. 380.115(1), previously approved solid mineral mine development-of-regional-impact development orders shall continue to enjoy vested rights and continue to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines shall be applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.~~

~~(u) Notwithstanding any provisions in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of-regional impact review under revised thresholds is not required to undergo such review.~~

~~(v) Any development within a county with a research and~~

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~~education authority created by special act and that is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159 is exempt from this section.~~

~~(w) Any development in an energy economic zone designated pursuant to s. 377.809 is exempt from this section upon approval by its local governing body.~~

~~(x) Any proposed development that is located in a local government jurisdiction that does not qualify for an exemption based on the population and density criteria in paragraph (29)(a), that is approved as a comprehensive plan amendment adopted pursuant to s. 163.3184(4), and that is the subject of an agreement pursuant to s. 288.106(5) is exempt from this section. This exemption shall only be effective upon a written agreement executed by the applicant, the local government, and the state land planning agency. The state land planning agency shall only be a party to the agreement upon a determination that the development is the subject of an agreement pursuant to s. 288.106(5) and that the local government has the capacity to adequately assess the impacts of the proposed development. The local government shall only be a party to the agreement upon approval by the governing body of the local government and upon providing at least 21 days' notice to adjacent local governments that includes, at a minimum, information regarding the location, density and intensity of use, and timing of the proposed development. This exemption does not apply to areas within the boundary of any area of critical state concern designated pursuant to s. 380.05, within the boundary of the Wekiva Study Area as described in s. 369.316, or within 2 miles of the~~

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~~boundary of the Everglades Protection Area as defined in s. 373.4592(2).~~

~~If a use is exempt from review as a development of regional impact under paragraphs (a)-(u), but will be part of a larger project that is subject to review as a development of regional impact, the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development of regional impact that includes a landowner, tenant, or user that has entered into a funding agreement with the Department of Economic Opportunity under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.~~

(10)~~(25)~~ AREAWIDE DEVELOPMENT OF REGIONAL IMPACT.—

~~(a)~~ Any approval of an authorized developer for ~~may submit~~ an areawide development of regional impact remains valid unless it expired on or before the effective date of this act. ~~to be reviewed pursuant to the procedures and standards set forth in this section. The areawide development-of-regional-impact review shall include an areawide development plan in addition to any other information required under this section. After review and approval of an areawide development of regional impact under this section, all development within the defined planning area shall conform to the approved areawide development plan and development order. Individual developments that conform to the approved areawide development plan shall not be required to undergo further development of regional impact review, unless otherwise provided in the development order. As used in this subsection, the term:~~

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~~1. "Areawide development plan" means a plan of development that, at a minimum:~~

~~a. Encompasses a defined planning area approved pursuant to this subsection that will include at least two or more developments;~~

~~b. Maps and defines the land uses proposed, including the amount of development by use and development phasing;~~

~~c. Integrates a capital improvements program for transportation and other public facilities to ensure development staging contingent on availability of facilities and services;~~

~~d. Incorporates land development regulation, covenants, and other restrictions adequate to protect resources and facilities of regional and state significance; and~~

~~e. Specifies responsibilities and identifies the mechanisms for carrying out all commitments in the areawide development plan and for compliance with all conditions of any areawide development order.~~

~~2. "Developer" means any person or association of persons, including a governmental agency as defined in s. 380.031(6), that petitions for authorization to file an application for development approval for an areawide development plan.~~

~~(b) A developer may petition for authorization to submit a proposed areawide development of regional impact for a defined planning area in accordance with the following requirements:~~

~~1. A petition shall be submitted to the local government, the regional planning agency, and the state land planning agency.~~

~~2. A public hearing or joint public hearing shall be held if required by paragraph (c), with appropriate notice, before~~

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~~the affected local government.~~

~~3. The state land planning agency shall apply the following criteria for evaluating a petition:~~

~~a. Whether the developer is financially capable of processing the application for development approval through final approval pursuant to this section.~~

~~b. Whether the defined planning area and anticipated development therein appear to be of a character, magnitude, and location that a proposed areawide development plan would be in the public interest. Any public interest determination under this criterion is preliminary and not binding on the state land planning agency, regional planning agency, or local government.~~

~~4. The state land planning agency shall develop and make available standard forms for petitions and applications for development approval for use under this subsection.~~

~~(c) Any person may submit a petition to a local government having jurisdiction over an area to be developed, requesting that government to approve that person as a developer, whether or not any or all development will be undertaken by that person, and to approve the area as appropriate for an areawide development of regional impact.~~

~~(d) A general purpose local government with jurisdiction over an area to be considered in an areawide development of regional impact shall not have to petition itself for authorization to prepare and consider an application for development approval for an areawide development plan. However, such a local government shall initiate the preparation of an application only:~~

~~1. After scheduling and conducting a public hearing as~~

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~~specified in paragraph (c); and~~

~~2. After conducting such hearing, finding that the planning area meets the standards and criteria pursuant to subparagraph (b)3. for determining that an areawide development plan will be in the public interest.~~

~~(c) The local government shall schedule a public hearing within 60 days after receipt of the petition. The public hearing shall be advertised at least 30 days prior to the hearing. In addition to the public hearing notice by the local government, the petitioner, except when the petitioner is a local government, shall provide actual notice to each person owning land within the proposed areawide development plan at least 30 days prior to the hearing. If the petitioner is a local government, or local governments pursuant to an interlocal agreement, notice of the public hearing shall be provided by the publication of an advertisement in a newspaper of general circulation that meets the requirements of this paragraph. The advertisement must be no less than one-quarter page in a standard size or tabloid size newspaper, and the headline in the advertisement must be in type no smaller than 18 point. The advertisement shall not be published in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement must be published in a newspaper of general paid circulation in the county and of general interest and readership in the community, not one of limited subject matter, pursuant to chapter 50. Whenever possible, the advertisement must appear in a newspaper that is published at least 5 days a week, unless the only newspaper in the community is published less than 5 days a week. The advertisement must be**

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~~in substantially the form used to advertise amendments to comprehensive plans pursuant to s. 163.3184. The local government shall specifically notify in writing the regional planning agency and the state land planning agency at least 30 days prior to the public hearing. At the public hearing, all interested parties may testify and submit evidence regarding the petitioner's qualifications, the need for and benefits of an areawide development of regional impact, and such other issues relevant to a full consideration of the petition. If more than one local government has jurisdiction over the defined planning area in an areawide development plan, the local governments shall hold a joint public hearing. Such hearing shall address, at a minimum, the need to resolve conflicting ordinances or comprehensive plans, if any. The local government holding the joint hearing shall comply with the following additional requirements:~~

~~1. The notice of the hearing shall be published at least 60 days in advance of the hearing and shall specify where the petition may be reviewed.~~

~~2. The notice shall be given to the state land planning agency, to the applicable regional planning agency, and to such other persons as may have been designated by the state land planning agency as entitled to receive such notices.~~

~~3. A public hearing date shall be set by the appropriate local government at the next scheduled meeting.~~

~~(f) Following the public hearing, the local government shall issue a written order, appealable under s. 380.07, which approves, approves with conditions, or denies the petition. It shall approve the petitioner as the developer if it finds that~~

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~~the petitioner and defined planning area meet the standards and criteria, consistent with applicable law, pursuant to subparagraph (b)3.~~

~~(g) The local government shall submit any order which approves the petition, or approves the petition with conditions, to the petitioner, to all owners of property within the defined planning area, to the regional planning agency, and to the state land planning agency within 30 days after the order becomes effective.~~

~~(h) The petitioner, an owner of property within the defined planning area, the appropriate regional planning agency by vote at a regularly scheduled meeting, or the state land planning agency may appeal the decision of the local government to the Florida Land and Water Adjudicatory Commission by filing a notice of appeal with the commission. The procedures established in s. 380.07 shall be followed for such an appeal.~~

~~(i) After the time for appeal of the decision has run, an approved developer may submit an application for development approval for a proposed areawide development of regional impact for land within the defined planning area, pursuant to subsection (6). Development undertaken in conformance with an areawide development order issued under this section shall not require further development-of-regional-impact review.~~

~~(j) In reviewing an application for a proposed areawide development of regional impact, the regional planning agency shall evaluate, and the local government shall consider, the following criteria, in addition to any other criteria set forth in this section:~~

~~1. Whether the developer has demonstrated its legal,~~

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~~financial, and administrative ability to perform any commitments it has made in the application for a proposed areawide development of regional impact.~~

~~2. Whether the developer has demonstrated that all property owners within the defined planning area consent or do not object to the proposed areawide development of regional impact.~~

~~3. Whether the area and the anticipated development are consistent with the applicable local, regional, and state comprehensive plans, except as provided for in paragraph (k).~~

~~(k) In addition to the requirements of subsection (14), a development order approving, or approving with conditions, a proposed areawide development of regional impact shall specify the approved land uses and the amount of development approved within each land use category in the defined planning area. The development order shall incorporate by reference the approved areawide development plan. The local government shall not approve an areawide development plan that is inconsistent with the local comprehensive plan, except that a local government may amend its comprehensive plan pursuant to paragraph (6)(b).~~

~~(l) Any owner of property within the defined planning area may withdraw his or her consent to the areawide development plan at any time prior to local government approval, with or without conditions, of the petition; and the plan, the areawide development order, and the exemption from development-of-regional-impact review of individual projects under this section shall not thereafter apply to the owner's property. After the areawide development order is issued, a landowner may withdraw his or her consent only with the approval of the local government.~~

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~~(m) If the developer of an areawide development of regional impact is a general purpose local government with jurisdiction over the land area included within the areawide development proposal and if no interest in the land within the land area is owned, leased, or otherwise controlled by a person, corporate or natural, for the purpose of mining or beneficiation of minerals, then:~~

~~1. Demonstration of property owner consent or lack of objection to an areawide development plan shall not be required; and~~

~~2. The option to withdraw consent does not apply, and all property and development within the areawide development planning area shall be subject to the areawide plan and to the development order conditions.~~

~~(n) After a development order approving an areawide development plan is received, changes shall be subject to the provisions of subsection (19), except that the percentages and numerical criteria shall be double those listed in paragraph (19)(b).~~

(11)~~(26)~~ ABANDONMENT OF DEVELOPMENTS OF REGIONAL IMPACT.—

(a) There is hereby established a process to abandon a development of regional impact and its associated development orders. A development of regional impact and its associated development orders may be proposed to be abandoned by the owner or developer. The local government in whose jurisdiction ~~in which~~ the development of regional impact is located also may propose to abandon the development of regional impact, provided that the local government gives individual written notice to each development-of-regional-impact owner and developer of

record, and provided that no such owner or developer objects in writing to the local government before ~~prior to~~ or at the public hearing pertaining to abandonment of the development of regional impact. ~~The state land planning agency is authorized to promulgate rules that shall include, but not be limited to, criteria for determining whether to grant, grant with conditions, or deny a proposal to abandon, and provisions to ensure that the developer satisfies all applicable conditions of the development order and adequately mitigates for the impacts of the development.~~ If there is no existing development within the development of regional impact at the time of abandonment and no development within the development of regional impact is proposed by the owner or developer after such abandonment, an abandonment order may ~~shall~~ not require the owner or developer to contribute any land, funds, or public facilities as a condition of such abandonment order. The local government must file ~~rules shall also provide a procedure for filing~~ notice of the abandonment pursuant to s. 28.222 with the clerk of the circuit court for each county in which the development of regional impact is located. Abandonment will be deemed to have occurred upon the recording of the notice. Any decision by a local government concerning the abandonment of a development of regional impact is ~~shall be~~ subject to an appeal pursuant to s. 380.07. The issues in any such appeal must ~~shall~~ be confined to whether the provisions of this subsection ~~or any rules promulgated thereunder~~ have been satisfied.

(b) If requested by the owner, developer, or local government, the development-of-regional-impact development order must be abandoned by the local government having jurisdiction

upon a showing that all required mitigation related to the amount of development which existed on the date of abandonment has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), provided such permit or authorization is subject to enforcement through administrative or judicial remedies ~~Upon receipt of written confirmation from the state land planning agency that any required mitigation applicable to completed development has occurred, an industrial development of regional impact located within the coastal high-hazard area of a rural area of opportunity which was approved before the adoption of the local government's comprehensive plan required under s. 163.3167 and which plan's future land use map and zoning designates the land use for the development of regional impact as commercial may be unilaterally abandoned without the need to proceed through the process described in paragraph (a) if the developer or owner provides a notice of abandonment to the local government and records such notice with the applicable clerk of court. Abandonment shall be deemed to have occurred upon the recording of the notice~~. All development following abandonment must ~~shall~~ be fully consistent with the current comprehensive plan and applicable zoning.

(c) A development order for abandonment of an approved development of regional impact may be amended by a local government pursuant to subsection (7), provided that the amendment does not reduce any mitigation previously required as a condition of abandonment, unless the developer demonstrates that changes to the development no longer will result in impacts that necessitated the mitigation.

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~~(27) RIGHTS, RESPONSIBILITIES, AND OBLIGATIONS UNDER A DEVELOPMENT ORDER.—If a developer or owner is in doubt as to his or her rights, responsibilities, and obligations under a development order and the development order does not clearly define his or her rights, responsibilities, and obligations, the developer or owner may request participation in resolving the dispute through the dispute resolution process outlined in s. 186.509. The Department of Economic Opportunity shall be notified by certified mail of any meeting held under the process provided for by this subsection at least 5 days before the meeting.~~

~~(28) PARTIAL STATUTORY EXEMPTIONS.~~

~~(a) If the binding agreement referenced under paragraph (24)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service boundary, the development-of-regional-impact review for projects within the urban service boundary must address transportation impacts only.~~

~~(b) If the binding agreement referenced under paragraph (24)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the development-of-regional-impact review for projects within the rural land stewardship area must address transportation impacts only.~~

~~(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the development-of-regional-impact review for projects within the urban infill and redevelopment area must address transportation impacts only.~~

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~~(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (24)(l) or paragraph (24)(m) shall provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b) and (c). Following the notification of the state land planning agency, development-of-regional-impact review for projects within an urban service boundary under paragraph (24)(l), or a rural land stewardship area under paragraph (24)(m), must address transportation impacts only.~~

~~(e) The vesting provision of s. 163.3167(5) relating to an authorized development of regional impact does not apply to those projects partially exempt from the development-of-regional-impact review process under paragraphs (a)-(d).~~

~~(29) EXEMPTIONS FOR DENSE URBAN LAND AREAS.—~~

~~(a) The following are exempt from this section:~~

~~1. Any proposed development in a municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;~~

~~2. Any proposed development within a county, including the municipalities located in the county, that has an average of at least 1,000 people per square mile of land area and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan;~~

~~3. Any proposed development within a county, including the municipalities located therein, which has a population of at least 900,000, that has an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; or~~

~~4. Any proposed development within a county, including the municipalities located therein, which has a population of at least 1 million and is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.~~

~~The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its Internet website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's Internet website. If a municipality that has previously met the criteria no longer meets the criteria,~~

~~the state land planning agency shall maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until such time as the municipality as a whole meets the criteria. Any county that meets the criteria shall remain on the list in accordance with the provisions of this paragraph. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, shall remain on the list in accordance with the provisions of this paragraph.~~

~~(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

~~2. Community redevelopment areas as defined in s. 163.340;~~

~~3. Downtown revitalization areas as defined in s. 163.3164;~~

~~4. Urban infill and redevelopment under s. 163.2517; or~~

~~5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service boundary under s. 163.3177(14), Florida Statutes (2010).~~

~~(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:~~

~~1. Urban infill as defined in s. 163.3164;~~

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~~2. Urban infill and redevelopment under s. 163.2517; or~~

~~3. Urban service areas as defined in s. 163.3164.~~

~~(d) A development that is located partially outside an area that is exempt from the development-of-regional-impact program must undergo development-of-regional-impact review pursuant to this section. However, if the total acreage that is included within the area exempt from development-of-regional-impact review exceeds 85 percent of the total acreage and square footage of the approved development of regional impact, the development-of-regional-impact development order may be rescinded in both local governments pursuant to s. 380.115(1), unless the portion of the development outside the exempt area meets the threshold criteria of a development-of-regional-impact.~~

~~(e) In an area that is exempt under paragraphs (a)-(c), any previously approved development-of-regional-impact development orders shall continue to be effective, but the developer has the option to be governed by s. 380.115(1). A pending application for development approval shall be governed by s. 380.115(2).~~

~~(f) Local governments must submit by mail a development order to the state land planning agency for projects that would be larger than 120 percent of any applicable development-of-regional-impact threshold and would require development-of-regional-impact review but for the exemption from the program under paragraphs (a)-(c). For such development orders, the state land planning agency may appeal the development order pursuant to s. 380.07 for inconsistency with the comprehensive plan adopted under chapter 163.~~

~~(g) If a local government that qualifies as a dense urban~~

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~~land area under this subsection is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.~~

~~(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.~~

~~(i) This subsection does not apply to areas:~~

~~1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;~~

~~2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or~~

~~3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).~~

(12)~~(30)~~ PROPOSED DEVELOPMENTS.—A proposed development that exceeds the statewide guidelines and standards specified in s. 380.0651 and is not otherwise exempt pursuant to s. 380.0651 must ~~otherwise subject to the review requirements of this section shall~~ be approved by a local government pursuant to s. 163.3184(4) in lieu of proceeding in accordance with this section. However, if the proposed development is consistent with the comprehensive plan as provided in s. 163.3194(3)(b), the development is not required to undergo review pursuant to s. 163.3184(4) or this section. This subsection does not apply to amendments to a development order governing an existing development of regional impact.

Section 3. Section 380.061, Florida Statutes, is amended to read:

380.061 The Florida Quality Developments program.—

(1) This section only applies to developments approved as Florida Quality Developments before the effective date of this act ~~There is hereby created the Florida Quality Developments program. The intent of this program is to encourage development which has been thoughtfully planned to take into consideration protection of Florida's natural amenities, the cost to local government of providing services to a growing community, and the high quality of life Floridians desire. It is further intended that the developer be provided, through a cooperative and coordinated effort, an expeditious and timely review by all agencies with jurisdiction over the project of his or her proposed development~~.

(2) Following written notification to the state land planning agency and the appropriate regional planning agency, a local government with an approved Florida Quality Development within its jurisdiction must set a public hearing pursuant to its local procedures and shall adopt a local development order to replace and supersede the development order adopted by the state land planning agency for the Florida Quality Development. Thereafter, the Florida Quality Development shall follow the procedures and requirements for developments of regional impact as specified in this chapter ~~Developments that may be designated as Florida Quality Developments are those developments which are above 80 percent of any numerical thresholds in the guidelines and standards for development of regional impact review pursuant to s. 380.06~~.

~~(3)(a) To be eligible for designation under this program, the developer shall comply with each of the following requirements if applicable to the site of a qualified development:~~

~~1. Donate or enter into a binding commitment to donate the fee or a lesser interest sufficient to protect, in perpetuity, the natural attributes of the types of land listed below. In lieu of this requirement, the developer may enter into a binding commitment that runs with the land to set aside such areas on the property, in perpetuity, as open space to be retained in a natural condition or as otherwise permitted under this subparagraph. Under the requirements of this subparagraph, the developer may reserve the right to use such areas for passive recreation that is consistent with the purposes for which the land was preserved.~~

~~a. Those wetlands and water bodies throughout the state which would be delineated if the provisions of s. 373.4145(1)(b) were applied. The developer may use such areas for the purpose of site access, provided other routes of access are unavailable or impracticable; may use such areas for the purpose of stormwater or domestic sewage management and other necessary utilities if such uses are permitted pursuant to chapter 403; or may redesign or alter wetlands and water bodies within the jurisdiction of the Department of Environmental Protection which have been artificially created if the redesign or alteration is done so as to produce a more naturally functioning system.~~

~~b. Active beach or primary and, where appropriate, secondary dunes, to maintain the integrity of the dune system and adequate public accessways to the beach. However, the~~

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~~developer may retain the right to construct and maintain elevated walkways over the dunes to provide access to the beach.~~

~~c. Known archaeological sites determined to be of significance by the Division of Historical Resources of the Department of State.~~

~~d. Areas known to be important to animal species designated as endangered or threatened by the United States Fish and Wildlife Service or by the Fish and Wildlife Conservation Commission, for reproduction, feeding, or nesting; for traveling between such areas used for reproduction, feeding, or nesting; or for escape from predation.~~

~~e. Areas known to contain plant species designated as endangered by the Department of Agriculture and Consumer Services.~~

~~2. Produce, or dispose of, no substances designated as hazardous or toxic substances by the United States Environmental Protection Agency, the Department of Environmental Protection, or the Department of Agriculture and Consumer Services. This subparagraph does not apply to the production of these substances in nonsignificant amounts as would occur through household use or incidental use by businesses.~~

~~3. Participate in a downtown reuse or redevelopment program to improve and rehabilitate a declining downtown area.~~

~~4. Incorporate no dredge and fill activities in, and no stormwater discharge into, waters designated as Class II, aquatic preserves, or Outstanding Florida Waters, except as permitted pursuant to s. 403.813(1), and the developer demonstrates that those activities meet the standards under Class II waters, Outstanding Florida Waters, or aquatic~~

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~~preserves, as applicable.~~

~~5. Include open space, recreation areas, Florida-friendly landscaping as defined in s. 373.185, and energy conservation and minimize impermeable surfaces as appropriate to the location and type of project.~~

~~6. Provide for construction and maintenance of all onsite infrastructure necessary to support the project and enter into a binding commitment with local government to provide an appropriate fair-share contribution toward the offsite impacts that the development will impose on publicly funded facilities and services, except offsite transportation, and condition or phase the commencement of development to ensure that public facilities and services, except offsite transportation, are available concurrent with the impacts of the development. For the purposes of offsite transportation impacts, the developer shall comply, at a minimum, with the standards of the state land planning agency's development-of-regional-impact transportation rule, the approved strategic regional policy plan, any applicable regional planning council transportation rule, and the approved local government comprehensive plan and land development regulations adopted pursuant to part II of chapter 163.~~

~~7. Design and construct the development in a manner that is consistent with the adopted state plan, the applicable strategic regional policy plan, and the applicable adopted local government comprehensive plan.~~

~~(b) In addition to the foregoing requirements, the developer shall plan and design his or her development in a manner which includes the needs of the people in this state as~~

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~~identified in the state comprehensive plan and the quality of life of the people who will live and work in or near the development. The developer is encouraged to plan and design his or her development in an innovative manner. These planning and design features may include, but are not limited to, such things as affordable housing, care for the elderly, urban renewal or redevelopment, mass transit, the protection and preservation of wetlands outside the jurisdiction of the Department of Environmental Protection or of uplands as wildlife habitat, provision for the recycling of solid waste, provision for onsite child care, enhancement of emergency management capabilities, the preservation of areas known to be primary habitat for significant populations of species of special concern designated by the Fish and Wildlife Conservation Commission, or community economic development. These additional amenities will be considered in determining whether the development qualifies for designation under this program.~~

~~(4) The department shall adopt an application for development designation consistent with the intent of this section.~~

~~(5)(a) Before filing an application for development designation, the developer shall contact the Department of Economic Opportunity to arrange one or more preapplication conferences with the other reviewing entities. Upon the request of the developer or any of the reviewing entities, other affected state or regional agencies shall participate in this conference. The department, in coordination with the local government with jurisdiction and the regional planning council, shall provide the developer information about the Florida~~

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~~Quality Developments designation process and the use of preapplication conferences to identify issues, coordinate appropriate state, regional, and local agency requirements, fully address any concerns of the local government, the regional planning council, and other reviewing agencies and the meeting of those concerns, if applicable, through development order conditions, and otherwise promote a proper, efficient, and timely review of the proposed Florida Quality Development. The department shall take the lead in coordinating the review process.~~

~~(b) The developer shall submit the application to the state land planning agency, the appropriate regional planning agency, and the appropriate local government for review. The review shall be conducted under the time limits and procedures set forth in s. 120.60, except that the 90-day time limit shall cease to run when the state land planning agency and the local government have notified the applicant of their decision on whether the development should be designated under this program.~~

~~(c) At any time prior to the issuance of the Florida Quality Development development order, the developer of a proposed Florida Quality Development shall have the right to withdraw the proposed project from consideration as a Florida Quality Development. The developer may elect to convert the proposed project to a proposed development of regional impact. The conversion shall be in the form of a letter to the reviewing entities stating the developer's intent to seek authorization for the development as a development of regional impact under s. 380.06. If a proposed Florida Quality Development converts to a development of regional impact, the developer shall resubmit the~~

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~~appropriate application and the development shall be subject to all applicable procedures under s. 380.06, except that:~~

~~1. A preapplication conference held under paragraph (a) satisfies the preapplication procedures requirement under s. 380.06(7); and~~

~~2. If requested in the withdrawal letter, a finding of completeness of the application under paragraph (a) and s. 120.60 may be converted to a finding of sufficiency by the regional planning council if such a conversion is approved by the regional planning council.~~

~~The regional planning council shall have 30 days to notify the developer if the request for conversion of completeness to sufficiency is granted or denied. If granted and the application is found sufficient, the regional planning council shall notify the local government that a public hearing date may be set to consider the development for approval as a development of regional impact, and the development shall be subject to all applicable rules, standards, and procedures of s. 380.06. If the request for conversion of completeness to sufficiency is denied, the developer shall resubmit the appropriate application for review and the development shall be subject to all applicable procedures under s. 380.06, except as otherwise provided in this paragraph.~~

~~(d) If the local government and state land planning agency agree that the project should be designated under this program, the state land planning agency shall issue a development order which incorporates the plan of development as set out in the application along with any agreed-upon modifications and~~

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~~conditions, based on recommendations by the local government and regional planning council, and a certification that the development is designated as one of Florida's Quality Developments. In the event of conflicting recommendations, the state land planning agency, after consultation with the local government and the regional planning agency, shall resolve such conflicts in the development order. Upon designation, the development, as approved, is exempt from development-of-regional-impact review pursuant to s. 380.06.~~

~~(c) If the local government or state land planning agency, or both, recommends against designation, the development shall undergo development of regional impact review pursuant to s. 380.06, except as provided in subsection (6) of this section.~~

~~(6)(a) In the event that the development is not designated under subsection (5), the developer may appeal that determination to the Quality Developments Review Board. The board shall consist of the secretary of the state land planning agency, the Secretary of Environmental Protection and a member designated by the secretary, the Secretary of Transportation, the executive director of the Fish and Wildlife Conservation Commission, the executive director of the appropriate water management district created pursuant to chapter 373, and the chief executive officer of the appropriate local government. When there is a significant historical or archaeological site within the boundaries of a development which is appealed to the board, the director of the Division of Historical Resources of the Department of State shall also sit on the board. The staff of the state land planning agency shall serve as staff to the board.~~

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~~(b) The board shall meet once each quarter of the year. However, a meeting may be waived if no appeals are pending.~~

~~(c) On appeal, the sole issue shall be whether the development meets the statutory criteria for designation under this program. An affirmative vote of at least five members of the board, including the affirmative vote of the chief executive officer of the appropriate local government, shall be necessary to designate the development by the board.~~

~~(d) The state land planning agency shall adopt procedural rules for consideration of appeals under this subsection.~~

~~(7)(a) The development order issued pursuant to this section is enforceable in the same manner as a development order issued pursuant to s. 380.06.~~

~~(b) Appeal of a development order issued pursuant to this section shall be available only pursuant to s. 380.07.~~

~~(8)(a) Any local government comprehensive plan amendments related to a Florida Quality Development may be initiated by a local planning agency and considered by the local governing body at the same time as the application for development approval. Nothing in this subsection shall be construed to require favorable consideration of a Florida Quality Development solely because it is related to a development of regional impact.~~

~~(b) The department shall adopt, by rule, standards and procedures necessary to implement the Florida Quality Developments program. The rules must include, but need not be limited to, provisions governing annual reports and criteria for determining whether a proposed change to an approved Florida Quality Development is a substantial change requiring further review.~~

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Section 4. Section 380.0651, Florida Statutes, is amended to read:

380.0651 Statewide guidelines, ~~and~~ standards, and exemptions.—

(1) STATEWIDE GUIDELINES AND STANDARDS.—~~The statewide guidelines and standards for developments required to undergo development-of-regional-impact review provided in this section supersede the statewide guidelines and standards previously adopted by the Administration Commission that address the same development. Other standards and guidelines previously adopted by the Administration Commission, including the residential standards and guidelines, shall not be superseded. The guidelines and standards shall be applied in the manner described in s. 380.06(2)(a).~~

~~(2) The Administration Commission shall publish the statewide guidelines and standards established in this section in its administrative rule in place of the guidelines and standards that are superseded by this act, without the proceedings required by s. 120.54 and notwithstanding the provisions of s. 120.545(1)(c). The Administration Commission shall initiate rulemaking proceedings pursuant to s. 120.54 to make all other technical revisions necessary to conform the rules to this act. Rule amendments made pursuant to this subsection shall not be subject to the requirement for legislative approval pursuant to s. 380.06(2).~~

~~(3)~~ Subject to the exemptions and partial exemptions specified in this section, the following statewide guidelines and standards shall be applied in the manner described in s. 380.06(2) to determine whether the following developments are

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subject to the requirements of s. 380.06 ~~shall be required to undergo development-of-regional-impact review~~:

(a) *Airports.*—

1. Any of the following airport construction projects is ~~shall be~~ a development of regional impact:

a. A new commercial service or general aviation airport with paved runways.

b. A new commercial service or general aviation paved runway.

c. A new passenger terminal facility.

2. Lengthening of an existing runway by 25 percent or an increase in the number of gates by 25 percent or three gates, whichever is greater, on a commercial service airport or a general aviation airport with regularly scheduled flights is a development of regional impact. However, expansion of existing terminal facilities at a nonhub or small hub commercial service airport is ~~shall~~ not ~~be~~ a development of regional impact.

3. Any airport development project which is proposed for safety, repair, or maintenance reasons alone and would not have the potential to increase or change existing types of aircraft activity is not a development of regional impact. Notwithstanding subparagraphs 1. and 2., renovation, modernization, or replacement of airport airside or terminal facilities that may include increases in square footage of such facilities but does not increase the number of gates or change the existing types of aircraft activity is not a development of regional impact.

(b) *Attractions and recreation facilities.*—Any sports, entertainment, amusement, or recreation facility, including, but

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not limited to, a sports arena, stadium, racetrack, tourist attraction, amusement park, or pari-mutuel facility, the construction or expansion of which:

1. For single performance facilities:

a. Provides parking spaces for more than 2,500 cars; or

b. Provides more than 10,000 permanent seats for spectators.

2. For serial performance facilities:

a. Provides parking spaces for more than 1,000 cars; or

b. Provides more than 4,000 permanent seats for spectators.

For purposes of this subsection, "serial performance facilities" means those using their parking areas or permanent seating more than one time per day on a regular or continuous basis.

(c) *Office development.*—Any proposed office building or park operated under common ownership, development plan, or management that:

1. Encompasses 300,000 or more square feet of gross floor area; or

2. Encompasses more than 600,000 square feet of gross floor area in a county with a population greater than 500,000 and only in a geographic area specifically designated as highly suitable for increased threshold intensity in the approved local comprehensive plan.

(d) *Retail and service development.*—Any proposed retail, service, or wholesale business establishment or group of establishments which deals primarily with the general public onsite, operated under one common property ownership, development plan, or management that:

1. Encompasses more than 400,000 square feet of gross area; or

2. Provides parking spaces for more than 2,500 cars.

(e) *Recreational vehicle development.*—Any proposed recreational vehicle development planned to create or accommodate 500 or more spaces.

(f) *Multiuse development.*—Any proposed development with two or more land uses where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 145 percent. Any proposed development with three or more land uses, one of which is residential and contains at least 100 dwelling units or 15 percent of the applicable residential threshold, whichever is greater, where the sum of the percentages of the appropriate thresholds identified in chapter 28-24, Florida Administrative Code, or this section for each land use in the development is equal to or greater than 160 percent. This threshold is in addition to, and does not preclude, a development from being required to undergo development-of-regional-impact review under any other threshold.

(g) *Residential development.*—A rule may not be adopted concerning residential developments which treats a residential development in one county as being located in a less populated adjacent county unless more than 25 percent of the development is located within 2 miles or less of the less populated adjacent county. The residential thresholds of adjacent counties with less population and a lower threshold may not be controlling on any development wholly located within areas designated as rural

areas of opportunity.

(h) *Workforce housing.*—The applicable guidelines for residential development and the residential component for multiuse development shall be increased by 50 percent where the developer demonstrates that at least 15 percent of the total residential dwelling units authorized within the development of regional impact will be dedicated to affordable workforce housing, subject to a recorded land use restriction that shall be for a period of not less than 20 years and that includes resale provisions to ensure long-term affordability for income-eligible homeowners and renters and provisions for the workforce housing to be commenced prior to the completion of 50 percent of the market rate dwelling. For purposes of this paragraph, the term "affordable workforce housing" means housing that is affordable to a person who earns less than 120 percent of the area median income, or less than 140 percent of the area median income if located in a county in which the median purchase price for a single-family existing home exceeds the statewide median purchase price of a single-family existing home. For the purposes of this paragraph, the term "statewide median purchase price of a single-family existing home" means the statewide purchase price as determined in the Florida Sales Report, Single-Family Existing Homes, released each January by the Florida Association of Realtors and the University of Florida Real Estate Research Center.

(i) *Schools.*—

1. The proposed construction of any public, private, or proprietary postsecondary educational campus which provides for a design population of more than 5,000 full-time equivalent

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students, or the proposed physical expansion of any public, private, or proprietary postsecondary educational campus having such a design population that would increase the population by at least 20 percent of the design population.

2. As used in this paragraph, "full-time equivalent student" means enrollment for 15 or more quarter hours during a single academic semester. In career centers or other institutions which do not employ semester hours or quarter hours in accounting for student participation, enrollment for 18 contact hours shall be considered equivalent to one quarter hour, and enrollment for 27 contact hours shall be considered equivalent to one semester hour.

3. This paragraph does not apply to institutions which are the subject of a campus master plan adopted by the university board of trustees pursuant to s. 1013.30.

(2) STATUTORY EXEMPTIONS.—The following developments are exempt from s. 380.06:

(a) Any proposed hospital.

(b) Any proposed electrical transmission line or electrical power plant.

(c) Any proposed addition to an existing sports facility complex if the addition meets the following characteristics:

1. It would not operate concurrently with the scheduled hours of operation of the existing facility;

2. Its seating capacity would be no more than 75 percent of the capacity of the existing facility; and

3. The sports facility complex property was owned by a public body before July 1, 1983.

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This exemption does not apply to any pari-mutuel facility as defined in s. 550.002.

(d) Any proposed addition or cumulative additions subsequent to July 1, 1988, to an existing sports facility complex owned by a state university, if the increased seating capacity of the complex is no more than 30 percent of the capacity of the existing facility.

(e) Any addition of permanent seats or parking spaces for an existing sports facility located on property owned by a public body before July 1, 1973, if future additions do not expand existing permanent seating or parking capacity more than 15 percent annually in excess of the prior year's capacity.

(f) Any increase in the seating capacity of an existing sports facility having a permanent seating capacity of at least 50,000 spectators, provided that such an increase does not increase permanent seating capacity by more than 5 percent per year and does not exceed a total of 10 percent in any 5-year period. The sports facility must notify the appropriate local government within which the facility is located of the increase at least 6 months before the initial use of the increased seating in order to permit the appropriate local government to develop a traffic management plan for the traffic generated by the increase. Any traffic management plan must be consistent with the local comprehensive plan, the regional policy plan, and the state comprehensive plan.

(g) Any expansion in the permanent seating capacity or additional improved parking facilities of an existing sports facility, if the following conditions exist:

1.a. The sports facility had a permanent seating capacity

on January 1, 1991, of at least 41,000 spectator seats;

b. The sum of such expansions in permanent seating capacity does not exceed a total of 10 percent in any 5-year period and does not exceed a cumulative total of 20 percent for any such expansions; or

c. The increase in additional improved parking facilities is a one-time addition and does not exceed 3,500 parking spaces serving the sports facility; and

2. The local government having jurisdiction over the sports facility includes in the development order or development permit approving such expansion under this paragraph a finding of fact that the proposed expansion is consistent with the transportation, water, sewer, and stormwater drainage provisions of the approved local comprehensive plan and local land development regulations relating to those provisions.

Any owner or developer who intends to rely on this statutory exemption shall provide to the state land planning agency a copy of the local government application for a development permit. Within 45 days after receipt of the application, the state land planning agency shall render to the local government an advisory and nonbinding opinion, in writing, stating whether, in the state land planning agency's opinion, the prescribed conditions exist for an exemption under this paragraph. The local government shall render the development order approving each such expansion to the state land planning agency. The owner, developer, or state land planning agency may appeal the local government development order pursuant to s. 380.07 within 45 days after the order is rendered. The scope of review shall be

limited to the determination of whether the conditions prescribed in this paragraph exist. If any sports facility expansion undergoes development-of-regional-impact review, all previous expansions that were exempt under this paragraph must be included in the development-of-regional-impact review.

(h) Expansion to port harbors, spoil disposal sites, navigation channels, turning basins, harbor berths, and other related inwater harbor facilities of the ports specified in s. 403.021(9)(b), port transportation facilities and projects listed in s. 311.07(3)(b), and intermodal transportation facilities identified pursuant to s. 311.09(3) when such expansions, projects, or facilities are consistent with port master plans and are in compliance with s. 163.3178.

(i) Any proposed facility for the storage of any petroleum product or any expansion of an existing facility.

(j) Any renovation or redevelopment within the same parcel as the existing development if such renovation or redevelopment does not change land use or increase density or intensity of use.

(k) Waterport and marina development, including dry storage facilities.

(l) Any proposed development within an urban service area boundary established under s. 163.3177(14), Florida Statutes 2010, that is not otherwise exempt pursuant to subsection (3),if the local government having jurisdiction over the area where the development is proposed has adopted the urban service area boundary and has entered into a binding agreement with jurisdictions that would be impacted and with the Department of Transportation regarding the mitigation of impacts on state and

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regional transportation facilities.

(m) Any proposed development within a rural land stewardship area created under s. 163.3248.

(n) The establishment, relocation, or expansion of any military installation as specified in s. 163.3175.

(o) Any self-storage warehousing that does not allow retail or other services.

(p) Any proposed nursing home or assisted living facility.

(q) Any development identified in an airport master plan and adopted into the comprehensive plan pursuant to s. 163.3177(6)(b)4.

(r) Any development identified in a campus master plan and adopted pursuant to s. 1013.30.

(s) Any development in a detailed specific area plan prepared and adopted pursuant to s. 163.3245.

(t) Any proposed solid mineral mine and any proposed addition to, expansion of, or change to an existing solid mineral mine. A mine owner must, however, enter into a binding agreement with the Department of Transportation to mitigate impacts to strategic intermodal system facilities. Proposed changes to any previously approved solid mineral mine development-of-regional-impact development orders having vested rights are not subject to further review or approval as a development-of-regional-impact or notice-of-proposed-change review or approval pursuant to subsection (19), except for those applications pending as of July 1, 2011, which are governed by s. 380.115(2). Notwithstanding this requirement, pursuant to s. 380.115(1), a previously approved solid mineral mine development-of-regional impact development order continues to

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have vested rights and continues to be effective unless rescinded by the developer. All local government regulations of proposed solid mineral mines are applicable to any new solid mineral mine or to any proposed addition to, expansion of, or change to an existing solid mineral mine.

(u) Notwithstanding any provision in an agreement with or among a local government, regional agency, or the state land planning agency or in a local government's comprehensive plan to the contrary, a project no longer subject to development-of regional-impact review under the revised thresholds specified in s. 380.06(2)(b) and this section.

(v) Any development within a county that has a research and education authority created by special act and which is also within a research and development park that is operated or managed by a research and development authority pursuant to part V of chapter 159.

(w) Any development in an energy economic zone designated pursuant to s. 377.809 upon approval by its local governing body.

If a use is exempt from review pursuant to paragraphs (a)-(u), but will be part of a larger project that is subject to review pursuant to s. 380.06(12), the impact of the exempt use must be included in the review of the larger project, unless such exempt use involves a development that includes a landowner, tenant, or user that has entered into a funding agreement with the state land planning agency under the Innovation Incentive Program and the agreement contemplates a state award of at least $50 million.

(3) EXEMPTIONS FOR DENSE URBAN LAND AREAS.

(a) The following are exempt from the requirements of s. 380.06:

1. Any proposed development in a municipality having an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;

2. Any proposed development within a county, including the municipalities located therein, having an average of at least 1,000 people per square mile of land area and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan as defined in s. 163.3164;

3. Any proposed development within a county, including the municipalities located therein, having a population of at least 900,000 and an average of at least 1,000 people per square mile of land area, but which does not have an urban service area designated in the comprehensive plan; and

4. Any proposed development within a county, including the municipalities located therein, having a population of at least 1 million and the development is located within an urban service area as defined in s. 163.3164 which has been adopted into the comprehensive plan.

The Office of Economic and Demographic Research within the Legislature shall annually calculate the population and density criteria needed to determine which jurisdictions meet the density criteria in subparagraphs 1.-4. by using the most recent land area data from the decennial census conducted by the Bureau of the Census of the United States Department of Commerce and

the latest available population estimates determined pursuant to s. 186.901. If any local government has had an annexation, contraction, or new incorporation, the Office of Economic and Demographic Research shall determine the population density using the new jurisdictional boundaries as recorded in accordance with s. 171.091. The Office of Economic and Demographic Research shall annually submit to the state land planning agency by July 1 a list of jurisdictions that meet the total population and density criteria. The state land planning agency shall publish the list of jurisdictions on its website within 7 days after the list is received. The designation of jurisdictions that meet the criteria of subparagraphs 1.-4. is effective upon publication on the state land planning agency's website. If a municipality that has previously met the criteria no longer meets the criteria, the state land planning agency must maintain the municipality on the list and indicate the year the jurisdiction last met the criteria. However, any proposed development of regional impact not within the established boundaries of a municipality at the time the municipality last met the criteria must meet the requirements of this section until the municipality as a whole meets the criteria. Any county that meets the criteria must remain on the list. Any jurisdiction that was placed on the dense urban land area list before June 2, 2011, must remain on the list.

(b) If a municipality that does not qualify as a dense urban land area pursuant to paragraph (a) designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from s. 380.06 unless otherwise required by part II of chapter 163:

1. Urban infill as defined in s. 163.3164;

2. Community redevelopment areas as defined in s. 163.340;

3. Downtown revitalization areas as defined in s. 163.3164;

4. Urban infill and redevelopment under s. 163.2517; or

5. Urban service areas as defined in s. 163.3164 or areas within a designated urban service area boundary pursuant to s. 163.3177(14), Florida Statutes 2010.

(c) If a county that does not qualify as a dense urban land area designates any of the following areas in its comprehensive plan, any proposed development within the designated area is exempt from the development-of-regional-impact process:

1. Urban infill as defined in s. 163.3164;

2. Urban infill and redevelopment pursuant to s. 163.2517; or

3. Urban service areas as defined in s. 163.3164.

(d) If any portion of a development is located in an area that is not exempt from review under s. 380.06, the development must undergo review pursuant to that section.

(e) In an area that is exempt under paragraphs (a), (b), and (c), any previously approved development-of-regional-impact development orders shall continue to be effective. However, the developer has the option to be governed by s. 380.115(1).

(f) If a local government qualifies as a dense urban land area under this subsection and is subsequently found to be ineligible for designation as a dense urban land area, any development located within that area which has a complete, pending application for authorization to commence development shall maintain the exemption if the developer is continuing the application process in good faith or the development is

approved.

(g) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.

(h) This subsection does not apply to areas:

1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;

2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or

3. Within 2 miles of the boundary of the Everglades Protection Area as defined in s. 373.4592.

(4) PARTIAL STATUTORY EXEMPTIONS.—

(a) If the binding agreement referenced under paragraph (2)(l) for urban service boundaries is not entered into within 12 months after establishment of the urban service area boundary, the review pursuant to s. 380.06(12) for projects within the urban service area boundary must address transportation impacts only.

(b) If the binding agreement referenced under paragraph (2)(m) for rural land stewardship areas is not entered into within 12 months after the designation of a rural land stewardship area, the review pursuant to s. 380.06(12) for projects within the rural land stewardship area must address transportation impacts only.

(c) If the binding agreement for designated urban infill and redevelopment areas is not entered into within 12 months after the designation of the area or July 1, 2007, whichever occurs later, the review pursuant to s. 380.06(12) for projects within the urban infill and redevelopment area must address

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transportation impacts only.

(d) A local government that does not wish to enter into a binding agreement or that is unable to agree on the terms of the agreement referenced under paragraph (2)(l) or paragraph (2)(m) must provide written notification to the state land planning agency of the decision to not enter into a binding agreement or the failure to enter into a binding agreement within the 12-month period referenced in paragraphs (a), (b), and (c). Following the notification of the state land planning agency, a review pursuant to s. 380.06(12) for projects within an urban service area boundary under paragraph (2)(l), or a rural land stewardship area under paragraph (2)(m), must address transportation impacts only.

(e) The vesting provision of s. 163.3167(5) relating to an authorized development of regional impact does not apply to those projects partially exempt from s. 380.06 under paragraphs (a)-(d) of this subsection.

~~(4) Two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under this chapter when they are determined to be part of a unified plan of development and are physically proximate to one other.~~

~~(a) The criteria of three of the following subparagraphs must be met in order for the state land planning agency to determine that there is a unified plan of development:~~

~~1.a. The same person has retained or shared control of the developments;~~

~~b. The same person has ownership or a significant legal or equitable interest in the developments; or~~

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~~c. There is common management of the developments controlling the form of physical development or disposition of parcels of the development.~~

~~2. There is a reasonable closeness in time between the completion of 80 percent or less of one development and the submission to a governmental agency of a master plan or series of plans or drawings for the other development which is indicative of a common development effort.~~

~~3. A master plan or series of plans or drawings exists covering the developments sought to be aggregated which have been submitted to a local general-purpose government, water management district, the Florida Department of Environmental Protection, or the Division of Florida Condominiums, Timeshares, and Mobile Homes for authorization to commence development. The existence or implementation of a utility's master utility plan required by the Public Service Commission or general-purpose local government or a master drainage plan shall not be the sole determinant of the existence of a master plan.~~

~~4. There is a common advertising scheme or promotional plan in effect for the developments sought to be aggregated.~~

~~(b) The following activities or circumstances shall not be considered in determining whether to aggregate two or more developments:~~

~~1. Activities undertaken leading to the adoption or amendment of any comprehensive plan element described in part II of chapter 163.~~

~~2. The sale of unimproved parcels of land, where the seller does not retain significant control of the future development of the parcels.~~

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~~3. The fact that the same lender has a financial interest, including one acquired through foreclosure, in two or more parcels, so long as the lender is not an active participant in the planning, management, or development of the parcels in which it has an interest.~~

~~4. Drainage improvements that are not designed to accommodate the types of development listed in the guidelines and standards contained in or adopted pursuant to this chapter or which are not designed specifically to accommodate the developments sought to be aggregated.~~

~~(c) Aggregation is not applicable when the following circumstances and provisions of this chapter apply:~~

~~1. Developments that are otherwise subject to aggregation with a development of regional impact which has received approval through the issuance of a final development order may not be aggregated with the approved development of regional impact. However, this subparagraph does not preclude the state land planning agency from evaluating an allegedly separate development as a substantial deviation pursuant to s. 380.06(19) or as an independent development of regional impact.~~

~~2. Two or more developments, each of which is independently a development of regional impact that has or will obtain a development order pursuant to s. 380.06.~~

~~3. Completion of any development that has been vested pursuant to s. 380.05 or s. 380.06, including vested rights arising out of agreements entered into with the state land planning agency for purposes of resolving vested rights issues. Development of regional impact review of additions to vested developments of regional impact shall not include review of the~~

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~~impacts resulting from the vested portions of the development.~~

~~4. The developments sought to be aggregated were authorized to commence development before September 1, 1988, and could not have been required to be aggregated under the law existing before that date.~~

~~5. Any development that qualifies for an exemption under s. 380.06(29).~~

~~6. Newly acquired lands intended for development in coordination with a developed and existing development of regional impact are not subject to aggregation if the newly acquired lands comprise an area that is equal to or less than 10 percent of the total acreage subject to an existing development of regional impact development order.~~

~~(d) The provisions of this subsection shall be applied prospectively from September 1, 1988. Written decisions, agreements, and binding letters of interpretation made or issued by the state land planning agency prior to July 1, 1988, shall not be affected by this subsection.~~

~~(e) In order to encourage developers to design, finance, donate, or build infrastructure, public facilities, or services, the state land planning agency may enter into binding agreements with two or more developers providing that the joint planning, sharing, or use of specified public infrastructure, facilities, or services by the developers shall not be considered in any subsequent determination of whether a unified plan of development exists for their developments. Such binding agreements may authorize the developers to pool impact fees or impact fee credits, or to enter into front-end agreements, or other financing arrangements by which they collectively agree to~~

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~~design, finance, donate, or build such public infrastructure, facilities, or services. Such agreements shall be conditioned upon a subsequent determination by the appropriate local government of consistency with the approved local government comprehensive plan and land development regulations. Additionally, the developers must demonstrate that the provision and sharing of public infrastructure, facilities, or services is in the public interest and not merely for the benefit of the developments which are the subject of the agreement. Developments that are the subject of an agreement pursuant to this paragraph shall be aggregated if the state land planning agency determines that sufficient aggregation factors are present to require aggregation without considering the design features, financial arrangements, donations, or construction that are specified in and required by the agreement.~~

~~(f) The state land planning agency has authority to adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this subsection.~~

Section 5. Section 380.07, Florida Statutes, is amended to read:

380.07 Florida Land and Water Adjudicatory Commission.—

(1) There is hereby created the Florida Land and Water Adjudicatory Commission, which shall consist of the Administration Commission. The commission may adopt rules necessary to ensure compliance with the area of critical state concern program ~~and the requirements for developments of regional impact as set forth in this chapter~~.

(2) Whenever any local government issues any development order in any area of critical state concern, or in regard to the

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abandonment of any approved development of regional impact, copies of such orders as prescribed by rule by the state land planning agency shall be transmitted to the state land planning agency, the regional planning agency, and the owner or developer of the property affected by such order. The state land planning agency shall adopt rules describing development order rendition and effectiveness in designated areas of critical state concern. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the development order is not consistent with ~~the provisions of~~ this part. ~~The appropriate regional planning agency by vote at a regularly scheduled meeting may recommend that the state land planning agency undertake an appeal of a development-of-regional-impact development order. Upon the request of an appropriate regional planning council, affected local government, or any citizen, the state land planning agency shall consider whether to appeal the order and shall respond to the request within the 45-day appeal period.~~

(3) Notwithstanding any other provision of law, an appeal of a development order in an area of critical state concern by the state land planning agency under this section may include consistency of the development order with the local comprehensive plan. ~~However, if a development order relating to a development of regional impact has been challenged in a proceeding under s. 163.3215 and a party to the proceeding serves notice to the state land planning agency of the pending proceeding under s. 163.3215, the state land planning agency~~

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~~shall:~~

~~(a) Raise its consistency issues by intervening as a full party in the pending proceeding under s. 163.3215 within 30 days after service of the notice; and~~

~~(b) Dismiss the consistency issues from the development order appeal.~~

(4) ~~The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after the completion of the appeal process.~~

~~(5) The 45-day appeal period for a development of regional impact within the jurisdiction of more than one local government shall not commence until after all the local governments having jurisdiction over the proposed development of regional impact have rendered their development orders.~~ The appellant shall furnish a copy of the notice of appeal to the opposing party, as the case may be, and to the local government that ~~which~~ issued the order. The filing of the notice of appeal stays ~~shall stay~~ the effectiveness of the order until after the completion of the appeal process.

(5) ~~(6)~~ Before ~~Prior to~~ issuing an order, the Florida Land and Water Adjudicatory Commission shall hold a hearing pursuant to ~~the provisions of~~ chapter 120. The commission shall encourage the submission of appeals on the record made pursuant to subsection (7) ~~below~~ in cases in which the development order was issued after a full and complete hearing before the local government or an agency thereof.

(6) ~~(7)~~ The Florida Land and Water Adjudicatory Commission

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shall issue a decision granting or denying permission to develop pursuant to the standards of this chapter and may attach conditions and restrictions to its decisions.

(7) ~~(8)~~ If an appeal is filed with respect to any issues within the scope of a permitting program authorized by chapter 161, chapter 373, or chapter 403 and for which a permit or conceptual review approval has been obtained before ~~prior to~~ the issuance of a development order, any such issue shall be specifically identified in the notice of appeal which is filed pursuant to this section, together with other issues that ~~which~~ constitute grounds for the appeal. The appeal may proceed with respect to issues within the scope of permitting programs for which a permit or conceptual review approval has been obtained before ~~prior to~~ the issuance of a development order only after the commission determines by majority vote at a regularly scheduled commission meeting that statewide or regional interests may be adversely affected by the development. In making this determination, there is ~~shall be~~ a rebuttable presumption that statewide and regional interests relating to issues within the scope of the permitting programs for which a permit or conceptual approval has been obtained are not adversely affected.

Section 6. Section 380.115, Florida Statutes, is amended to read:

380.115 Vested rights and duties; effect of size reduction, changes in statewide guidelines and standards.—

~~(1) A change in a development-of-regional-impact guideline and standard does not abridge or modify any vested or other right or any duty or obligation pursuant to any development~~

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~~order or agreement that is applicable to a development of regional impact.~~ A development that has received a development-of-regional-impact development order pursuant to s. 380.06 but is no longer required to undergo development-of-regional-impact review by operation of law may elect ~~a change in the guidelines and standards, a development that has reduced its size below the thresholds as specified in s. 380.0651, a development that is exempt pursuant to s. 380.06(24) or (29), or a development that elects~~ to rescind the development order pursuant to ~~are governed by~~ the following procedures:

(1) ~~(a)~~ The development shall continue to be governed by the development-of-regional-impact development order and may be completed in reliance upon and pursuant to the development order unless the developer or landowner has followed the procedures for rescission in subsection (2) ~~paragraph (b)~~. Any proposed changes to developments which continue to be governed by a development-of-regional-impact development order must be approved pursuant to s. 380.06(7) ~~s. 380.06(19) as it existed before a change in the development-of-regional-impact guidelines and standards, except that all percentage criteria are doubled and all other criteria are increased by 10 percent~~. The local government issuing the development order must monitor the development and enforce the development order. Local governments may not issue any permits or approvals or provide any extensions of services if the developer fails to act in substantial compliance with the development order. The development-of-regional-impact development order may be enforced ~~by the local government~~ as provided in s. 380.11 ~~ss. 380.06(17) and 380.11~~.

(2) ~~(b)~~ If requested by the developer or landowner, the

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development-of-regional-impact development order shall be rescinded by the local government having jurisdiction upon a showing that all required mitigation related to the amount of development that existed on the date of rescission has been completed or will be completed under an existing permit or equivalent authorization issued by a governmental agency as defined in s. 380.031(6), if such permit or authorization is subject to enforcement through administrative or judicial remedies.

~~(2) A development with an application for development approval pending, pursuant to s. 380.06, on the effective date of a change to the guidelines and standards, or a notification of proposed change pending on the effective date of a change to the guidelines and standards, may elect to continue such review pursuant to s. 380.06. At the conclusion of the pending review, including any appeals pursuant to s. 380.07, the resulting development order shall be governed by the provisions of subsection (1).~~

~~(3) A landowner that has filed an application for a development-of-regional-impact review prior to the adoption of a sector plan pursuant to s. 163.3245 may elect to have the application reviewed pursuant to s. 380.06, comprehensive plan provisions in force prior to adoption of the sector plan, and any requested comprehensive plan amendments that accompany the application.~~

Section 7. Paragraph (c) of subsection (1) of section 125.68, Florida Statutes, is amended to read:

125.68 Codification of ordinances; exceptions; public record.—

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(1)

(c) The following ordinances are exempt from codification and annual publication requirements:

1. Any development agreement, or amendment to such agreement, adopted by ordinance pursuant to ss. 163.3220-163.3243.

2. Any development order, or amendment to such order, adopted by ordinance pursuant to s. 380.06(4) ~~s. 380.06(15)~~.

Section 8. Paragraph (e) of subsection (3), subsection (6), and subsection (12) of section 163.3245, Florida Statutes, are amended to read:

163.3245 Sector plans.—

(3) Sector planning encompasses two levels: adoption pursuant to s. 163.3184 of a long-term master plan for the entire planning area as part of the comprehensive plan, and adoption by local development order of two or more detailed specific area plans that implement the long-term master plan and within which s. 380.06 is waived.

(e) Whenever a local government issues a development order approving a detailed specific area plan, a copy of such order shall be rendered to the state land planning agency and the owner or developer of the property affected by such order, as prescribed by rules of the state land planning agency for a development order for a development of regional impact. Within 45 days after the order is rendered, the owner, the developer, or the state land planning agency may appeal the order to the Florida Land and Water Adjudicatory Commission by filing a petition alleging that the detailed specific area plan is not consistent with the comprehensive plan or with the long-term

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master plan adopted pursuant to this section. The appellant shall furnish a copy of the petition to the opposing party, as the case may be, and to the local government that issued the order. The filing of the petition stays the effectiveness of the order until after completion of the appeal process. However, if a development order approving a detailed specific area plan has been challenged by an aggrieved or adversely affected party in a judicial proceeding pursuant to s. 163.3215, and a party to such proceeding serves notice to the state land planning agency, the state land planning agency shall dismiss its appeal to the commission and shall have the right to intervene in the pending judicial proceeding pursuant to s. 163.3215. Proceedings for administrative review of an order approving a detailed specific area plan shall be conducted consistent with s. 380.07(5) ~~s. 380.07(6)~~. The commission shall issue a decision granting or denying permission to develop pursuant to the long-term master plan and the standards of this part and may attach conditions or restrictions to its decisions.

(6) An applicant who applied ~~Concurrent with or subsequent to review and adoption of a long-term master plan pursuant to paragraph (3)(a), an applicant may apply~~ for master development approval pursuant to s. 380.06 ~~s. 380.06(21)~~ for the entire planning area shall remain subject to the master development order ~~in order to establish a buildout date until which the approved uses and densities and intensities of use of the master plan are not subject to downzoning, unit density reduction, or intensity reduction,~~ unless the developer elects to rescind the development order pursuant to s. 380.115, the development order is abandoned pursuant to s. 380.06(11), or the local government

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can demonstrate that implementation of the master plan is not continuing in good faith based on standards established by plan policy, that substantial changes in the conditions underlying the approval of the master plan have occurred, that the master plan was based on substantially inaccurate information provided by the applicant, or that change is clearly established to be essential to the public health, safety, or welfare. ~~Review of the application for master development approval shall be at a level of detail appropriate for the long-term and conceptual nature of the long-term master plan and, to the maximum extent possible, may only consider information provided in the application for a long-term master plan.~~ Notwithstanding s. 380.06, an increment of development in such an approved master development plan must be approved by a detailed specific area plan pursuant to paragraph (3)(b) and is exempt from review pursuant to s. 380.06.

(12) Notwithstanding s. 380.06, this part, or any planning agreement or plan policy, a landowner or developer who has received approval of a master development-of-regional-impact development order pursuant to s. 380.06(9) ~~s. 380.06(21)~~ may apply to implement this order by filing one or more applications to approve a detailed specific area plan pursuant to paragraph (3)(b).

Section 9. Subsections (11), (12), and (14) of section 163.3246, Florida Statutes, are amended to read:

163.3246 Local government comprehensive planning certification program.—

(11) If the local government of an area described in subsection (10) does not request that the state land planning

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agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is ~~shall be~~ exempt from ~~review under~~ s. 380.06.

(12) A local government's certification shall be reviewed by the local government and the state land planning agency as part of the evaluation and appraisal process pursuant to s. 163.3191. Within 1 year after the deadline for the local government to update its comprehensive plan based on the evaluation and appraisal, the state land planning agency must ~~shall~~ renew or revoke the certification. The local government's failure to timely adopt necessary amendments to update its comprehensive plan based on an evaluation and appraisal, which are found to be in compliance by the state land planning agency, is ~~shall be~~ cause for revoking the certification agreement. The state land planning agency's decision to renew or revoke is ~~shall be considered~~ agency action subject to challenge under s. 120.569.

(14) It is the intent of the Legislature to encourage the creation of connected-city corridors that facilitate the growth of high-technology industry and innovation through partnerships that support research, marketing, workforce, and entrepreneurship. It is the further intent of the Legislature to provide for a locally controlled, comprehensive plan amendment process for such projects that are designed to achieve a cleaner, healthier environment; limit urban sprawl by promoting diverse but interconnected communities; provide a range of intergenerational housing types; protect wildlife and natural areas; assure the efficient use of land and other resources;

create quality communities of a design that promotes alternative transportation networks and travel by multiple transportation modes; and enhance the prospects for the creation of jobs. The Legislature finds and declares that this state's connected-city corridors require a reduced level of state and regional oversight because of their high degree of urbanization and the planning capabilities and resources of the local government.

(a) Notwithstanding subsections (2), (4), (5), (6), and (7), Pasco County is named a pilot community and shall be considered certified for a period of 10 years for connected-city corridor plan amendments. The state land planning agency shall provide a written notice of certification to Pasco County by July 15, 2015, which shall be considered a final agency action subject to challenge under s. 120.569. The notice of certification must include:

1. The boundary of the connected-city corridor certification area; and

2. A requirement that Pasco County submit an annual or biennial monitoring report to the state land planning agency according to the schedule provided in the written notice. The monitoring report must, at a minimum, include the number of amendments to the comprehensive plan adopted by Pasco County, the number of plan amendments challenged by an affected person, and the disposition of such challenges.

(b) A plan amendment adopted under this subsection may be based upon a planning period longer than the generally applicable planning period of the Pasco County local comprehensive plan, must specify the projected population within the planning area during the chosen planning period, may include

a phasing or staging schedule that allocates a portion of Pasco County's future growth to the planning area through the planning period, and may designate a priority zone or subarea within the connected-city corridor for initial implementation of the plan. A plan amendment adopted under this subsection is not required to demonstrate need based upon projected population growth or on any other basis.

(c) If Pasco County adopts a long-term transportation network plan and financial feasibility plan, and subject to compliance with the requirements of such a plan, the projects within the connected-city corridor are deemed to have satisfied all concurrency and other state agency or local government transportation mitigation requirements except for site-specific access management requirements.

(d) If Pasco County does not request that the state land planning agency review the developments of regional impact that are proposed within the certified area, an application for approval of a development order within the certified area is exempt from ~~review under~~ s. 380.06.

(e) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2024, a report and recommendations for implementing a statewide program that addresses the legislative findings in this subsection. In consultation with the state land planning agency, OPPAGA shall develop the report and recommendations with input from other state and regional agencies, local governments, and interest groups. OPPAGA shall also solicit citizen input in the

potentially affected areas and consult with the affected local government and stakeholder groups. Additionally, OPPAGA shall review local and state actions and correspondence relating to the pilot program to identify issues of process and substance in recommending changes to the pilot program. At a minimum, the report and recommendations must include:

1. Identification of local governments other than the local government participating in the pilot program which should be certified. The report may also recommend that a local government is no longer appropriate for certification; and

2. Changes to the certification pilot program.

Section 10. Subsection (4) of section 189.08, Florida Statutes, is amended to read:

189.08 Special district public facilities report.—

(4) Those special districts building, improving, or expanding public facilities addressed by a development order issued to the developer pursuant to s. 380.06 may use the most recent local government ~~annual~~ report required by s. 380.06(6) ~~s. 380.06(15) and (18)~~ and submitted by the developer, to the extent the annual report provides the information required by subsection (2).

Section 11. Subsection (2) of section 190.005, Florida Statutes, is amended to read:

190.005 Establishment of district.—

(2) The exclusive and uniform method for the establishment of a community development district of less than 2,500 acres in size or a community development district of up to 7,000 acres in size located within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~ shall be pursuant to

an ordinance adopted by the county commission of the county having jurisdiction over the majority of land in the area in which the district is to be located granting a petition for the establishment of a community development district as follows:

(a) A petition for the establishment of a community development district shall be filed by the petitioner with the county commission. The petition shall contain the same information as required in paragraph (1)(a).

(b) A public hearing on the petition shall be conducted by the county commission in accordance with the requirements and procedures of paragraph (1)(d).

(c) The county commission shall consider the record of the public hearing and the factors set forth in paragraph (1)(e) in making its determination to grant or deny a petition for the establishment of a community development district.

(d) The county commission may ~~shall~~ not adopt any ordinance which would expand, modify, or delete any provision of the uniform community development district charter as set forth in ss. 190.006-190.041. An ordinance establishing a community development district shall only include the matters provided for in paragraph (1)(f) unless the commission consents to any of the optional powers under s. 190.012(2) at the request of the petitioner.

(e) If all of the land in the area for the proposed district is within the territorial jurisdiction of a municipal corporation, then the petition requesting establishment of a community development district under this act shall be filed by the petitioner with that particular municipal corporation. In such event, the duties of the county, hereinabove described, in

action upon the petition shall be the duties of the municipal corporation. If any of the land area of a proposed district is within the land area of a municipality, the county commission may not create the district without municipal approval. If all of the land in the area for the proposed district, even if less than 2,500 acres, is within the territorial jurisdiction of two or more municipalities or two or more counties, except for proposed districts within a connected-city corridor established pursuant to s. 163.3246(13) ~~s. 163.3246(14)~~, the petition shall be filed with the Florida Land and Water Adjudicatory Commission and proceed in accordance with subsection (1).

(f) Notwithstanding any other provision of this subsection, within 90 days after a petition for the establishment of a community development district has been filed pursuant to this subsection, the governing body of the county or municipal corporation may transfer the petition to the Florida Land and Water Adjudicatory Commission, which shall make the determination to grant or deny the petition as provided in subsection (1). A county or municipal corporation shall have no right or power to grant or deny a petition that has been transferred to the Florida Land and Water Adjudicatory Commission.

Section 12. Paragraph (g) of subsection (1) of section 190.012, Florida Statutes, is amended to read:

190.012 Special powers; public improvements and community facilities.—The district shall have, and the board may exercise, subject to the regulatory jurisdiction and permitting authority of all applicable governmental bodies, agencies, and special districts having authority with respect to any area included

therein, any or all of the following special powers relating to public improvements and community facilities authorized by this act:

(1) To finance, fund, plan, establish, acquire, construct or reconstruct, enlarge or extend, equip, operate, and maintain systems, facilities, and basic infrastructures for the following:

(g) Any other project within or without the boundaries of a district when a local government issued a development order pursuant to s. 380.06 ~~or s. 380.061~~ approving or expressly requiring the construction or funding of the project by the district, or when the project is the subject of an agreement between the district and a governmental entity and is consistent with the local government comprehensive plan of the local government within which the project is to be located.

Section 13. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency by the Governor tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 6 months in addition to the tolled period. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.

2. The expiration of a building permit.

3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.

4. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c) ~~pursuant to s. 380.06(19)(c)~~.

Section 14. Subsection (4) of section 369.303, Florida Statutes, is amended to read:

369.303 Definitions.—As used in this part:

(4) "Development of regional impact" means a development that ~~which~~ is subject to ~~the review procedures established by~~ s. 380.06 ~~or s. 380.065, and s. 380.07~~.

Section 15. Subsection (1) of section 369.307, Florida Statutes, is amended to read:

369.307 Developments of regional impact in the Wekiva River Protection Area; land acquisition.—

(1) Notwithstanding s. 380.06(4) ~~the provisions of s. 380.06(15)~~, the counties shall consider and issue the development permits applicable to a proposed development of regional impact which is located partially or wholly within the Wekiva River Protection Area at the same time as the development order approving, approving with conditions, or denying a development of regional impact.

Section 16. Subsection (8) of section 373.236, Florida Statutes, is amended to read:

373.236 Duration of permits; compliance reports.—

(8) A water management district may issue a permit to an applicant, as set forth in s. 163.3245(13), for the same period

of time as the applicant's approved master development order if the master development order was issued under s. 380.06(9) ~~s. 380.06(21)~~ by a county which, at the time the order was issued, was designated as a rural area of opportunity under s. 288.0656, was not located in an area encompassed by a regional water supply plan as set forth in s. 373.709(1), and was not located within the basin management action plan of a first magnitude spring. In reviewing the permit application and determining the permit duration, the water management district shall apply s. 163.3245(4)(b).

Section 17. Subsection (13) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(13) Any declaratory statement issued by the department under s. 403.914, 1984 Supplement to the Florida Statutes 1983, as amended, or pursuant to rules adopted thereunder, or by a water management district under s. 373.421, in response to a petition filed on or before June 1, 1994, shall continue to be valid for the duration of such declaratory statement. Any such petition pending on June 1, 1994, shall be exempt from the methodology ratified in s. 373.4211, but the rules of the department or the relevant water management district, as applicable, in effect prior to the effective date of s. 373.4211, shall apply. Until May 1, 1998, activities within the boundaries of an area subject to a petition pending on June 1, 1994, and prior to final agency action on such petition, shall be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as

amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9). In the event that a jurisdictional declaratory statement pursuant to the vegetative index in effect prior to the effective date of chapter 84-79, Laws of Florida, has been obtained and is valid prior to the effective date of the rules adopted under subsection (9) or July 1, 1994, whichever is later, and the affected lands are part of a project for which a master development order has been issued pursuant to s. 380.06(9) ~~s. 380.06(21)~~, the declaratory statement shall remain valid for the duration of the buildout period of the project. Any jurisdictional determination validated by the department pursuant to rule 17-301.400(8), Florida Administrative Code, as it existed in rule 17-4.022, Florida Administrative Code, on April 1, 1985, shall remain in effect for a period of 5 years following the effective date of this act if proof of such validation is submitted to the department prior to January 1, 1995. In the event that a jurisdictional determination has been revalidated by the department pursuant to this subsection and the affected lands are part of a project for which a development order has been issued pursuant to s. 380.06(4) ~~s. 380.06(15)~~, a final development order to which s. 163.3167(5) applies has been issued, or a vested rights determination has been issued pursuant to s. 380.06(8) ~~s. 380.06(20)~~, the jurisdictional determination shall remain valid until the completion of the project, provided proof of such validation and documentation establishing that the project meets the requirements of this

sentence are submitted to the department prior to January 1, 1995. Activities proposed within the boundaries of a valid declaratory statement issued pursuant to a petition submitted to either the department or the relevant water management district on or before June 1, 1994, or a revalidated jurisdictional determination, prior to its expiration shall continue thereafter to be exempt from the methodology ratified in s. 373.4211 and to be reviewed under the rules adopted pursuant to ss. 403.91-403.929, 1984 Supplement to the Florida Statutes 1983, as amended, and this part, in existence prior to the effective date of the rules adopted under subsection (9), unless the applicant elects to have such activities reviewed under the rules adopted under this part, as amended in accordance with subsection (9).

Section 18. Subsection (5) of section 378.601, Florida Statutes, is amended to read:

378.601 Heavy minerals.—

(5) Any heavy mineral mining operation which annually mines less than 500 acres and whose proposed consumption of water is 3 million gallons per day or less may ~~shall~~ not be subject ~~required to undergo development of regional impact review pursuant~~ to s. 380.06, provided permits and plan approvals pursuant to either this section and part IV of chapter 373, or s. 378.901, are issued.

Section 19. Section 380.065, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (2) of section 380.11, Florida Statutes, is amended to read:

380.11 Enforcement; procedures; remedies.—

(2) ADMINISTRATIVE REMEDIES.—

(a) If the state land planning agency has reason to believe

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a violation of this part or any rule, development order, or other order issued hereunder or of any agreement entered into under s. 380.032(3) ~~or s. 380.06(8)~~ has occurred or is about to occur, it may institute an administrative proceeding pursuant to this section to prevent, abate, or control the conditions or activity creating the violation.

Section 21. Paragraph (b) of subsection (2) of section 403.524, Florida Statutes, is amended to read:

403.524 Applicability; certification; exemptions.—

(2) Except as provided in subsection (1), construction of a transmission line may not be undertaken without first obtaining certification under this act, but this act does not apply to:

(b) Transmission lines that have been exempted by a binding letter of interpretation issued under s. 380.06(3) ~~s. 380.06(4)~~, or in which the Department of Economic Opportunity or its predecessor agency has determined the utility to have vested development rights within the meaning of s. 380.05(18) or s. 380.06(8) ~~s. 380.06(20)~~.

Section 22. (1) The rules adopted by the state land planning agency to ensure uniform review of developments of regional impact by the state land planning agency and regional planning agencies and codified in chapter 73C-40, Florida Administrative Code, are repealed.

(2) The rules adopted by the Administration Commission, as defined in s. 380.031, Florida Statutes, regarding whether two or more developments, represented by their owners or developers to be separate developments, shall be aggregated and treated as a single development under chapter 380, Florida Statutes, are repealed.

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Section 23. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" where it occurs in this act with the date this act takes effect.

Section 24. This act shall take effect upon becoming a law.

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1244
Bill Number (if applicable)

Topic DRI

Amendment Barcode (if applicable)

Name Gary Hunter

Job Title Attorney

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Speaking: ☑ For ☐ Against ☐ Information

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

Representing Association of Florida Community Developers

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	PCS/CS/SB 1314 (188068)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Commerce and Tourism Committee; and Senator Brandes
SUBJECT:	Florida Capital Formation Act
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1314 creates the Institute for Commercialization of Florida Technology (institute) to increase the availability of seed and early stage investment capital in Florida without requiring an ongoing state expenditure for such support.

The institute will replace the Institute for Commercialization of Public Research (ICPR). The institute will differ from the ICPR in several ways. Namely, the institute will:

- Be operated by a private fund manager who will be paid from fees based on the institute's investment activities, rather than a professional staff;
- No longer partner with publicly supported universities or research institutes to support their commercialization efforts; and
- Not be supported by or function under the Department of Economic Opportunity (department).

Like the ICPR, however, the institute will partner with innovation and target industry businesses to foster investment funding, especially in seed-stage, startup, and early stage companies; advise companies about successful management, operations, and development processes; and provide opportunities to attract further investment.

The bill has minimal impact on state expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Venture Capital and Early Stage Business Investments

Venture capital is money provided by investors who choose to fund young companies that have the potential to develop into profitable businesses. Venture capital is an important source of equity for startup companies because its investment does not typically require security (such as a guarantee of repayment) from the business.[1]

Venture capital investments are typically made in lieu of traditional bank loans because the start-up or expansion-oriented companies they fund have a higher level of investment risk. The investor may eventually share in the risk of a failed business or the reward of a successful one. These investments are also characterized by a higher level of equity participation in the business by the investor, including mentorship or networking to assist the company with management and other obstacles.[2]

Investment in a technology or idea that has not yet been developed into a fully-fledged product or business is also known as "seed investing" or "early-stage investing."[3]

As of September 2017, one Florida website lists approximately 38 venture capital firms in the state.[4] Although the venture capital industry has grown in the last 20 years, it has done so only in limited geographic regions – generally limiting the investment of capital in businesses in or near those regions.[5]

Florida Capital Formation Act

In 2007, the Florida Capital Formation Act was enacted to address the need to increase the availability of seed capital and early stage venture capital for emerging Florida companies.[6] The act created the Florida Opportunity Fund and the Institute for the Commercialization of Public Research.

The intent of the act, in part, is to "mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies" and "mobilize venture equity

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[1] National Venture Capital Association, *Funding Innovation: How Venture Funded Startups Grow, Transform and Impact the U.S. Economy*, available at https://nvca.org/ecosystem/funding-innovation/ (last visited Feb. 16, 2018).
[2] *Id*.
[3] Florida Office of Economic and Demographic Research, *Return-on-Investment of the Florida Microfinance Loan and Microfinance Guarantee Programs*, p. 37, (Jan. 2018), *available at* http://edr.state.fl.us/Content/returnoninvestment/MicrofinanceLoanandGuaranteeProgams.pdf (last visited Feb. 15, 2018).
[4] Florida Trend, *Business FLORIDA: Business Assistance and Funding, Florida's Venture Capital Firms*, (Sept. 22, 2017) available at http://www.floridatrend.com/article/17615/floridas-venture-capital-firms--2015 (last visited Feb. 15, 2018).
[5] Cromwell Schmisseur, *Program Evaluation of the US Department of Treasury State Small Business Credit Initiative*, p. 61 (Oct. 2016), available at https://www.treasury.gov/resource-center/sb-programs/Documents/SSBCI_pe2016_Full_Report.pdf (last visited Feb. 16, 2018).
[6] Chapter 2007-189, L.O.F., codified as ss. 288.9621-288.9625, F.S.

capital for investment in such a manner as to result in a significant potential to create new businesses and jobs in this state."[7]

The Opportunity Fund was created to invest in seed and early stage venture capital funds (fund of funds), focusing on opportunities in Florida, and it can also make direct investments, including loans, in individual businesses and infrastructure projects. Enterprise Florida, Inc., facilitates the fund.

Further, the Legislature intended to create an institute "to mentor, market, and attract capital to such commercialization ventures throughout the state." The Institute for the Commercialization of Public Research (ICPR) assists in the commercialization of products developed by research and development activities of innovation businesses, publicly supported universities and colleges, research institutes, and other publicly supported organizations within Florida.[8]

Institute for the Commercialization of Public Research

The ICPR is a private-public partnership that operates as a nonprofit corporation. It administers company support services and seed capital funding programs to help early-stage businesses or ideas for businesses grow and thrive in Florida.[9] The ICPR operates with the support of mentors, advisors, and donors, and the Division of Strategic Business Development of the department provides support for and works closely with the ICPR.[10]

The ICPR has two primary locations, one at the University of Florida in Gainesville and the other at Florida Atlantic University in Boca Raton. A board of directors governs the ICPR and is responsible for managing the ICPR's funds, presenting the ICPR's annual report, and overseeing the ICPR's general affairs.[11] The board of directors is composed of the executive director of the department (or designee); the president of the university where the ICPR is located, or when the ICPR is located at multiple universities, the presidents' agreed upon designee; and three directors appointed by the Governor.[12]

The ICPR matches commercially viable technologies with management talent and capital. Additionally, the ICPR focuses on technologies and companies that originate from publicly supported organizations across the state and companies in Florida's innovation businesses and target industries.[13]

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[7] Section 288.9622, F.S.
[8] Department of Economic Opportunity, *Long Range Program Plan Fiscal Year 2018-2019 through 2022-2023*, p. 21 (September 29, 2017), available at http://floridafiscalportal.state.fl.us/Document.aspx?ID=17087&DocType=PDF (last visited Feb. 16, 2018).
[9] Department of Economic Opportunity, *Long Range Program Plan* at p. 21. Institute for Commercialization of Public Research, *Who We Are*, available at http://www.florida-institute.com/who-we-are (last visited Feb. 16, 2018).
[10] Section 20.60, F.S. Department of Economic Opportunity, *Long Range Program Plan* at pp. 19 and 42.
[11] Section 288.9625, F.S. Institute for Commercialization of Public Research, *Who We Are: Board of Directors*, available at http://www.florida-institute.com/about/board-of-directors (last visited Feb. 15, 2018).
[12] Section 288.9625(4), F.S.
[13] Sections 288.0189 and 288.106(2)(q), F.S., sets forth the innovation businesses and target industries. Institute for the Commercialization of Public Research, *Annual Report Brochure FY 2016-2017* (Nov. 22, 2017), available at http://www.florida-institute.com/news/florida-institutes-2016-17-brochure (last visited Feb. 17, 2018).

Before the institute facilitates a company or organization's efforts to commercialize its products, it must be accepted by the institute through an application process. Publicly supported organizations may recommend that a company attempting to commercialize its research, technology, or patents be accepted by the institute. Upon acceptance by the institute, a company receives mentoring and other services, which includes developing marketing information on the company, using institute resources to attract capital investment into the company, and other resources that may encourage effective management, growth, capitalization technology protection, or marketing or business success.[14]

Current law prohibits the ICPR from charging for its services unless they are provided to a private company, as compared to a state university or its affiliated organizations.

Since 2007, the Legislature has appropriated an estimated total of $33 million in state funds to the ICPR for operating costs, grants, loans, and seed stage funds.[15] The ICPR did not receive any funding in Fiscal Year 2017-2018.

Florida Technology Seed Capital Fund[16]

The ICPR also administers the Florida Technology Seed Capital Fund as a corporate subsidiary. The fund was preceded by the Florida Research Commercialization Matching Grant Program, which expired in 2013, and the Seed Capital Accelerator Program (SCAP).[17]

The fund was established to "foster greater private-sector investment funding, to encourage seed-stage investments in start-up companies, and to advise companies about how to restructure existing management, operation, or production to attract advantageous business opportunities."[18] Proceeds from sale of equity or debt repayments are returned to the fund for reinvestment.

A company at the initial seed-stage investment is eligible to receive investment from the fund only after undergoing a peer-reviewed process undertaken by the fund's investor advisory board. The ICRP will invest in a company if:[19]

- The company's overall health and ability for growth is strong, including its intellectual property position, management capability, paths to market or commercialization, growth-potential, and ability to leverage additional funding;
- The company was identified by a publicly funded research institution;
- The company is a target industry business;
- The company was identified by a private-sector lead investor who has performed industry-standard due diligence; and
- The advisory board and fund manager reviewed and recommended the company's proposal.

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[14] *See* Institute for Commercialization of Public Research, *For Entrepreneurs: Frequently Asked Questions*, available at http://www.florida-institute.com/about/faq (last visited Feb. 17, 2018).
[15] Office of Economic and Demographic Research, *Return-on-Investment of the Florida Microfinance Loan and Microfinance Guarantee Programs* (Jan. 2018), p. 43-45, available at http://edr.state.fl.us/Content/returnoninvestment/MicrofinanceLoanandGuaranteeProgams.pdf (last visited Feb. 18, 2018).
[16] Section 288.96255, F.S. Institute for Commercialization of Public Research, *For Entrepreneurs: Company Funding*, available at http://www.florida-institute.com/programs/company-funding (last visited Feb. 5, 2018).
[17] *See* s. 288.9552, F.S. (*2011*), and s. 39, ch. 2011-76, L.O.F.
[18] Section 288.26255(1), F.S.
[19] Section 288.96255(3)-(4), F.S.

Through the fund, the ICPR provides seed funding in amounts of $50,000 up to $300,000 to qualified companies, either as debt or equity. A cumulative investment of $500,000 is the maximum the ICPR will invest in a single company before it requires a 2:1, private sector match of the investment. The ICPR has invested in a total of 66 companies through this program.[20]

III. Effect of Proposed Changes:

Institute for Commercialization of Florida Technology

The bill creates the Institute for Commercialization of Florida Technology (institute) as a successor to the ICPR. The institute differs from the ICPR in several ways. Namely, the institute: (1) will be operated by a private fund manager rather than a professional staff; (2) will no longer partner with publicly supported universities or research institutes to support their commercialization efforts; and (3) will not be supported by or function under the department.

Section 3 amends s. 288.9622, F.S., to evince legislative intent to permit the use of a private asset manager familiar with the seed and early stage investment industry in Florida to reduce the operational costs of the Florida Technology Seed Capital Fund (Technology Fund) and the SCAP. It is the goal of the Legislature to operate these entities without requiring ongoing state expenditures.

Section 5 amends s. 288.9655, F.S., to replace the ICPR with the Institute for Commercialization of Florida Technology. The purpose of the institute is to assist in the commercialization of products developed by innovation businesses; advise the businesses about how to restructure existing management, operations, product development, or service development to attract further business opportunities; foster greater private sector investment funding; and encourage seed stage investments in startup and early stage companies.[21]

Creation of the Institute

Section 1 amends s. 20.60, F.S. to remove management of the ICPR and promotion of the commercialization of products, services, or ideas developed in public universities or institutions from the department's duties and purposes. The bill specifies that the institute is not a direct-support organization of the department.

Section 5 amends s. 288.9625(1), F.S., to provide that the institute is not subject to the control, supervision, or direction by the department in any manner. The section also amends s. 288.9625(3), F.S., to remove the requirement that the institute's articles of incorporation be approved by the department.

Board of Directors

Section 5 reorganizes the Board of Directors to consist of three members instead of five and provides for currently appointed directors of the ICPR to finish out their terms. Going forward,

[20] Institute for Commercialization of Public Research, *For Entrepreneurs: Company Funding*, available at http://www.florida-institute.com/programs/company-funding (last visited Feb. 5, 2018).
[21] See lines 206-213 and 415-424 of the bill.

to replace a vacant board position the private fund manager will submit three recommendations to the board for consideration. The board and the private fund manager each have a vote to select a new board member from the recommended list or "from a new list of three nominees that were not included on the previous list." It is unclear who nominates the new list.

The board's duties include oversight of the private fund manager's activities; performance of duties as outlined by the institute's bylaws; and provision of an annual report of the institute's activities to the Governor, President of the Senate, and Speaker of the House.

The directors must have expertise in selecting and supervising early stage investment managers or in fiduciary management of investment funds and other pertinent areas of expertise.

The directors may not receive compensation for their service but may be reimbursed for expenses as approved by the private fund manager pursuant to s. 112.061, F.S. Additionally, the directors may not have a financial interest in any investment in any of the institute's portfolio companies and are subject to any restriction on conflicts of interest as specified in the institute's organizational documents. The institute must indemnify its directors and the private fund manager to the broadest extent possible.

Private Fund Manager

The bill states that the "purpose of the institute's use of a private fund manager is to alleviate the state's burden of the continued and future operational and management costs related to the [Technology Fund] and [SCAP] program."

Eligibility

Section 5 provides that the private fund manager (fund manager) must be a for-profit limited liability company or a for-profit corporation that was formed and is governed and operated in accordance with ch. 605 or 607, F.S. Additionally, the fund manager may not be a public corporation or instrumentality of the state; is not a state agency; cannot claim sovereign immunity; is not subject to ch. 287, F.S., regarding procurement of goods and services; and is not governed by code of ethics provisions in part III of ch. 112, F.S.

The fund manager must be experienced in the field and must specifically have:

- Expertise and experience in the management and operation of early stage companies in Florida;
- Experience with early stage business ventures investments in Florida;
- Working knowledge and understanding of the institute's investment portfolio and relevant industries of those companies; and
- Individuals in its employ who have knowledge of the institute's investment portfolio and its companies, as well as financial, technical, and business expertise to manage the Technology Fund activity.

Duties

Section 5 provides for the fund manager's duties as they relate to the institute; **section 6** provides for the duties as they relate to the Technology Fund. They are substantially the same duties.

The fund manager is required to manage the investment-related affairs of the institute, including management of the assets of the institute's Technology Fund and SCAP investment portfolios; and conduct activities on the institute's behalf in accordance with law.

The fund manager must also issue an annual report to the Board of Directors by November 1 each year. The annual report is a public record, and must include:
- Information on any assistance provided to an innovation business;
- Description of the benefits that accrue to the state as a result of the institute's activity; and
- Independently audited financial statements, including information related to the receipt and calculation of the net profits of the investment portfolio.

The fund manager is authorized to:
- Negotiate terms of investment, sale, and liquidation with portfolio and nonportfolio companies;
- Execute contracts and contract amendments with portfolio and nonportfolio companies;
- Seek new qualified companies to participate in the Technology Fund;
- Receive and remit investment capital from the sale or liquidation of any part of the institute's investment portfolio, loan proceeds, or other investment returns;
- Mentor, assist with the development of marketing information or business plans, and assist with attracting capital investment and other resources to a portfolio company in order to foster its growth, marketing, or business success;
- Market the Technology Fund and accelerator program to potential investors;
- Facilitate meetings between prospective investors and the institute's portfolio companies; and
- Collaborate with publicly supported organizations that may be able to provide further resources or special knowledge to the institute's portfolio companies.

The fund manager is paid reasonable fees consistent with the standard practices of the fund management industry, consisting of:
- An operational management fee, including reimbursement of expenses that is paid from the proceeds of loans repaid to the SCAP or other capital, proceeds, and returns available in the Technology Fund;
- A portfolio fee paid from proceeds of each sale or asset liquidation from the institute's investment portfolio; and
- A closing fee paid from the investment amount paid by the Technology Fund to a company at the closing of each investment.

Florida Technology Seed Capital Fund

Section 5 outlines the institute's mission, which is to develop partnerships with, in particular, "innovation businesses" as defined in s. 288.1089, F.S., relating to the Innovation Incentive Program.

Section 6 provides that the institute must also strive to invest in target industry businesses, as defined in s. 288.106(2)(q), F.S., which represent diverse and stable markets.

Section 6 amends s. 288.96255, F.S., the Technology Fund, to revise the authorized investments and requirements for investment. The institute may select a company or organization for partnership with the institute or for funding from the Technology Fund only after the fund manager, using processes modeled on the investment industry's standard practices, has evaluated whether the company meets the statutory requirements, which are similar to current law. The fund manager must complete due diligence before approving a company for investment.

The bill repeals statutory limitations on investments from the fund – specifically the current limitation of initial investments of $50,000-$300,000, a cumulative maximum of $500,000, and a required 2:1 match for additional investment.

Net profits from proceeds of sale or liquidation of assets or portions of assets of the investment portfolio will be returned to the Technology Fund for reinvestment, after payment of applicable costs, professional fees, expenses, fees paid to the private fund manager, and disbursement to private investors.

Fees paid to the private fund manager include are for performing due diligence and an investment closing fee, in addition to reasonable attorney fees, the operational management fee, the portfolio fee, the closing fee, and other costs in connection with making the investment.

The institute or the private fund manager can disburse payments to private investors if the institute or the private fund manager decides to transfer any portion of the Technology Fund into a private fund or special purpose vehicle. Such private fund or special purpose vehicle can receive additional private investment. The disbursement from such private fund or special purpose vehicle back to the Technology Fund or private investors is the respective pro rata portion of any net profits from the sale or liquidation of assets in the private fund or special purpose vehicle.

Public Records and Meetings Exemption

Section 7 amends s. 288.9627, F.S., to transfer the public records and meetings exemption that previously applied to the ICPR to the institute.

This section makes the following materials held by the institute exempt from disclosure pursuant to s. 119.07(1), F.S., and s. 24(a), Art. I of the Florida Constitution:

- Documents and materials that related to a business' methods of manufacture or production, potential trade secrets, or patentable material that is provided to the institute by a proprietor;
- Information that would identify an anonymous investor or potential investor;
- Information received from another person, state, nation, or the federal government, which is confidential or exempt pursuant to the originator's laws; and
- Proprietary confidential business information.

Additionally, the bill exempts from Florida's public meetings laws those portions of the institute's meetings wherein information that is confidential and exempt according to Florida law is discussed.

Miscellaneous

Section 2 makes conforming changes to s. 288.9621, F.S., the short title for the Florida Capital Formation Act.

Section 4 provides definitions for terms used in the Florida Capital Formation Act.

Section 8 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill transfers the current public records and meetings exemptions for the ICPR to the institute. The bill also expands the scope and authority of the institute to make investments in seed and early stage businesses. It is unclear if the amendments made by the bill to ss. 288.9625 and 288.96255, F.S., would be an expansion of the current public records and meetings exemptions.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Depending on the financial performance of the Technology Fund and the institute, there may be a reduction in the funds available for investment in private businesses that seek investment capital.

C. Government Sector Impact:

The ICPR did not receive an appropriation in Fiscal Year 2017-2018. The bill attempts to reduce future appropriations to the successor institute for its investment, management, and related expenses, by permitting the institute to fund itself through its activities. According to the most recent independent audit of the ICPR completed in Fiscal Year 2016 filed with the Florida Auditor General, the total program expenses were

$3,732,937.[22] The fund manager will require expenditures pursuant to statute, but these will be made from profits of the institute, rather than state appropriation.

University and other publicly funded research institutes may see a reduction in funds available for the commercialization of their technologies because of the privatization of the institute.

The Department of Economic Opportunity may experience minimal cost savings by eliminating the contracting and related oversight responsibilities of the department over the institute.

VI. Technical Deficiencies:

It is unclear whether the duties outlined in s. 288.9625(5), F.S., apply to the Board of Directors or the fund manager.

VII. Related Issues:

The bill refers to the SCAP or "Accelerator Program." The Accelerator Program expired in 2013, and therefore does not require any ongoing operational funding. The Accelerator Program, however, does have outstanding loans that will not be due until December 2019, and therefore may require actions by the fund manager for purposes of collection and reinvestment of the funds.[23]

The bill provides that the institute must create the Fund; the Legislature could directly create the Fund.

The bill requires that a company or organization be "based in" Florida to receive assistance from the institute. This term may need to be defined to provide clarity in interpretation.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 288.9621, 288.9622, 288.9623, 288.9625, 288.96255, and 288.9627.

[22] Florida Auditor General, *Institute for Commercialization of Public Research: 2015-16 Fiscal Year*, available at https://flauditor.gov/pages/nonprofit_forprofit%20pages/institute%20for%20the%20commercialization%20of%20public%20research.htm (last visited Feb. 16, 2018).
[23] *Id*. at p. 21.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 21, 2018:
The committee substitute:

- Restores a portion of current law legislative intent related to the Florida Opportunity Fund;
- Adds a provision that the Institute for Commercialization of Florida Technology is not subject to the control, supervision, or direction of the DEO; and
- Corrects a grammar issue.

CS by Commerce and Tourism on February 6, 2018:
The CS clarifies the terms for directors appointed before July 1, 2018, and the succession of any director appointed thereafter.

B. Amendments:

None.

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

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Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to the Florida Capital Formation Act; amending s. 20.60, F.S.; deleting the requirement that the Department of Economic Opportunity manage certain activities related to the commercialization of specified products, services, and ideas; specifying that the Institute for Commercialization of Florida Technology is not an appropriate direct-support organization; amending s. 288.9621, F.S.; including s. 288.96255, F.S., in the Florida Capital Formation Act; amending s. 288.9622, F.S.; revising legislative intent; amending s. 288.9623, F.S.; defining terms; amending s. 288.9625, F.S.; redesignating the Institute for the Commercialization of Public Research as the Institute for Commercialization of Florida Technology; specifying that the institute is not subject to control, supervision, or direction by the department; deleting provisions regarding the institute's responsibilities; requiring that the investment-related affairs of the institute be managed by the private fund manager and overseen by the board of directors; restructuring the board of directors and the selection process for the board of directors; specifying term limits of the board members under certain circumstances; requiring the board of directors to amend the bylaws of the institute under

188068

576-03516-18

certain circumstances; providing that a director is subject to restrictions on certain conflicts of interest; prohibiting a director from having a financial interest in certain investments; authorizing a director to be reimbursed for certain expenses; granting the institute certain powers; requiring the institute to indemnify certain persons; delegating certain duties to the board of directors; revising to whom the board must provide a copy of the annual report and who may require and receive supplemental data relative to the institute's operation; specifying that certain requirements be met before the private fund manager is authorized to make an investment in a company, on behalf of the institute; deleting provisions relating to certain duties of the institute; deleting provisions relating to certain fees charged by the institute and the prohibition on using capital in support of certain entities; specifying that the annual report is considered a public record subject to certain exemptions; revising the requirements of the institute's annual report; listing requirements and prohibitions for the private fund manager; stating the purpose of the institute's use of the private fund manager; requiring the private fund manager to assume the management of certain assets; authorizing the private fund manager to act on behalf of the institute for certain purposes; requiring that the private fund manager be paid certain fees; authorizing the private fund manager to

undertake certain activities on behalf of the institute; requiring the private fund manager to issue an annual report to the board of directors by a specific date; specifying that the annual report is considered a public record subject to certain exemptions; requiring that the report contain certain information; amending s. 288.96255, F.S.; requiring that certain proceeds be returned to the Florida Technology Seed Capital Fund after the payment of certain costs and fees; requiring the institute to employ a private fund manager; requiring the private fund manager to perform specific duties; requiring that the private fund manager receive certain fees and costs at a specified time; requiring the private fund manager to use a certain process to evaluate a proposal; requiring the private fund manager to consider certain factors when approving a company for investment; deleting specific requirements for the investment of funds; authorizing the private fund manager, in addition to the institute, to perform certain tasks; amending s. 288.9627, F.S.; conforming provisions to changes made by this act; providing an effective date.

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

Section 1. Paragraph (e) of subsection (4) and paragraph (b) of subsection (9) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. To accomplish such purposes, the department shall:

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; ~~commercialization of products, services, or ideas developed in public universities or other public institutions;~~ and the development and promotion of professional and amateur sporting events.

(9) The executive director shall:

(b) Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., ~~the Institute for the Commercialization of Public Research,~~ and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the director shall enter into specific contracts with Enterprise Florida, Inc., ~~the Institute for the Commercialization of Public Research,~~ and other appropriate direct-support organizations. Such contracts may be for multiyear terms and must ~~shall~~ include

specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation and the Institute for Commercialization of Florida Technology are not ~~is not an~~ appropriate direct-support organizations ~~organization~~.

Section 2. Section 288.9621, Florida Statutes, is amended to read:

288.9621 Short title.—Sections 288.9621-288.96255 ~~Sections 288.9621-288.9625~~ may be cited as the "Florida Capital Formation Act."

Section 3. Section 288.9622, Florida Statutes, is amended to read:

288.9622 Findings and intent.—

(1) The Legislature finds and declares that there is a need to increase the availability of seed capital and early stage investment ~~venture equity~~ capital for emerging companies in the state, including, without limitation, businesses ~~enterprises~~ in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other industries of strategic importance to this state ~~strategic technologies~~.

(2) It is the intent of the Legislature that ss. 288.9621-288.96255 ~~ss. 288.9621-288.9625~~ serve to mobilize private investment in a broad variety of ~~venture capital~~ partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; allow the Institute for Commercialization of Florida Technology to use ~~the services of~~ highly qualified private fund managers experienced in the seed and early stage development industry in this state;

outline the use, qualifications, and activities of the private management by a private fund manager of the assets of the Seed Capital Accelerator Program and the Florida Technology Seed Capital Fund investment portfolio of the Institute for Commercialization of Florida Technology ~~venture capital industry regardless of location~~; facilitate the organization of the Florida Opportunity Fund as an investor in seed and early stage businesses, infrastructure projects, venture capital funds, and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund.

(3) It is the intent of the Legislature to mobilize investment ~~venture equity~~ capital ~~for investment~~ in such a manner as to result in a significant potential to create new businesses and jobs in this state which ~~that~~ are based on high growth potential technologies, products, or services and which ~~that~~ will further diversify the economy of this state.

(4) It is the intent of the Legislature to reduce the ongoing operational cost and burden of managing the Florida Technology Seed Capital Fund and the Seed Capital Accelerator Program to this state by engaging a private asset management entity in this state which is familiar with the seed and early stage investment industry in this state. This entity would be responsible for the management of the assets of the Seed Capital Accelerator Program and the Florida Technology Seed Capital Fund investment portfolio without requiring ongoing budget expenditures by this state ~~that an institute be created to mentor, market, and attract capital to such commercialization ventures throughout the state~~.

Section 4. Section 288.9623, Florida Statutes, is amended

to read:

288.9623 Definitions.—As used in ss. 288.9621-288.96255, the term ~~ss. 288.9621-288.9625~~:

(1) "Accelerator program" means the Seed Capital Accelerator Program managed by the institute.

(2)~~(1)~~ "Board" means the board of directors of the Florida Opportunity Fund.

(3)~~(2)~~ "Fund" means the Florida Opportunity Fund.

(4) "Institute" means the Institute for Commercialization of Florida Technology.

(5) "Investment portfolio" means individual or collective investment assets held under the technology fund.

(6) "Net profits" means the total gross proceeds received from the sale or liquidation of an asset of the investment portfolio less any costs, legal fees, professional fees, consulting fees, government fees, brokerage fees, taxes, management fees pursuant to s. 288.9625(12)(b), disbursement to private investors pursuant to s. 288.96255(6), or other fees, costs, and expenses incurred in the sale or liquidation of any of the investment portfolio assets.

(7) "Portfolio companies" means the companies who are part of the Florida Technology Seed Capital Fund investment portfolio.

(8) "Private fund manager" means the private entity, or its designee, selected to manage the investment portfolio on behalf of the institute.

(9) "Technology fund" means the Florida Technology Seed Capital Fund managed by the institute.

Section 5. Section 288.9625, Florida Statutes, is amended

to read:

288.9625 Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~. ~~There is established at a public university or research center in this state the Institute for the Commercialization of Public Research~~.

(1) The institute is ~~shall be~~ a nonprofit ~~not-for-profit~~ corporation registered, incorporated, and operated in accordance with chapter 617. The institute is not subject to control, supervision, or direction by the department in any manner, including, but not limited to, personnel, purchasing, transactions involving real or personal property, and budgetary matters.

(2) The purpose of the institute is to assist in the commercialization of products developed by the research and development activities of an innovation business, including, but not limited to, those ~~as~~ defined in s. 288.1089~~; a publicly supported college, university, or research institute; or any other publicly supported organization in this state~~. The institute shall fulfill its purpose in the best interests of the state. The institute:

(a) Is a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to ~~the provisions of~~ chapter 287;

(e) Is ~~Shall be~~ governed by the code of ethics for public

officers and employees as set forth in part III of chapter 112; and

(f) May create corporate subsidiaries. ~~;~~

~~(g) Shall support existing commercialization efforts at state universities; and~~

~~(h) May not supplant, replace, or direct existing technology transfer operations or other commercialization programs, including incubators and accelerators.~~

(3) The articles of incorporation of the institute must ~~be approved in a written agreement with the department. The agreement and the articles of incorporation shall~~:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute are ~~shall be~~ governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The investment-related affairs of the institute shall be managed by the private fund manager, and overseen by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. ~~The board of directors shall consist of the following five members:~~

~~(a) The executive director of the department, or the director's designee.~~

~~(b) The president of the university where the institute is located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.~~

(a) ~~(c)~~ The board of directors shall consist of three directors appointed pursuant to the procedures and requirements of this section ~~by the Governor~~ to 3-year staggered terms, to which the directors may be reappointed.

(b) For any director appointed before July 1, 2018, the term of service for that director may continue through the end of his or her current term. The vacancy created by the expiration of such term must be filled pursuant to the procedures and requirements of this section.

(c) The bylaws of the institute shall be amended accordingly by the board of directors to reflect the requirements of this section.

(d) Upon vacancy, or within 90 days before an anticipated vacancy by the expiration of a term of a director, the private fund manager shall submit a list of three eligible nominees, which may include the incumbent director, to replace the

outgoing director. The board of directors, voting along with the private fund manager, may appoint a director from the nominee list or may request and appoint a director from a new list of three nominees that were not included on the previous list.

(e) The persons appointed as replacement directors must include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate.

(f) Directors are subject to any restrictions on conflicts of interest specified in the organizational documents and may not have a financial interest in any venture capital investment in any portfolio company.

(g) Directors may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the private fund manager pursuant to s. 112.061.

(h) The institute shall have all powers granted under its organizational documents and shall indemnify its directors and the private fund manager to the broadest extent permissible under the laws of this state.

(5) The board of directors shall oversee the private fund manager to ensure consistency with the Florida Capital Formation Act, perform those duties as may be delegated to it in the bylaws of the institute, and provide a copy of the institute's annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives~~, and the president of the university at which the institute is located~~.

(6) The ~~department, the president and the board of trustees of the university where the institute is located, the~~ Auditor

General~~,~~ and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

(7) To the extent funds for investment are available in the technology fund, the private fund manager, on behalf of the institute, may make an investment in a company or organization if all of the following requirements are met:

(a) Before providing assistance, the institute accepted ~~To be eligible for assistance,~~ the company or organization attempting to commercialize its product based on the guidelines under s. 288.96255(4) ~~must be accepted by the institute before receiving the institute's assistance~~.

(b) The company or organization is based in this state ~~institute shall receive recommendations from any publicly supported organization that a company that is commercializing the research, technology, or patents from a qualifying publicly supported organization should be accepted into the institute~~.

~~(c) The institute shall thereafter review the business plans and technology information of each such recommended company. If accepted, the institute shall mentor the company, develop marketing information on the company, and use its resources to attract capital investment into the company, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success.~~

~~(8) The institute shall:~~

~~(a) Maintain a centralized location to showcase companies and their technologies and products;~~

~~(b) Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;~~

~~(c) Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;~~

~~(d) Facilitate meetings between prospective investors and eligible organizations in the institute;~~

~~(c) Hire full-time staff who understand relevant technologies needed to market companies to the angel investors and venture capital investment community; and~~

~~(f) Develop cooperative relationships with publicly supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.~~

(8)~~(9)~~ Except as provided under s. 288.96255, the institute may not develop or accrue any ownership, royalty, patent, or other such rights over or interest in companies or products in the institute except in connection with financing provided directly to client companies and shall maintain the confidentiality of proprietary information.

~~(10) The institute may not charge for services provided to state universities and affiliated organizations, community colleges, or state agencies; however, the institute may deliver and charge for services to private companies and affiliated organizations if providing a service does not interfere with the core mission of the institute. The institute may not use its capital in support of private companies or affiliated organizations whose products were not developed by research and~~

~~development activities of a publicly supported college, university, or research institute, or any other organization.~~

(9)~~(11)~~ By December 1 of each year, the institute shall issue an annual report concerning its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report shall be considered a public record, as provided in paragraph (3)(b), subject to any appropriate exemptions under s. 288.9627. The annual report must ~~shall~~ include the following:

(a) Information on any assistance provided by the institute to an innovation business, as defined in s. 288.1089~~; a publicly supported college, university, or research institute; or any other publicly supported organization in the state~~.

(b) A description of the benefits to this state resulting from the institute, including the number of businesses created, associated industries started, the number of jobs created, and the growth of related projects.

(c) Independently audited financial statements, including statements that show receipts and expenditures during the preceding fiscal year for personnel, management fees, administration, and operational costs of the institute.

(10) The private fund manager:

(a) Must be a for-profit limited liability company or a for-profit corporation formed, governed, and operated in accordance with chapter 605 or chapter 607, respectively.

(b) Shall conduct activities on behalf of the institute which are consistent with the purposes set forth in this section.

(c) Must have expertise and experience in the management

and operation of early stage companies in this state.

(d) Must have experience with investment in early stage ventures in this state and have a working knowledge and understanding of the investment portfolio and the relevant industries of the portfolio companies in this state.

(e) Shall employ personnel and professionals who have knowledge of the investment portfolio and portfolio companies of the institute, as well as financial, technical, and business expertise to manage the technology fund activity.

(f) May not be a public corporation or instrumentality of the state.

(g) Is not a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity.

(h) Is not an agency within the meaning of s. 20.03(11).

(i) Is not subject to chapter 287.

(j) May not be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112.

(11) The purpose of the institute's use of a private fund manager is to alleviate the state's burden of the continued and future operational and management costs related to the technology fund and accelerator program, while allowing the institute, through the activities of the private fund manager, to continue to foster greater private-sector investment funding, to encourage seed-stage investments in startup and early stage companies, and to advise companies about how to restructure existing management, operations, product development, or service development to attract advantageous business opportunities.

(12) The private fund manager shall assume the management

of the assets of the accelerator program and the technology fund investment portfolios associated with the institute.

(a) The private fund manager has the authority on behalf of the institute to:

1. Negotiate investment, sale, and liquidation terms with portfolio and nonportfolio companies;

2. Develop and execute contracts, or amendments thereto, with portfolio and nonportfolio companies;

3. Seek new qualified companies for the investment of funds from the technology fund;

4. Receive, on behalf of the institute, investment capital from the sale or liquidation of any portion of the investment portfolio, loan proceeds, or other investment returns, and remit such capital, proceeds, and returns to the technology fund pursuant to s. 288.96255, except as otherwise provided in this section and s. 288.96255; and

5. Perform additional duties set forth in s. 288.96255.

(b) The private fund manager shall be paid reasonable fees consistent with industry fund management practices and consisting of:

1. An operational management fee, including the reimbursement of expenses, paid from the proceeds of the repayment of loans from the accelerator program or other capital, proceeds, and returns available in the technology fund;

2. A portfolio fee paid from the proceeds of each sale or liquidation of assets or portions of the assets of the investment portfolio; and

3. A closing fee paid from the investment amount paid by the technology fund to a company at the closing of each

investment.

(13) The private fund manager may undertake the following activities on behalf of the institute:

(a) Mentor, assist with the development of marketing information, and assist with attracting capital investment, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success;

(b) Communicate with private investors and venture capital organizations regarding investment opportunities in the portfolio companies of the technology fund and accelerator program;

(c) Facilitate meetings between prospective investors and the companies; and

(d) Develop cooperative relationships with publicly supported organizations that work together to provide resources or special knowledge likely to be helpful to portfolio companies.

(14) By November 1 of each year, the private fund manager shall issue an annual report to the board of directors of the institute concerning the activities the private fund manager conducted which relate to existing accelerator program and technology fund investments in order for the board to be in compliance with its report obligations under subsection (9). The annual report provided by the private fund manager shall be considered a public record, as provided in paragraph (3)(b), subject to any appropriate exemptions under s. 288.9627. The annual report, at a minimum, must include:

(a) A description of the benefits to this state resulting

from the assets of the accelerator program and technology fund, including the number of jobs created, the amount of capital the companies raised, and other benefits relating to increased research expenditures and company growth.

(b) Independently audited financial statements related to the receipt and calculation of the net profits of the investment portfolio.

Section 6. Subsection (1) and subsections (3) through (7) of section 288.96255, Florida Statutes, are amended to read:

288.96255 Florida Technology Seed Capital Fund; creation; duties.—

(1) The Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~ shall create the Florida Technology Seed Capital Fund as a corporate subsidiary. The purpose of the technology fund is to foster greater private-sector investment funding, to encourage seed-stage investments in start-up companies, and to advise companies about how to restructure existing management, operation, or production to attract advantageous business opportunities. The net profits of the proceeds of each sale or liquidation of assets or portions of the assets of the investment portfolio must ~~a sale of the equity held by the fund shall~~ be returned to the technology fund for reinvestment after payment of the applicable costs, professional fees, expenses, fees pursuant to s. 288.9625(12)(b), and disbursement to private investors pursuant to paragraph (6)(e).

(3) The institute shall employ a private fund manager pursuant to s. 288.9625 ~~professionals who have both technical and business expertise~~ to manage the investment portfolio and technology fund activity. The private fund manager ~~institute~~

~~shall establish an investor advisory board comprised of venture capital professionals and early-stage investors from this and other states who~~ shall advise the institute and guide the ~~fund~~ management of the technology fund and make funding recommendations, provided that capital for investment is available in the technology fund. The private fund manager shall receive reasonable fees consistent with industry practices for performing due diligence and an investment closing fee paid out of the technology fund at the closing of each investment in addition to reasonable attorney fees, other fees prescribed in s. 288.9625(12)(b), and other costs in connection with making an investment. ~~Administrative costs paid out of the fund shall be determined by the investor advisory board.~~

(4) The private fund manager ~~institute~~ shall use a thorough and detailed process that is modeled after investment industry practices ~~the best practices of the investment industry~~ to evaluate a proposal. In order to approve a company for investment, the private fund manager, on behalf of the institute, must consider if:

(a) The company has a strong intellectual property position, a capable management team, readily identifiable paths to market or commercialization, significant job-growth potential, the ability to provide other sources of capital to leverage the state's investment, and the potential to attract additional funding;

(b) The private fund manager has had an opportunity to complete due diligence to its satisfaction ~~company has been identified by a publicly funded research institution~~;

(c) The ~~start-up~~ company is a target industry business as

defined in s. 288.106(2); and

(d) ~~The company has been identified by~~ An approved private-sector lead investor who has demonstrated due diligence typical of start-up investments in evaluating the potential of the company has identified the company.~~; and~~

~~(c) The advisory board and fund manager have reviewed the company's proposal and recommended it.~~

(5) ~~(a) Seed~~ Funds from the technology fund may be invested if the institute approves a company and the initial seed-stage investment. ~~The initial seed-stage investment must be at least $50,000, but no more than $300,000. The initial seed-stage investment requires a one-to-one, private-sector match of investment.~~

~~(b) Additional seed funds may be invested in a company if approved by the institute. The cumulative total of investment in a single company may not exceed $500,000. Any additional investment amount requires a two-to-one, private-sector match of investment.~~

(6) The institute or private fund manager may:

(a) Provide a company with value-added support services in the areas of business plan development and strategy, the preparation of investor presentations, and other critical areas identified by the private fund manager ~~institute~~ to increase its chances for long-term viability and success;

(b) Encourage appropriate investment funds to become preapproved to match investment funds;

(c) Market the attractiveness of the state as an early-stage investment location; ~~and~~

(d) Collaborate with state economic-development

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organizations, national associations of seed and angel funds, and other innovation-based associations to create an enhanced state entrepreneurial ecosystem; and~~.~~

(e) Transfer any portion of the assets of the investment portfolio, on behalf of the institute, into a private fund or special purpose vehicle, receive additional private investment in the private fund or special purpose vehicle, manage the private fund or special purpose vehicle, and distribute to the technology fund and the private investors the respective pro rata portion of any net profits from the sale or liquidation of the assets of such private fund or special purpose vehicle.

~~(7) The institute shall annually evaluate the activities and results of the funding, taking into consideration that seed investment horizons span from 3 to 7 years.~~

Section 7. Section 288.9627, Florida Statutes, is amended to read:

288.9627 Exemptions from public records and public meetings requirements for the Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~" or "institute" means the institute established by s. 288.9625.

(b)1. "Proprietary confidential business information" means information that has been designated by the proprietor when provided to the institute as information that is owned or controlled by a proprietor; that is intended to be and is treated by the proprietor as private, the disclosure of which would harm the business operations of the proprietor and has not

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been intentionally disclosed by the proprietor unless pursuant to a private agreement that provides that the information will not be released to the public except as required by law or legal process, or pursuant to law or an order of a court or administrative body; and that concerns:

a. Trade secrets as defined in s. 688.002.

b. Financial statements and internal or external auditor reports of a proprietor corporation, partnership, or person requesting confidentiality under this statute, unless publicly released by the proprietor.

c. Meeting materials related to financial, operating, investment, or marketing information of the proprietor corporation, partnership, or person.

d. Information concerning private investors in the proprietor corporation, partnership, or person.

2. "Proprietary confidential business information" does not include:

a. The identity and primary address of the proprietor's principals.

b. The dollar amount and date of the financial commitment or contribution made by the institute.

c. The dollar amount, on a fiscal-year-end basis, of cash repayments or other fungible distributions received by the institute from each proprietor.

d. The dollar amount, if any, of the total management fees and costs paid on an annual fiscal-year-end basis by the institute.

(c) "Proprietor" means a corporation, partnership, or person that has applied for or received assistance, financial or

otherwise, from the institute and that controls or owns the proprietary confidential business information.

(2) PUBLIC RECORDS EXEMPTION.—

(a) The following records held by the institute are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Materials that relate to methods of manufacture or production, potential trade secrets, or patentable material received, generated, ascertained, or discovered during the course of research or through research projects conducted by universities and other publicly supported organizations in this state and that are provided to the institute by a proprietor.

2. Information that would identify an investor or potential investor who desires to remain anonymous in projects reviewed by the institute for assistance.

3. Any information received from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.

4. Proprietary confidential business information for 7 years after the termination of the institute's financial commitment to the company.

(b) At the time any record made confidential and exempt by this subsection, or portion thereof, is legally available or subject to public disclosure for any other reason, that record, or portion thereof, shall no longer be confidential and exempt and shall be made available for inspection and copying.

(3) PUBLIC MEETINGS EXEMPTION.—

(a) That portion of a meeting of the institute's board of

directors at which information is discussed which is confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Any exempt portion of a meeting shall be recorded and transcribed. The board of directors shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. An exempt portion of any meeting may not be off the record.

(c) A transcript and minutes of exempt portions of meetings are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) REQUEST TO INSPECT OR COPY A RECORD.—

(a) Records made confidential and exempt by this section may be released, upon written request, to a governmental entity in the performance of its official duties and responsibilities.

(b) Notwithstanding the provisions of paragraph (2)(a), a request to inspect or copy a public record that contains proprietary confidential business information shall be granted if the proprietor of the information fails, within a reasonable period of time after the request is received by the institute, to verify the following to the institute through a written declaration in the manner provided by s. 92.525:

1. That the requested record contains proprietary confidential business information and the specific location of such information within the record;

2. If the proprietary confidential business information is a trade secret, a verification that it is a trade secret as defined in s. 688.002;

694 3. That the proprietary confidential business information
695 is intended to be and is treated by the proprietor as private,
696 is the subject of efforts of the proprietor to maintain its
697 privacy, and is not readily ascertainable or publicly available
698 from any other source; and
699 4. That the disclosure of the proprietary confidential
700 business information to the public would harm the business
701 operations of the proprietor.
702 (c)1. Any person may petition a court of competent
703 jurisdiction for an order for the public release of those
704 portions of any record made confidential and exempt by
705 subsection (2).
706 2. Any action under this subsection must be brought in Palm
707 Beach County or Alachua County, and the petition or other
708 initial pleading shall be served on the institute and, if
709 determinable upon diligent inquiry, on the proprietor of the
710 information sought to be released.
711 3. In any order for the public release of a record under
712 this subsection, the court shall make a finding that:
713 a. The record or portion thereof is not a trade secret as
714 defined in s. 688.002;
715 b. A compelling public interest is served by the release of
716 the record or portions thereof which exceed the public necessity
717 for maintaining the confidentiality of such record; and
718 c. The release of the record will not cause damage to or
719 adversely affect the interests of the proprietor of the released
720 information, other private persons or business entities, or the
721 institute.
722 (5) PENALTIES.—Any person who willfully and knowingly

723 violates this section commits a misdemeanor of the first degree,
724 punishable as provided in s. 775.082 or s. 775.083.
725 Section 8. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	CS/CS/SB 1314
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Commerce and Tourism Committee; and Senator Brandes
SUBJECT:	Florida Capital Formation Act
DATE:	March 5, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harmsen	McKay	CM	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1314 creates the Institute for Commercialization of Florida Technology (institute) to increase the availability of seed and early stage investment capital in Florida without requiring an ongoing state expenditure for such support.

The institute will replace the Institute for Commercialization of Public Research (ICPR). The institute will differ from the ICPR in several ways. Namely, the institute will:

- Be operated by a private fund manager who will be paid from fees based on the institute's investment activities, rather than a professional staff;
- No longer partner with publicly supported universities or research institutes to support their commercialization efforts; and
- Not be supported by or function under the Department of Economic Opportunity (department).

Like the ICPR, however, the institute will partner with innovation and target industry businesses to foster investment funding, especially in seed-stage, startup, and early stage companies; advise companies about successful management, operations, and development processes; and provide opportunities to attract further investment.

The bill has minimal impact on state expenditures.

The bill takes effect July 1, 2018.

II. Present Situation:

Venture Capital and Early Stage Business Investments

Venture capital is money provided by investors who choose to fund young companies that have the potential to develop into profitable businesses. Venture capital is an important source of equity for startup companies because its investment does not typically require security (such as a guarantee of repayment) from the business.[1]

Venture capital investments are typically made in lieu of traditional bank loans because the start-up or expansion-oriented companies they fund have a higher level of investment risk. The investor may eventually share in the risk of a failed business or the reward of a successful one. These investments are also characterized by a higher level of equity participation in the business by the investor, including mentorship or networking to assist the company with management and other obstacles.[2]

Investment in a technology or idea that has not yet been developed into a fully-fledged product or business is also known as "seed investing" or "early-stage investing."[3]

As of September 2017, one Florida website lists approximately 38 venture capital firms in the state.[4] Although the venture capital industry has grown in the last 20 years, it has done so only in limited geographic regions – generally limiting the investment of capital in businesses in or near those regions.[5]

Florida Capital Formation Act

In 2007, the Florida Capital Formation Act was enacted to address the need to increase the availability of seed capital and early stage venture capital for emerging Florida companies.[6] The act created the Florida Opportunity Fund and the Institute for the Commercialization of Public Research.

The intent of the act, in part, is to "mobilize private investment in a broad variety of venture capital partnerships in diversified industries and geographies" and "mobilize venture equity

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[1] National Venture Capital Association, *Funding Innovation: How Venture Funded Startups Grow, Transform and Impact the U.S. Economy*, available at https://nvca.org/ecosystem/funding-innovation/ (last visited Feb. 16, 2018).
[2] *Id*.
[3] Florida Office of Economic and Demographic Research, *Return-on-Investment of the Florida Microfinance Loan and Microfinance Guarantee Programs*, p. 37, (Jan. 2018), *available at* http://edr.state.fl.us/Content/returnoninvestment/MicrofinanceLoanandGuaranteeProgams.pdf (last visited Feb. 15, 2018).
[4] Florida Trend, *Business FLORIDA: Business Assistance and Funding, Florida's Venture Capital Firms*, (Sept. 22, 2017) available at http://www.floridatrend.com/article/17615/floridas-venture-capital-firms--2015 (last visited Feb. 15, 2018).
[5] Cromwell Schmisseur, *Program Evaluation of the US Department of Treasury State Small Business Credit Initiative*, p. 61 (Oct. 2016), available at https://www.treasury.gov/resource-center/sb-programs/Documents/SSBCI_pe2016_Full_Report.pdf (last visited Feb. 16, 2018).
[6] Chapter 2007-189, L.O.F., codified as ss. 288.9621-288.9625, F.S.

capital for investment in such a manner as to result in a significant potential to create new businesses and jobs in this state."[7]

The Opportunity Fund was created to invest in seed and early stage venture capital funds (fund of funds), focusing on opportunities in Florida, and it can also make direct investments, including loans, in individual businesses and infrastructure projects. Enterprise Florida, Inc., facilitates the fund.

Further, the Legislature intended to create an institute "to mentor, market, and attract capital to such commercialization ventures throughout the state." The Institute for the Commercialization of Public Research (ICPR) assists in the commercialization of products developed by research and development activities of innovation businesses, publicly supported universities and colleges, research institutes, and other publicly supported organizations within Florida.[8]

Institute for the Commercialization of Public Research

The ICPR is a private-public partnership that operates as a nonprofit corporation. It administers company support services and seed capital funding programs to help early-stage businesses or ideas for businesses grow and thrive in Florida.[9] The ICPR operates with the support of mentors, advisors, and donors, and the Division of Strategic Business Development of the department provides support for and works closely with the ICPR.[10]

The ICPR has two primary locations, one at the University of Florida in Gainesville and the other at Florida Atlantic University in Boca Raton. A board of directors governs the ICPR and is responsible for managing the ICPR's funds, presenting the ICPR's annual report, and overseeing the ICPR's general affairs.[11] The board of directors is composed of the executive director of the department (or designee); the president of the university where the ICPR is located, or when the ICPR is located at multiple universities, the presidents' agreed upon designee; and three directors appointed by the Governor.[12]

The ICPR matches commercially viable technologies with management talent and capital. Additionally, the ICPR focuses on technologies and companies that originate from publicly supported organizations across the state and companies in Florida's innovation businesses and target industries.[13]

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[7] Section 288.9622, F.S.
[8] Department of Economic Opportunity, *Long Range Program Plan Fiscal Year 2018-2019 through 2022-2023*, p. 21 (September 29, 2017), available at http://floridafiscalportal.state.fl.us/Document.aspx?ID=17087&DocType=PDF (last visited Feb. 16, 2018).
[9] Department of Economic Opportunity, *Long Range Program Plan* at p. 21. Institute for Commercialization of Public Research, *Who We Are*, available at http://www.florida-institute.com/who-we-are (last visited Feb. 16, 2018).
[10] Section 20.60, F.S. Department of Economic Opportunity, *Long Range Program Plan* at pp. 19 and 42.
[11] Section 288.9625, F.S. Institute for Commercialization of Public Research, *Who We Are: Board of Directors*, available at http://www.florida-institute.com/about/board-of-directors (last visited Feb. 15, 2018).
[12] Section 288.9625(4), F.S.
[13] Sections 288.0189 and 288.106(2)(q), F.S., sets forth the innovation businesses and target industries. Institute for the Commercialization of Public Research, *Annual Report Brochure FY 2016-2017* (Nov. 22, 2017), available at http://www.florida-institute.com/news/florida-institutes-2016-17-brochure (last visited Feb. 17, 2018).

Before the institute facilitates a company or organization's efforts to commercialize its products, it must be accepted by the institute through an application process. Publicly supported organizations may recommend that a company attempting to commercialize its research, technology, or patents be accepted by the institute. Upon acceptance by the institute, a company receives mentoring and other services, which includes developing marketing information on the company, using institute resources to attract capital investment into the company, and other resources that may encourage effective management, growth, capitalization technology protection, or marketing or business success.[14]

Current law prohibits the ICPR from charging for its services unless they are provided to a private company, as compared to a state university or its affiliated organizations.

Since 2007, the Legislature has appropriated an estimated total of $33 million in state funds to the ICPR for operating costs, grants, loans, and seed stage funds.[15] The ICPR did not receive any funding in Fiscal Year 2017-2018.

Florida Technology Seed Capital Fund[16]

The ICPR also administers the Florida Technology Seed Capital Fund as a corporate subsidiary. The fund was preceded by the Florida Research Commercialization Matching Grant Program, which expired in 2013, and the Seed Capital Accelerator Program (SCAP).[17]

The fund was established to "foster greater private-sector investment funding, to encourage seed-stage investments in start-up companies, and to advise companies about how to restructure existing management, operation, or production to attract advantageous business opportunities."[18] Proceeds from sale of equity or debt repayments are returned to the fund for reinvestment.

A company at the initial seed-stage investment is eligible to receive investment from the fund only after undergoing a peer-reviewed process undertaken by the fund's investor advisory board. The ICRP will invest in a company if:[19]

- The company's overall health and ability for growth is strong, including its intellectual property position, management capability, paths to market or commercialization, growth-potential, and ability to leverage additional funding;
- The company was identified by a publicly funded research institution;
- The company is a target industry business;
- The company was identified by a private-sector lead investor who has performed industry-standard due diligence; and
- The advisory board and fund manager reviewed and recommended the company's proposal.

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[14] *See* Institute for Commercialization of Public Research, *For Entrepreneurs: Frequently Asked Questions*, available at http://www.florida-institute.com/about/faq (last visited Feb. 17, 2018).
[15] Office of Economic and Demographic Research, *Return-on-Investment of the Florida Microfinance Loan and Microfinance Guarantee Programs* (Jan. 2018), p. 43-45, available at http://edr.state.fl.us/Content/returnoninvestment/MicrofinanceLoanandGuaranteeProgams.pdf (last visited Feb. 18, 2018).
[16] Section 288.96255, F.S. Institute for Commercialization of Public Research, *For Entrepreneurs: Company Funding*, available at http://www.florida-institute.com/programs/company-funding (last visited Feb. 5, 2018).
[17] *See* s. 288.9552, F.S. (*2011*), and s. 39, ch. 2011-76, L.O.F.
[18] Section 288.26255(1), F.S.
[19] Section 288.96255(3)-(4), F.S.

Through the fund, the ICPR provides seed funding in amounts of $50,000 up to $300,000 to qualified companies, either as debt or equity. A cumulative investment of $500,000 is the maximum the ICPR will invest in a single company before it requires a 2:1, private sector match of the investment. The ICPR has invested in a total of 66 companies through this program.[20]

III. Effect of Proposed Changes:

Institute for Commercialization of Florida Technology

The bill creates the Institute for Commercialization of Florida Technology (institute) as a successor to the ICPR. The institute differs from the ICPR in several ways. Namely, the institute: (1) will be operated by a private fund manager rather than a professional staff; (2) will no longer partner with publicly supported universities or research institutes to support their commercialization efforts; and (3) will not be supported by or function under the department.

Section 3 amends s. 288.9622, F.S., to evince legislative intent to permit the use of a private asset manager familiar with the seed and early stage investment industry in Florida to reduce the operational costs of the Florida Technology Seed Capital Fund (Technology Fund) and the SCAP. It is the goal of the Legislature to operate these entities without requiring ongoing state expenditures.

Section 5 amends s. 288.9655, F.S., to replace the ICPR with the Institute for Commercialization of Florida Technology. The purpose of the institute is to assist in the commercialization of products developed by innovation businesses; advise the businesses about how to restructure existing management, operations, product development, or service development to attract further business opportunities; foster greater private sector investment funding; and encourage seed stage investments in startup and early stage companies.[21]

Creation of the Institute

Section 1 amends s. 20.60, F.S. to remove management of the ICPR and promotion of the commercialization of products, services, or ideas developed in public universities or institutions from the department's duties and purposes. The bill specifies that the institute is not a direct-support organization of the department.

Section 5 amends s. 288.9625(1), F.S., to provide that the institute is not subject to the control, supervision, or direction by the department in any manner. The section also amends s. 288.9625(3), F.S., to remove the requirement that the institute's articles of incorporation be approved by the department.

Board of Directors

Section 5 reorganizes the Board of Directors to consist of three members instead of five and provides for currently appointed directors of the ICPR to finish out their terms. Going forward,

[20] Institute for Commercialization of Public Research, *For Entrepreneurs: Company Funding*, available at http://www.florida-institute.com/programs/company-funding (last visited Feb. 5, 2018).
[21] See lines 206-213 and 415-424 of the bill.

to replace a vacant board position the private fund manager will submit three recommendations to the board for consideration. The board and the private fund manager each have a vote to select a new board member from the recommended list or "from a new list of three nominees that were not included on the previous list." It is unclear who nominates the new list.

The board's duties include oversight of the private fund manager's activities; performance of duties as outlined by the institute's bylaws; and provision of an annual report of the institute's activities to the Governor, President of the Senate, and Speaker of the House.

The directors must have expertise in selecting and supervising early stage investment managers or in fiduciary management of investment funds and other pertinent areas of expertise.

The directors may not receive compensation for their service but may be reimbursed for expenses as approved by the private fund manager pursuant to s. 112.061, F.S. Additionally, the directors may not have a financial interest in any investment in any of the institute's portfolio companies and are subject to any restriction on conflicts of interest as specified in the institute's organizational documents. The institute must indemnify its directors and the private fund manager to the broadest extent possible.

Private Fund Manager

The bill states that the "purpose of the institute's use of a private fund manager is to alleviate the state's burden of the continued and future operational and management costs related to the [Technology Fund] and [SCAP] program."

Eligibility

Section 5 provides that the private fund manager (fund manager) must be a for-profit limited liability company or a for-profit corporation that was formed and is governed and operated in accordance with ch. 605 or 607, F.S. Additionally, the fund manager may not be a public corporation or instrumentality of the state; is not a state agency; cannot claim sovereign immunity; is not subject to ch. 287, F.S., regarding procurement of goods and services; and is not governed by code of ethics provisions in part III of ch. 112, F.S.

The fund manager must be experienced in the field and must specifically have:

- Expertise and experience in the management and operation of early stage companies in Florida;
- Experience with early stage business ventures investments in Florida;
- Working knowledge and understanding of the institute's investment portfolio and relevant industries of those companies; and
- Individuals in its employ who have knowledge of the institute's investment portfolio and its companies, as well as financial, technical, and business expertise to manage the Technology Fund activity.

Duties

Section 5 provides for the fund manager's duties as they relate to the institute; **section 6** provides for the duties as they relate to the Technology Fund. They are substantially the same duties.

The fund manager is required to manage the investment-related affairs of the institute, including management of the assets of the institute's Technology Fund and SCAP investment portfolios; and conduct activities on the institute's behalf in accordance with law.

The fund manager must also issue an annual report to the Board of Directors by November 1 each year. The annual report is a public record, and must include:
- Information on any assistance provided to an innovation business;
- Description of the benefits that accrue to the state as a result of the institute's activity; and
- Independently audited financial statements, including information related to the receipt and calculation of the net profits of the investment portfolio.

The fund manager is authorized to:
- Negotiate terms of investment, sale, and liquidation with portfolio and nonportfolio companies;
- Execute contracts and contract amendments with portfolio and nonportfolio companies;
- Seek new qualified companies to participate in the Technology Fund;
- Receive and remit investment capital from the sale or liquidation of any part of the institute's investment portfolio, loan proceeds, or other investment returns;
- Mentor, assist with the development of marketing information or business plans, and assist with attracting capital investment and other resources to a portfolio company in order to foster its growth, marketing, or business success;
- Market the Technology Fund and accelerator program to potential investors;
- Facilitate meetings between prospective investors and the institute's portfolio companies; and
- Collaborate with publicly supported organizations that may be able to provide further resources or special knowledge to the institute's portfolio companies.

The fund manager is paid reasonable fees consistent with the standard practices of the fund management industry, consisting of:
- An operational management fee, including reimbursement of expenses that is paid from the proceeds of loans repaid to the SCAP or other capital, proceeds, and returns available in the Technology Fund;
- A portfolio fee paid from proceeds of each sale or asset liquidation from the institute's investment portfolio; and
- A closing fee paid from the investment amount paid by the Technology Fund to a company at the closing of each investment.

Florida Technology Seed Capital Fund

Section 5 outlines the institute's mission, which is to develop partnerships with, in particular, "innovation businesses" as defined in s. 288.1089, F.S., relating to the Innovation Incentive Program.

Section 6 provides that the institute must also strive to invest in target industry businesses, as defined in s. 288.106(2)(q), F.S., which represent diverse and stable markets.

Section 6 amends s. 288.96255, F.S., the Technology Fund, to revise the authorized investments and requirements for investment. The institute may select a company or organization for partnership with the institute or for funding from the Technology Fund only after the fund manager, using processes modeled on the investment industry's standard practices, has evaluated whether the company meets the statutory requirements, which are similar to current law. The fund manager must complete due diligence before approving a company for investment.

The bill repeals statutory limitations on investments from the fund – specifically the current limitation of initial investments of $50,000-$300,000, a cumulative maximum of $500,000, and a required 2:1 match for additional investment.

Net profits from proceeds of sale or liquidation of assets or portions of assets of the investment portfolio will be returned to the Technology Fund for reinvestment, after payment of applicable costs, professional fees, expenses, fees paid to the private fund manager, and disbursement to private investors.

Fees paid to the private fund manager include are for performing due diligence and an investment closing fee, in addition to reasonable attorney fees, the operational management fee, the portfolio fee, the closing fee, and other costs in connection with making the investment.

The institute or the private fund manager can disburse payments to private investors if the institute or the private fund manager decides to transfer any portion of the Technology Fund into a private fund or special purpose vehicle. Such private fund or special purpose vehicle can receive additional private investment. The disbursement from such private fund or special purpose vehicle back to the Technology Fund or private investors is the respective pro rata portion of any net profits from the sale or liquidation of assets in the private fund or special purpose vehicle.

Public Records and Meetings Exemption

Section 7 amends s. 288.9627, F.S., to transfer the public records and meetings exemption that previously applied to the ICPR to the institute.

This section makes the following materials held by the institute exempt from disclosure pursuant to s. 119.07(1), F.S., and s. 24(a), Art. I of the Florida Constitution:

- Documents and materials that related to a business' methods of manufacture or production, potential trade secrets, or patentable material that is provided to the institute by a proprietor;
- Information that would identify an anonymous investor or potential investor;
- Information received from another person, state, nation, or the federal government, which is confidential or exempt pursuant to the originator's laws; and
- Proprietary confidential business information.

Additionally, the bill exempts from Florida's public meetings laws those portions of the institute's meetings wherein information that is confidential and exempt according to Florida law is discussed.

Miscellaneous

Section 2 makes conforming changes to s. 288.9621, F.S., the short title for the Florida Capital Formation Act.

Section 4 provides definitions for terms used in the Florida Capital Formation Act.

Section 8 provides an effective date of July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

The bill transfers the current public records and meetings exemptions for the ICPR to the institute. The bill also expands the scope and authority of the institute to make investments in seed and early stage businesses. It is unclear if the amendments made by the bill to ss. 288.9625 and 288.96255, F.S., would be an expansion of the current public records and meetings exemptions.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Depending on the financial performance of the Technology Fund and the institute, there may be a reduction in the funds available for investment in private businesses that seek investment capital.

C. Government Sector Impact:

The ICPR did not receive an appropriation in Fiscal Year 2017-2018. The bill attempts to reduce future appropriations to the successor institute for its investment, management, and related expenses, by permitting the institute to fund itself through its activities. According to the most recent independent audit of the ICPR completed in Fiscal Year 2016 filed with the Florida Auditor General, the total program expenses were

$3,732,937.[22] The fund manager will require expenditures pursuant to statute, but these will be made from profits of the institute, rather than state appropriation.

University and other publicly funded research institutes may see a reduction in funds available for the commercialization of their technologies because of the privatization of the institute.

The Department of Economic Opportunity may experience minimal cost savings by eliminating the contracting and related oversight responsibilities of the department over the institute.

VI. Technical Deficiencies:

It is unclear whether the duties outlined in s. 288.9625(5), F.S., apply to the Board of Directors or the fund manager.

VII. Related Issues:

The bill refers to the SCAP or "Accelerator Program." The Accelerator Program expired in 2013, and therefore does not require any ongoing operational funding. The Accelerator Program, however, does have outstanding loans that will not be due until December 2019, and therefore may require actions by the fund manager for purposes of collection and reinvestment of the funds.[23]

The bill provides that the institute must create the Fund; the Legislature could directly create the Fund.

The bill requires that a company or organization be "based in" Florida to receive assistance from the institute. This term may need to be defined to provide clarity in interpretation.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.60, 288.9621, 288.9622, 288.9623, 288.9625, 288.96255, and 288.9627.

IX. Additional Information:

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

CS/CS by Appropriations on March 2, 2018:
The committee substitute:

- Restores a portion of current law legislative intent related to the Florida Opportunity Fund;

[22] Florida Auditor General, *Institute for Commercialization of Public Research: 2015-16 Fiscal Year*, available at https://flauditor.gov/pages/nonprofit_forprofit%20pages/institute%20for%20the%20commercialization%20of%20public%20research.htm (last visited Feb. 16, 2018).
[23] *Id*. at p. 21.

- Adds a provision that the Institute for Commercialization of Florida Technology is not subject to the control, supervision, or direction of the DEO; and
- Corrects a grammar issue.

CS by Commerce and Tourism on February 6, 2018:
The CS clarifies the terms for directors appointed before July 1, 2018, and the succession of any director appointed thereafter.

B. Amendments:

None.

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

By the Committee on Commerce and Tourism; and Senator Brandes

577-02897-18 20181314c1

A bill to be entitled

An act relating to the Florida Capital Formation Act; amending s. 20.60, F.S.; deleting the requirement that the Department of Economic Opportunity manage certain activities related to the commercialization of specified products, services, and ideas; specifying that the Institute for Commercialization of Florida Technology is not an appropriate direct-support organization; amending s. 288.9621, F.S.; including s. 288.96255, F.S., in the Florida Capital Formation Act; amending s. 288.9622, F.S.; revising legislative intent; amending s. 288.9623, F.S.; defining terms; amending s. 288.9625, F.S.; redesignating the Institute for the Commercialization of Public Research as the Institute for Commercialization of Florida Technology; deleting provisions regarding the institute's responsibilities; requiring that the investment-related affairs of the institute be managed by the private fund manager and overseen by the board of directors; restructuring the board of directors and the selection process for the board of directors; specifying term limits of the board members under certain circumstances; requiring the board of directors to amend the bylaws of the institute under certain circumstances; providing that a director is subject to restrictions on certain conflicts of interest; prohibiting a director from having a financial interest in certain investments; authorizing a director to be reimbursed for certain expenses;

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granting the institute certain powers; requiring the institute to indemnify certain persons; delegating certain duties to the board of directors; revising to whom the board must provide a copy of the annual report and who may require and receive supplemental data relative to the institute's operation; specifying that certain requirements be met before the private fund manager is authorized to make an investment in a company, on behalf of the institute; deleting provisions relating to certain duties of the institute; deleting provisions relating to certain fees charged by the institute and the prohibition on using capital in support of certain entities; specifying that the annual report is considered a public record subject to certain exemptions; revising the requirements of the institute's annual report; listing requirements and prohibitions for the private fund manager; stating the purpose of the institute's use of the private fund manager; requiring the private fund manager to assume the management of certain assets; authorizing the private fund manager to act on behalf of the institute for certain purposes; requiring that the private fund manager be paid certain fees; authorizing the private fund manager to undertake certain activities on behalf of the institute; requiring the private fund manager to issue an annual report to the board of directors by a specific date; specifying that the annual report is considered a public record subject to certain

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exemptions; requiring that the report contain certain information; amending s. 288.96255, F.S.; requiring that certain proceeds be returned to the Florida Technology Seed Capital Fund after the payment of certain costs and fees; requiring the institute to employ a private fund manager; requiring the private fund manager to perform specific duties; requiring that the private fund manager receive certain fees and costs at a specified time; requiring the private fund manager to use a certain process to evaluate a proposal; requiring the private fund manager to consider certain factors when approving a company for investment; deleting specific requirements for the investment of funds; authorizing the private fund manager, in addition to the institute, to perform certain tasks; amending s. 288.9627, F.S.; conforming provisions to changes made by this act; providing an effective date.

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

Section 1. Paragraph (e) of subsection (4) and paragraph (b) of subsection (9) of section 20.60, Florida Statutes, are amended to read:

20.60 Department of Economic Opportunity; creation; powers and duties.—

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and

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implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. To accomplish such purposes, the department shall:

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; rural community development; ~~commercialization of products, services, or ideas developed in public universities or other public institutions;~~ and the development and promotion of professional and amateur sporting events.

(9) The executive director shall:

(b) Serve as the manager for the state with respect to contracts with Enterprise Florida, Inc., ~~the Institute for the Commercialization of Public Research,~~ and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the director shall enter into specific contracts with Enterprise Florida, Inc., ~~the Institute for the Commercialization of Public Research,~~ and other appropriate direct-support organizations. Such contracts may be for multiyear terms and must ~~shall~~ include specific performance measures for each year. For purposes of this section, the Florida Tourism Industry Marketing Corporation and the Institute for Commercialization of Florida Technology are not ~~is not an~~ appropriate direct-support organizations ~~organization~~.

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Section 2. Section 288.9621, Florida Statutes, is amended to read:

288.9621 Short title.—Sections 288.9621-288.96255 ~~Sections 288.9621-288.9625~~ may be cited as the "Florida Capital Formation Act."

Section 3. Section 288.9622, Florida Statutes, is amended to read:

288.9622 Findings and intent.—

(1) The Legislature finds and declares that there is a need to increase the availability of seed capital and early stage investment ~~venture equity~~ capital for emerging companies in the state, including, without limitation, businesses ~~enterprises~~ in life sciences, information technology, advanced manufacturing processes, aviation and aerospace, and homeland security and defense, as well as other industries of strategic importance to this state ~~strategic technologies~~.

(2) It is the intent of the Legislature that ss. 288.9621-288.96255 ~~ss. 288.9621-288.9625~~ serve to mobilize private investment in a broad variety of ~~venture capital~~ partnerships in diversified industries and geographies; retain private sector investment criteria focused on rate of return; allow the use ~~the services~~ of highly qualified private fund managers experienced in the seed and early stage development industry in this state; and outline the use, qualifications, and activities of the private management by a private fund manager of the assets of the Seed Capital Accelerator Program and the Florida Technology Seed Capital Fund investment portfolio of the Institute for Commercialization of Florida Technology ~~venture capital industry regardless of location; facilitate the organization of the~~

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~~Florida Opportunity Fund as an investor in seed and early stage businesses, infrastructure projects, venture capital funds, and angel funds; and precipitate capital investment and extensions of credit to and in the Florida Opportunity Fund~~.

(3) It is the intent of the Legislature to mobilize investment ~~venture equity~~ capital ~~for investment~~ in such a manner as to result in a significant potential to create new businesses and jobs in this state which ~~that~~ are based on high growth potential technologies, products, or services and which ~~that~~ will further diversify the economy of this state.

(4) It is the intent of the Legislature to reduce the ongoing operational cost and burden of managing the Florida Technology Seed Capital Fund and the Seed Capital Accelerator Program to this state by engaging a private asset management entity in this state which is familiar with the seed and early stage investment industry in this state. This entity would be responsible for the management of the assets of the Seed Capital Accelerator Program and the Florida Technology Seed Capital Fund investment portfolio without requiring ongoing budget expenditures by this state ~~that an institute be created to mentor, market, and attract capital to such commercialization ventures throughout the state~~.

Section 4. Section 288.9623, Florida Statutes, is amended to read:

288.9623 Definitions.—As used in ss. 288.9621-288.96255, the term ~~ss. 288.9621-288.9625~~:

(1) "Accelerator program" means the Seed Capital Accelerator Program managed by the institute.

(2) ~~(1)~~ "Board" means the board of directors of the Florida

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Opportunity Fund.

(3)~~(2)~~ "Fund" means the Florida Opportunity Fund.

(4) "Institute" means the Institute for Commercialization of Florida Technology.

(5) "Investment portfolio" means individual or collective investment assets held under the technology fund.

(6) "Net profits" means the total gross proceeds received from the sale or liquidation of an asset of the investment portfolio less any costs, legal fees, professional fees, consulting fees, government fees, brokerage fees, taxes, management fees pursuant to s. 288.9625(12)(b), disbursement to private investors pursuant to s. 288.96255(6), or other fees, costs, and expenses incurred in the sale or liquidation of any of the investment portfolio assets.

(7) "Portfolio companies" means the companies who are part of the Florida Technology Seed Capital Fund investment portfolio.

(8) "Private fund manager" means the private entity, or its designee, selected to manage the investment portfolio on behalf of the institute.

(9) "Technology fund" means the Florida Technology Seed Capital Fund managed by the institute.

Section 5. Section 288.9625, Florida Statutes, is amended to read:

288.9625 Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~.~~—~~There is established ~~at a public university or research center~~ in this state the Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~.

(1) The institute shall be a nonprofit ~~not-for-profit~~

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corporation registered, incorporated, and operated in accordance with chapter 617.

(2) The purpose of the institute is to assist in the commercialization of products developed by the research and development activities of an innovation business, including, but not limited to, those ~~as~~ defined in s. 288.1089~~; a publicly supported college, university, or research institute; or any other publicly supported organization in this state~~. The institute shall fulfill its purpose in the best interests of the state. The institute:

(a) Is a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to ~~the provisions of~~ chapter 287;

(e) Is ~~Shall be~~ governed by the code of ethics for public officers and employees as set forth in part III of chapter 112; and

(f) May create corporate subsidiaries.~~;~~

~~(g) Shall support existing commercialization efforts at state universities; and~~

~~(h) May not supplant, replace, or direct existing technology transfer operations or other commercialization programs, including incubators and accelerators.~~

(3) The articles of incorporation of the institute must ~~be approved in a written agreement with the department. The~~

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~~agreement and the articles of incorporation shall~~:

(a) Provide that the institute shall provide equal employment opportunities for all persons regardless of race, color, religion, gender, national origin, age, handicap, or marital status;

(b) Provide that the institute is subject to the public records and meeting requirements of s. 24, Art. I of the State Constitution;

(c) Provide that all officers, directors, and employees of the institute are ~~shall be~~ governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(d) Provide that members of the board of directors of the institute are responsible for the prudent use of all public and private funds and that they will ensure that the use of funds is in accordance with all applicable laws, bylaws, and contractual requirements; and

(e) Provide that the fiscal year of the institute is from July 1 to June 30.

(4) The investment-related affairs of the institute shall be managed by the private fund manager, and overseen by a board of directors who shall serve without compensation. Each director shall have only one vote. The chair of the board of directors shall be selected by a majority vote of the directors, a quorum being present. ~~The board of directors shall consist of the following five members:~~

~~(a) The executive director of the department, or the director's designee.~~

~~(b) The president of the university where the institute is~~

~~located or the president's designee unless multiple universities jointly sponsor the institute, in which case the presidents of the sponsoring universities shall agree upon a designee.~~

(a) ~~(c)~~ The board of directors shall consist of three directors appointed pursuant to the procedures and requirements of this section ~~by the Governor~~ to 3-year staggered terms, to which the directors may be reappointed.

(b) For any director appointed before July 1, 2018, the term of service for that director may continue through the end of his or her current term. The vacancy created by the expiration of such term must be filled pursuant to the procedures and requirements of this section.

(c) The bylaws of the institute shall be amended accordingly by the board of directors to reflect the requirements of this section.

(d) Upon vacancy, or within 90 days before an anticipated vacancy by the expiration of a term of a director, the private fund manager shall submit a list of three eligible nominees, which may include the incumbent director, to replace the outgoing director. The board of directors, voting along with the private fund manager, may appoint a director from the nominee list or may request and appoint a director from a new list of three nominees that were not included on the previous list.

(e) The persons appointed as replacement directors must include persons who have expertise in the area of the selection and supervision of early stage investment managers or in the fiduciary management of investment funds and other areas of expertise as considered appropriate.

(f) Directors are subject to any restrictions on conflicts

of interest specified in the organizational documents and may not have a financial interest in any venture capital investment in any portfolio company.

(g) Directors may be reimbursed for all reasonable, necessary, and actual expenses as determined and approved by the private fund manager pursuant to s. 112.061.

(h) The institute shall have all powers granted under its organizational documents and shall indemnify its directors and the private fund manager to the broadest extent permissible under the laws of this state.

(5) The board of directors shall oversee the private fund manager to ensure consistency with the Florida Capital Formation Act, to perform those duties as may be delegated to it in the bylaws of the institute, and to provide a copy of the institute's annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives~~, and the president of the university at which the institute is located~~.

(6) The ~~department, the president and the board of trustees of the university where the institute is located, the~~ Auditor General~~,~~ and the Office of Program Policy Analysis and Government Accountability may require and receive from the institute or its independent auditor any detail or supplemental data relative to the operation of the institute.

(7) To the extent funds for investment are available in the technology fund, the private fund manager, on behalf of the institute, may make an investment in a company or organization if all of the following requirements are met:

(a) Before providing assistance, the institute accepted ~~To be eligible for assistance,~~ the company or organization

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attempting to commercialize its product based on the guidelines under s. 288.96255(4) ~~must be accepted by the institute before receiving the institute's assistance~~.

(b) The company or organization is based in this state ~~institute shall receive recommendations from any publicly supported organization that a company that is commercializing the research, technology, or patents from a qualifying publicly supported organization should be accepted into the institute~~.

~~(c) The institute shall thereafter review the business plans and technology information of each such recommended company. If accepted, the institute shall mentor the company, develop marketing information on the company, and use its resources to attract capital investment into the company, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success.~~

~~(8) The institute shall:~~

~~(a) Maintain a centralized location to showcase companies and their technologies and products;~~

~~(b) Develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;~~

~~(c) Routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;~~

~~(d) Facilitate meetings between prospective investors and eligible organizations in the institute;~~

~~(e) Hire full-time staff who understand relevant technologies needed to market companies to the angel investors~~

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~~and venture capital investment community; and~~

~~(f) Develop cooperative relationships with publicly supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.~~

(8)~~(9)~~ Except as provided under s. 288.96255, the institute may not develop or accrue any ownership, royalty, patent, or other such rights over or interest in companies or products in the institute except in connection with financing provided directly to client companies and shall maintain the confidentiality of proprietary information.

~~(10) The institute may not charge for services provided to state universities and affiliated organizations, community colleges, or state agencies; however, the institute may deliver and charge for services to private companies and affiliated organizations if providing a service does not interfere with the core mission of the institute. The institute may not use its capital in support of private companies or affiliated organizations whose products were not developed by research and development activities of a publicly supported college, university, or research institute, or any other organization.~~

(9)~~(11)~~ By December 1 of each year, the institute shall issue an annual report concerning its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report shall be considered a public record, as provided in paragraph (3)(b), subject to any appropriate exemptions under s. 288.9627. The annual report must ~~shall~~ include the following:

(a) Information on any assistance provided by the institute

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to an innovation business, as defined in s. 288.1089~~; a publicly supported college, university, or research institute; or any other publicly supported organization in the state~~.

(b) A description of the benefits to this state resulting from the institute, including the number of businesses created, associated industries started, the number of jobs created, and the growth of related projects.

(c) Independently audited financial statements, including statements that show receipts and expenditures during the preceding fiscal year for personnel, management fees, administration, and operational costs of the institute.

(10) The private fund manager:

(a) Must be a for-profit limited liability company or a for-profit corporation formed, governed, and operated in accordance with chapter 605 or chapter 607, respectively.

(b) Shall conduct activities on behalf of the institute which are consistent with the purposes set forth in this section.

(c) Must have expertise and experience in the management and operation of early stage companies in this state.

(d) Must have experience with investment in early stage ventures in this state and have a working knowledge and understanding of the investment portfolio and the relevant industries of the portfolio companies in this state.

(e) Shall employ personnel and professionals who have knowledge of the investment portfolio and portfolio companies of the institute, as well as financial, technical, and business expertise to manage the technology fund activity.

(f) May not be a public corporation or instrumentality of

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the state.

(g) Is not a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity.

(h) Is not an agency within the meaning of s. 20.03(11).

(i) Is not subject to chapter 287.

(j) May not be governed by the code of ethics for public officers and employees as set forth in part III of chapter 112.

(11) The purpose of the institute's use of a private fund manager is to alleviate the state's burden of the continued and future operational and management costs related to the technology fund and accelerator program, while allowing the institute, through the activities of the private fund manager, to continue to foster greater private-sector investment funding, to encourage seed-stage investments in startup and early stage companies, and to advise companies about how to restructure existing management, operations, product development, or service development to attract advantageous business opportunities.

(12) The private fund manager shall assume the management of the assets of the accelerator program and the technology fund investment portfolios associated with the institute.

(a) The private fund manager has the authority on behalf of the institute to:

1. Negotiate investment, sale, and liquidation terms with portfolio and nonportfolio companies;

2. Develop and execute contracts, or amendments thereto, with portfolio and nonportfolio companies;

3. Seek new qualified companies for the investment of funds from the technology fund;

4. Receive, on behalf of the institute, investment capital from the sale or liquidation of any portion of the investment portfolio, loan proceeds, or other investment returns, and remit such capital, proceeds, and returns to the technology fund pursuant to s. 288.96255, except as otherwise provided in this section and s. 288.96255; and

5. Perform additional duties set forth in s. 288.96255.

(b) The private fund manager shall be paid reasonable fees consistent with industry fund management practices and consisting of:

1. An operational management fee, including the reimbursement of expenses, paid from the proceeds of the repayment of loans from the accelerator program or other capital, proceeds, and returns available in the technology fund;

2. A portfolio fee paid from the proceeds of each sale or liquidation of assets or portions of the assets of the investment portfolio; and

3. A closing fee paid from the investment amount paid by the technology fund to a company at the closing of each investment.

(13) The private fund manager may undertake the following activities on behalf of the institute:

(a) Mentor, assist with the development of marketing information, and assist with attracting capital investment, as well as bring other resources to the company which may foster its effective management, growth, capitalization, technology protection, or marketing or business success;

(b) Communicate with private investors and venture capital organizations regarding investment opportunities in the

portfolio companies of the technology fund and accelerator program;

(c) Facilitate meetings between prospective investors and the companies; and

(d) Develop cooperative relationships with publicly supported organizations that work together to provide resources or special knowledge likely to be helpful to portfolio companies.

(14) By November 1 of each year, the private fund manager shall issue an annual report to the board of directors of the institute concerning the activities the private fund manager conducted which relate to existing accelerator program and technology fund investments in order for the board to be in compliance with its report obligations under subsection (9). The annual report provided by the private fund manager shall be considered a public record, as provided in paragraph (3)(b), subject to any appropriate exemptions under s. 288.9627. The annual report, at a minimum, must include:

(a) A description of the benefits to this state resulting from the assets of the accelerator program and technology fund, including the number of jobs created, the amount of capital the companies raised, and other benefits relating to increased research expenditures and company growth.

(b) Independently audited financial statements related to the receipt and calculation of the net profits of the investment portfolio.

Section 6. Subsection (1) and subsections (3) through (7) of section 288.96255, Florida Statutes, are amended to read:

288.96255 Florida Technology Seed Capital Fund; creation;

duties.—

(1) The Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~ shall create the Florida Technology Seed Capital Fund as a corporate subsidiary. The purpose of the technology fund is to foster greater private-sector investment funding, to encourage seed-stage investments in start-up companies, and to advise companies about how to restructure existing management, operation, or production to attract advantageous business opportunities. The net profits of the proceeds of each sale or liquidation of assets or portions of the assets of the investment portfolio must ~~a sale of the equity held by the fund shall~~ be returned to the technology fund for reinvestment after payment of the applicable costs, professional fees, expenses, fees pursuant to s. 288.9625(12)(b), and disbursement to private investors pursuant to paragraph (6)(e).

(3) The institute shall employ a private fund manager pursuant to s. 288.9625 ~~professionals who have both technical and business expertise~~ to manage the investment portfolio and technology fund activity. The private fund manager ~~institute shall establish an investor advisory board comprised of venture capital professionals and early-stage investors from this and other states who~~ shall advise the institute and guide the ~~fund~~ management of the technology fund and make funding recommendations, provided that capital for investment is available in the technology fund. The private fund manager shall receive reasonable fees consistent with industry practices for performing due diligence and an investment closing fee paid out of the technology fund at the closing of each investment in addition to reasonable attorney fees, other fees prescribed in

s. 288.9625(12)(b), and other costs in connection with making an investment. ~~Administrative costs paid out of the fund shall be determined by the investor advisory board.~~

(4) The private fund manager ~~institute~~ shall use a thorough and detailed process that is modeled after investment industry practices ~~the best practices of the investment industry~~ to evaluate a proposal. In order to approve a company for investment, the private fund manager, on behalf of the institute, must consider if:

(a) The company has a strong intellectual property position, a capable management team, readily identifiable paths to market or commercialization, significant job-growth potential, the ability to provide other sources of capital to leverage the state's investment, and the potential to attract additional funding;

(b) The private fund manager has had an opportunity to complete due diligence to its satisfaction ~~company has been identified by a publicly funded research institution~~;

(c) The ~~start-up~~ company is a target industry business as defined in s. 288.106(2); and

(d) ~~The company has been identified by~~ An approved private-sector lead investor who has demonstrated due diligence typical of start-up investments in evaluating the potential of the company has identified the company.~~; and~~

~~(c) The advisory board and fund manager have reviewed the company's proposal and recommended it.~~

(5) ~~(a) Seed~~ Funds from the technology fund may be invested if the institute approves a company and the initial seed-stage investment. ~~The initial seed-stage investment must be at least~~

~~$50,000, but no more than $300,000. The initial seed-stage investment requires a one-to-one, private-sector match of investment.~~

~~(b) Additional seed funds may be invested in a company if approved by the institute. The cumulative total of investment in a single company may not exceed $500,000. Any additional investment amount requires a two-to-one, private-sector match of investment.~~

(6) The institute or private fund manager may:

(a) Provide a company with value-added support services in the areas of business plan development and strategy, the preparation of investor presentations, and other critical areas identified by the private fund manager ~~institute~~ to increase its chances for long-term viability and success;

(b) Encourage appropriate investment funds to become preapproved to match investment funds;

(c) Market the attractiveness of the state as an early-stage investment location; ~~and~~

(d) Collaborate with state economic-development organizations, national associations of seed and angel funds, and other innovation-based associations to create an enhanced state entrepreneurial ecosystem; and~~.~~

(e) Transfer any portion of the assets of the investment portfolio, on behalf of the institute, into a private fund or special purpose vehicle, receive additional private investment in the private fund or special purpose vehicle, manage the private fund or special purpose vehicle, and distribute to the technology fund and the private investors the respective pro rata portion of any net profits from the sale or liquidation of

the assets of such private fund or special purpose vehicle.

~~(7) The institute shall annually evaluate the activities and results of the funding, taking into consideration that seed investment horizons span from 3 to 7 years.~~

Section 7. Section 288.9627, Florida Statutes, is amended to read:

288.9627 Exemptions from public records and public meetings requirements for the Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Institute for ~~the~~ Commercialization of Florida Technology ~~Public Research~~" or "institute" means the institute established by s. 288.9625.

(b)1. "Proprietary confidential business information" means information that has been designated by the proprietor when provided to the institute as information that is owned or controlled by a proprietor; that is intended to be and is treated by the proprietor as private, the disclosure of which would harm the business operations of the proprietor and has not been intentionally disclosed by the proprietor unless pursuant to a private agreement that provides that the information will not be released to the public except as required by law or legal process, or pursuant to law or an order of a court or administrative body; and that concerns:

a. Trade secrets as defined in s. 688.002.

b. Financial statements and internal or external auditor reports of a proprietor corporation, partnership, or person requesting confidentiality under this statute, unless publicly released by the proprietor.

c. Meeting materials related to financial, operating, investment, or marketing information of the proprietor corporation, partnership, or person.

d. Information concerning private investors in the proprietor corporation, partnership, or person.

2. "Proprietary confidential business information" does not include:

a. The identity and primary address of the proprietor's principals.

b. The dollar amount and date of the financial commitment or contribution made by the institute.

c. The dollar amount, on a fiscal-year-end basis, of cash repayments or other fungible distributions received by the institute from each proprietor.

d. The dollar amount, if any, of the total management fees and costs paid on an annual fiscal-year-end basis by the institute.

(c) "Proprietor" means a corporation, partnership, or person that has applied for or received assistance, financial or otherwise, from the institute and that controls or owns the proprietary confidential business information.

(2) PUBLIC RECORDS EXEMPTION.—

(a) The following records held by the institute are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Materials that relate to methods of manufacture or production, potential trade secrets, or patentable material received, generated, ascertained, or discovered during the course of research or through research projects conducted by

universities and other publicly supported organizations in this state and that are provided to the institute by a proprietor.

2. Information that would identify an investor or potential investor who desires to remain anonymous in projects reviewed by the institute for assistance.

3. Any information received from a person from another state or nation or the Federal Government which is otherwise confidential or exempt pursuant to the laws of that state or nation or pursuant to federal law.

4. Proprietary confidential business information for 7 years after the termination of the institute's financial commitment to the company.

(b) At the time any record made confidential and exempt by this subsection, or portion thereof, is legally available or subject to public disclosure for any other reason, that record, or portion thereof, shall no longer be confidential and exempt and shall be made available for inspection and copying.

(3) PUBLIC MEETINGS EXEMPTION.—

(a) That portion of a meeting of the institute's board of directors at which information is discussed which is confidential and exempt under subsection (2) is exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution.

(b) Any exempt portion of a meeting shall be recorded and transcribed. The board of directors shall record the times of commencement and termination of the meeting, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. An exempt portion of any meeting may not be off the record.

(c) A transcript and minutes of exempt portions of meetings

are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(4) REQUEST TO INSPECT OR COPY A RECORD.—

(a) Records made confidential and exempt by this section may be released, upon written request, to a governmental entity in the performance of its official duties and responsibilities.

(b) Notwithstanding the provisions of paragraph (2)(a), a request to inspect or copy a public record that contains proprietary confidential business information shall be granted if the proprietor of the information fails, within a reasonable period of time after the request is received by the institute, to verify the following to the institute through a written declaration in the manner provided by s. 92.525:

1. That the requested record contains proprietary confidential business information and the specific location of such information within the record;

2. If the proprietary confidential business information is a trade secret, a verification that it is a trade secret as defined in s. 688.002;

3. That the proprietary confidential business information is intended to be and is treated by the proprietor as private, is the subject of efforts of the proprietor to maintain its privacy, and is not readily ascertainable or publicly available from any other source; and

4. That the disclosure of the proprietary confidential business information to the public would harm the business operations of the proprietor.

(c)1. Any person may petition a court of competent jurisdiction for an order for the public release of those

portions of any record made confidential and exempt by subsection (2).

2. Any action under this subsection must be brought in Palm Beach County or Alachua County, and the petition or other initial pleading shall be served on the institute and, if determinable upon diligent inquiry, on the proprietor of the information sought to be released.

3. In any order for the public release of a record under this subsection, the court shall make a finding that:

a. The record or portion thereof is not a trade secret as defined in s. 688.002;

b. A compelling public interest is served by the release of the record or portions thereof which exceed the public necessity for maintaining the confidentiality of such record; and

c. The release of the record will not cause damage to or adversely affect the interests of the proprietor of the released information, other private persons or business entities, or the institute.

(5) PENALTIES.—Any person who willfully and knowingly violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. This act shall take effect July 1, 2018.

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

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 22, 2018

I respectfully request that **Senate Bill #1314**, relating to **Florida Capital Formation Act**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/SB 1318 (578002)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice); and Senator Rouson
SUBJECT:	Education for Prisoners
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	**Favorable**
2.	Forbes	Sadberry	ACJ	**Recommend: Fav/CS**
3.	Forbes	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1318 authorizes a county or municipal detention facility or the Department of Corrections (DOC) to contract with a district school board, the Florida Virtual School, a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school (school provider) to provide educational services to its inmates. The educational services may include any educational, career, or vocational training.

The bill allows state funding for postsecondary education to be used for an inmate with less than 60 months of time remaining on his or her sentence.

The bill also makes various changes to procedures related to business licensing for persons who have previously been convicted of a criminal offense, including:

- Permits a person to submit a petition for declaratory statement to any Florida agency to determine the effect of a criminal background on his or her eligibility for occupational or professional licensure;
- Requires the agency to indicate specified information in its declaratory statement conclusion;
- Requires the agency's conclusion in the declaratory statement is binding on the agency as to the petitioner;
- Requires specified submissions to be included with the petition for declaratory statement, including a fee of not more than $100;

- Prohibits an agency from denying an application for licensure for certain professions if a specific duration has passed since the applicant's conviction;
- Authorizes a person to apply for licensing from Department of Business and Professional Regulation (DBPR) prior to being released from incarceration and provides a process for the staying of the issuance of the license until the person's release from custody;
- Specifies accommodations that an agency must make for applicants who are under confinement or supervision at the time of their application; and
- Requires pertinent boards under the DBPR and Department of Health to adopt rules that specify crimes that constitute grounds for licensure denial.

The bill will likely have no fiscal impact on the school districts. If the DOC or county or municipal detention facilities elect to contract with a school provider to provide services under such contract, the services will need to be funded out of an appropriation specific for this purpose. The bill may result in an increased workload and revenues to agencies that must process the petitions for declaratory statements from a licensing agency. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2018.

II. Present Situation:

Sentencing of Inmates – Overview

A defendant that is convicted of a crime in the state of Florida may be incarcerated in either county jail or state prison based upon the degree of the offense. A number of factors are taken into consideration when determining whether a defendant will be committed to the custody of the jail or the DOC. A defendant convicted of a misdemeanor offense can be committed to the custody of the county's chief correctional officer for no more than one year for a first degree misdemeanor or 60 days for a second degree misdemeanor.[1]

For a defendant convicted of a felony offense, the Criminal Punishment Code[2] (Code) applies to sentencing for felony offenses committed on or after October 1, 1998.[3] The permissible sentence (absent a downward departure) for an offense ranges from the calculated lowest permissible sentence as determined by the Code to the statutory maximum for the primary offense. The statutory maximum sentence for a first-degree felony is 30 years, for a second-degree felony is 15 years, and for a third degree felony is 5 years.[4]

[1] Section 775.082(4), F.S.
[2] Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.
[3] Section 921.0022, F.S.
[4] *See* s. 775.082, F.S.

Education for County Inmates

Section 951.176, F.S., requires county and municipal detention facilities[5] to provide educational services to minors detained in such facilities if the minor has not graduated from high school or is an eligible student with disabilities under the age of 22 who has not graduated with a standard diploma or its equivalent. The educational services must be offered by the local school district in which the facility is located.[6] These educational services are based on the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees must be notified by the county's chief correctional officer if a youth under the age of 21 is accepted into the facility.[7]

Florida law is silent as to whether a county or municipal detention facility is required to provide educational services to its adult inmates. However, The County Corrections Equality Act requires that females have access to educational, vocational training, rehabilitation and substance abuse treatment that are equivalent to that provided to male inmates.[8]

Education for State Prisoners

Florida law establishes (under the DOC) a Correctional Education Program (CEP), which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC.[9] The duties of the CEP include, but are not limited to:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to the classification staff of the DOC.[10]
- Approving educational programs of the appropriate levels and types in the correctional institutions and developing procedures for the admission of inmate students into such programs.[11]
- Entering into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out the CEP duties.[12]
- Ensuring that such local agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education standards.[13]

[5] Section 951.23(1)(a) and (d), F.S., define county detention facility to mean a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either a felony or misdemeanor; and a municipal detention facility to mean a city jail, a city stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinances.
[6] Section 951.176, F.S.
[7] Section 951.176, F.S., also requires the development of a cooperative agreement with the local school district and applicable law enforcement units to address the notification requirement and the provision of educational services to these youth.
[8] Section 951.175, F.S.
[9] Section 944.801(1), F.S.
[10] Section 944.801(3)(a), F.S., also provides that the information collected must include the inmate's areas of educational or vocational interest, vocational skills, and level of education.
[11] Section 944.801(3)(d), F.S.
[12] Section 944.801(3)(e), F.S.
[13] *Id*.

- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses.[14]
- Ensuring every inmate who has two years or more on his or her sentence at the time of being received at an institution and who lacks basic and functional literacy skills as defined in s. 1004.02, F.S.,[15] attends not less than 150 hours of sequential instruction in a correctional adult basic education program.[16]
- Ensure that all education staff are certified in accordance with the Department of Education standards.[17]

Providers of K-20 Education in Florida

School Districts

A district school system includes all public schools, classes, and courses of instruction and all services and activities directly related to education in that district which are under the direction of the district school officials.[18] Any district school board, after first obtaining the approval of the Department of Education, may, as a part of the district school system, organize, establish, and operate a career center, or acquire and operate a career center previously established.[19]

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor. This performance contract is known as a "charter."[20] The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.[21] One of the guiding principles of charter schools is to meet high standards of student achievement while providing parents flexibility to choose among diverse educational opportunities within the state's public school system.[22] The school must be operated by a Florida College System institution, municipality, or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management

[14] Section 944.801(3)(g), F.S.
[15] Section 1004.02(4), F.S., defines basic literacy to mean the demonstration of academic competence from 2.0 through 5.9 educational grade levels as measured by means approved for this purpose by the State Board of Education. Section 1004.02(15), F.S., defines functional literacy to mean the demonstration of academic competence from 6.0 through 8.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.
[16] Section 944.801(3)(i), F.S., further provides that highest priority of inmate participation must be focused on youthful offenders and those inmates nearing release from the correctional system and that an inmate is not allowed to participate in the adult basic education program if he or she is serving a life sentence or is under sentence of death, specifically exempted for security or health reasons, housed at a community correctional center, road prison, work camp, or vocational center, attains a functional literacy level after attendance in fewer than 150 hours of adult basic education instruction, or is unable to enter such instruction because of insufficient facilities, staff, or classroom capacity.
[17] Section 944.801(3)(k), F.S. *See* ss. 1002.33(12)(f), 1012.54, 1012.55, and 1012.56, F.S.
[18] Section 1001.31, F.S.
[19] Section 1001.14, F.S.
[20] Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.
[21] Section 1002.33(2)(b)3. and (16), F.S.
[22] Section 1002.33(2)(a)1., F.S.

organization.[23] A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.[24]

Virtual Instruction

The Florida Virtual School (FVS) is established for the development and delivery of online and distance learning education and its mission is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed.[25] The school must serve any student in the state and must give priority to:

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses; and
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.[26]

There is no specific prohibition against district, charter, or virtual schools providing classes to local or state inmates or in defining "student" to exclude inmates from such instruction.

Workforce Education Through K-20 School Providers

Florida school districts are encouraged to develop educational opportunities for adults who have earned a diploma or high school equivalency diploma, but who lack the basic skills necessary to function effectively in everyday situations, to enter the job market, or to enter career certificate instruction.[27] Each district school board or Florida College System institution board of trustees must negotiate with the local workforce development board for basic and functional literacy skills assessments for participants in the welfare transition employment and training programs. Such assessments are conducted at a site mutually acceptable to the district school board or Florida College System institution board of trustees and the local workforce development board.[28]

Any workforce education program may be conducted by a Florida College System institution and school district unless restricted by statute.[29] Additionally, s. 1004.98, F.S., establishes the workforce literacy program within the Florida College System institutions and school districts. Workforce literacy programs are designed:

- To ensure that a sufficient numbers of employees who possess the skills necessary to perform in entry-level occupations exist;
- To adapt to technological advances in the workplace; and

[23] Section 1002.33(12)(i), F.S.
[24] Section 1002.33(5)(a)1., F.S.
[25] Section 1002.37(1), F.S.
[26] Section 1002.37(b), F.S.
[27] Section 1004.93(1), F.S.
[28] Section 1004.93(3)(a), F.S.
[29] Section 1011.80(2), F.S. Section 1011.80(1), F.S., defines the terms workforce education and workforce education program to include: a) adult general education programs designed to improve the employability skills of the state's workforce as defined in s. 1004.02(3), F.S; b) career certificate programs, as defined in s. 1004.02(20), F.S.; c) applied technology diploma programs; d) continuing workforce education courses; e) degree career education programs; f) apprenticeship and preapprenticeship programs as defined in s. 446.021, F.S.

- With the intention of supporting economic development in Florida by increasing adult literacy and producing an educated workforce.[30]

Florida College System institutions and school districts may also offer courses that assist adults with gaining the communication and computation skills necessary to complete a career program, to gain or maintain entry-level employment, or to upgrade employment.[31]

Funding for Workforce Education Programs

Expenditures for the continuing workforce education programs provided by the Florida College System institutions or school districts must be fully supported by fees. For all other workforce education programs, state funding must equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees, which are based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, unless otherwise specified in the General Appropriations Act. For fee-exempt students pursuant to s. 1009.25, F.S., unless otherwise provided for in law, state funding must equal 100 percent of the average cost of instruction.[32]

Since 2011, state funds allocated for postsecondary workforce programs are explicitly prohibited from being used to educate state or federal inmates.[33]

Agency Declaratory Statements

The Administrative Procedure Act provides uniform procedures for agencies to exercise their authority, and is applicable to every Florida administrative agency.[34]

A declaratory statement is meant to "'enable members of the public to definitively resolve ambiguities of law arising in the conduct of their daily affairs or in the planning of their future affairs' and 'to enable the public to secure definitive binding advice as to the applicability of agency-enforced law to a particular set of facts.'"[35] A petition for declaratory statement must include a petitioner's specific set of circumstances and the applicable law, rule, or order he or she wishes to have interpreted in light of those circumstances.[36]

When a petitioner files a petition for a declaratory statement with an agency, the agency must file a notice of the petition in the next available issue of the Florida Administrative Register and transmit copies of the petition to the Joint Administrative Procedures Committee.[37] Within 90

[30] Section 1004.98, F.S.
[31] *See* s. 1004.98, F.S.
[32] Section 1011.80(5), F.S.
[33] Section 1011.80(7) F.S. and ch. 2011-63, s. 35, L.O.F.
[34] *See* ss. 120.50-120.515, F.S.
[35] Section 120.565(1), F.S.; *Fla. Dept. of Bus. & Pro. Reg., Div. of Pari-Mutuel Wagering v. Invest. Corp. of Palm Bch.*, 747 So. 2d 374, 376 (Fla. 1999), *quoting* Patricia A. Dore, *Access to Florida Administrative Proceedings*, 13 Fla. St. U. L. Rev. 965 (1986).
[36] Section 120.565(2), F.S.
[37] Section 120.565(3), F.S. The Joint Administrative Procedures Committee (JAPC) is a joint standing committee of the Legislature created by Rule 4.1 of the Joint Rules of the Florida Legislature. It is composed of five Senators appointed by the President of the Senate and six Representatives appointed by the Speaker of the House of Representatives. The primary function of JAPC is to generally review agency action pursuant to the operation of the Administrative Procedure Act in

days from the petition's filing, the agency must either issue a declaratory statement or deny the petition. The agency must give notice of its action in the next available issue of the Florida Administrative Register.[38]

Generally, an agency will only issue a declaratory statement on actions that will take place in the future.[39] However, the fact pattern must not be hypothetical so as to amount to a request for an advisory opinion regarding facts that are only 'contingent, uncertain, [and] rest in the future."[40]

Current law does not require a fee for filing a petition for declaratory statement with an agency.

Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR), which has 12 divisions tasked with the regulation of several professions and businesses.[41]

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.[42]
The DBPR may engage in the regulation of professions "only for the preservation of the health, safety, and welfare of the public under the police powers of the state."[43] Regulation is required when:

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.[44]

However, "neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention," or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.[45]

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "permit, registration, certificate, or license" to the licensee.[46]

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ch. 120, F.S., related to the rulemaking process, to ensure that rules adopted by the executive branch agencies do not create new law and stay within the authority specifically delegated to them by the Legislature.
[38] Section 120.565(3), F.S.
[39] *Fed'n of Mobile Home Owners of Fla., Inc. v. Dept. of Bus. Regulation,* 479 So. 2d 252 (Fla. Dist. Ct. App. 1985).
[40] *Santa Rosa Cnty. v. Admin. Comm'n., Div. of Admin. Hearings*, 661 So. 2d 1190 (Fla. 1995).
[41] *See* s. 20.165, F.S, creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.
[42] *See* s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing the DBPR staff counsel. *See* s. 455.221(1), F.S.
[43] Section 455.201(2), F.S.
[44] *Id.*
[45] Section 455.201(4)(b), F.S.
[46] Section 455.01(4) and (5), F.S.

In Fiscal Year 2016-2017, there were 412,872 active licensees in the Division of Professions,[47] including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers (19,098 active and 199 inactive);
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors (71,818 active and 15,004 inactive);
- Cosmetologists (237,090 active and 1,600 inactive);
- Electrical contractors (11,960 active and 1,285 inactive);
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.[48]

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.[49]

Barbering

The term "barbering" in ss. 476.014 through 476.254, F.S., (the Barbers' Act) includes any of the following practices when done for payment: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.[50]

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and

[47] *See* Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2016-2017*, available at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf?x40199 (last visited Feb. 15, 2018) at pages 21 and 22. Of the total 434,574 licensees in the Division of Professions, 21,702 are inactive. *Id*. at page 22.
[48] *Id*.
[49] Section 455.219(1), F.S.
[50] *See* s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.

- Have held an active valid license in another state for at least one year,[51] or have a minimum of 1,200 hours of specified training.[52]

Alternatively, a person may apply for and receive a "restricted license" to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.[53]

Nail and Facial Specialists, Hair Braiders, Hair Wrappers, and Body Wrappers

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers, and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.[54]

Individuals are prohibited from providing manicures, pedicures, or facials without first becoming licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.[55]

A "specialist" is "any person holding a specialty registration in one or more of the specialties registered under [ch. 477, F.S.]."[56] The term "specialty" is defined as "the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services."[57]

An applicant for a specialist license must:

- Be at least 16 years of age;
- Obtain a certificate of completion from an approved specialty education program; and

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[51] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.

[52] *See* s. 476.114(2), F.S.; the training must include, but is not limited to the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.

[53] *See* s. 476.144(6), F.S.

[54] *See* Department of Business and Professional Regulation, *Cosmetology*, available at http://www.myfloridalicense.com/DBPR/cosmetology/ (last visited Feb. 15, 2018).

[55] *See* Florida Department of Business and Professional Regulation, *Board of Cosmetology Frequently Asked Questions and Answers* (Aug. 2017), available at http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf (last visited Feb. 14, 2018). The application of polish to fingernails and toenails is considered manicuring, even though the individual is not cutting, cleansing, adding, or extending the nails. Therefore, a registration as a specialist or licensure as a cosmetologist is required to apply polish to fingernails and toenails for compensation. *See* s. 477.013(6)(a) and (b), F.S.

[56] *See* s. 477.013(5), F.S.

[57] *See* s. 477.013(6), F.S.

- Submit an application for registration to the DBPR with the registration fee.[58]

A "cosmetologist" is a person who is licensed to engage in the practice of cosmetology.[59] "Cosmetology" is "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than for medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."[60]

Certain persons who apply cosmetic products (makeup) are exempt from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.[61] In addition, persons who provide makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.[62]

An applicant for a cosmetologist license must pass a licensure examination and:
- Be at least 16 years of age;
- Have a high school diploma;
- Submit an application with the applicable fee and examination fee; and
- Be licensed in another state or country for at least one year, or received 1,200 hours training, including completion of an education at an approved cosmetology school or program.

Licensing and Criminal Background

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific profession for which the license is sought.[63] Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.[64]

DBPR

The regulatory boards of the DBPR, or the department if there is no board, may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[65] Specifically, the regulatory

[58] *See* s. 477.0201, F.S.
[59] *See* s. 477.013(3), F.S.
[60] *See* s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist. *See supra* at note 55.
[61] *See* ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.
[62] *See* s. 477.0135(6), F.S.
[63] Section 112.011(1)(b), F.S.
[64] Section 112.011(1)(c), F.S.
[65] Section 455.227(2), F.S.

board, or the department if there is no board, may deny a license application for any person having been:

> convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.[66]

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

Department of Health

The Department of Health (DOH) or an applicable board may deny the licensure of any applicant who has been "convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession regulated by this state"[67] or related to certain types of fraud,[68] or for other reasons in the applicable practice act.

There are no statutory provisions or rules that prohibit individuals from applying for licensure while they are still incarcerated or under some form of supervised release.[69]

Certified Nursing Assistants

The Board of Nursing within the DOH is responsible for licensing and regulating the certified nursing assistants (CNA) under part II of ch. 464, F.S.[70] In Fiscal Year 2015-2016, there were 146,495 active certified nursing assistants.[71]

The "practice of a certified nursing assistant" means:

> providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may

[66] Section 455.227(1)(c), F.S.
[67] Sections 456.024(3)(c), 456.072(1)(c), (x), (ii) and (ll), and 456.071(2)(a), F.S.
[68] Section 456.0635, F.S.
[69] Florida Department of Health, *Agency Analysis of HB 1041*, p. 2 (Jan. 24, 2018) (on file with the Criminal Justice Committee).
[70] *See* s. 489.107, F.S.
[71] See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report & Long-range Plan, Fiscal Year 2016-2017*, p. 14, available at http://mqawebteam.com/annualreports/1617/#1/z (last visited Feb. 14, 2018). Of the total 193,637 certified nursing assistants, 42,209 are in-state delinquent, 2,019 are out-of-state delinquent, and are active military.

> perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse.[72]

The definition of "practice of a certified nursing assistant" does not restrict a person who is otherwise trained and educated from performing the tasks specified in the definition.[73]

To be certified in Florida, a person must have a high school diploma, or its equivalent; or be at least 18 years of age, and pass a nursing assistant competency examination. Alternatively, a person may be certified in Florida if he or she is certified by another state and has not been found to have committed abuse, neglect, or exploitation in that state.[74]

The qualifications for certification as a CNA do not specifically refer to a person's criminal background, but an applicant must pass a background screening pursuant to s. 400.215, F.S., which requires the personnel of nursing homes and related healthcare facilities to pass a level two background screening, or s. 408.809, F.S.[75] The background screening must be completed every five years following licensure, employment, or entering into contract in a capacity that requires background screening.[76]

Level two background screening ensures that a subject of the screening has not been arrested for, is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or not entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any of the 52 prohibited offenses.[77] The prohibited offenses include violent crimes, property crimes, and sexual offenses.[78]

In addition to the crimes specified under s. 435.04, F.S., a CNA may not have a felony record for certain specified felony financial crimes, including Medicaid fraud and forgery.[79]

A level two background screening includes fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE) and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies. Once the background screening is complete, and the FDLE receives the information from the FBI, the criminal history information is transmitted to the DOH. The DOH determines if the screening contains any disqualifying information for employment.

If a person is disqualified from employment due to failing the required background screening, the DOH may grant an exemption from disqualification for:

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[72] Section 464.201(5), F.S.
[73] *Id*.
[74] Section 464.203, F.S.
[75] Section 408.809(1), F.S.
[76] Section 408.809(2), F.S.
[77] Section 435.04, F.S.
[78] *See* s. 435.04(2), F.S.
[79] *See* s. 408.809(4), F.S.

- Felonies for which at least three years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;
- Misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency.[80]

However, DOH may not grant an exemption until at least three years have elapsed since the applicant's completion or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for the offense if the:

- Applicant was a juvenile at the time of the commission of the offense;
- Offense committed is a disqualifying crime that would be considered a felony if committed by an adult; and
- Record has not been sealed or expunged.[81]

An applicant who seeks an exemption must first pay any court-ordered amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for the disqualifying crime.[82]

However, the DOH may not grant an exemption to an individual who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03, F.S., or s. 435.04, F.S., solely by reason of any pardon, executive clemency, or restoration of civil rights.[83]

An exemption may also not be granted to anyone who is a sexual predator, career offender, or sexual offender (unless not required to register).[84] The agency may not grant an exemption from disqualification to persons with a criminal history that includes other violent felonies, crimes against children, and sex-related crimes, such as felony domestic violence, luring or enticing a child, sexual battery, child pornography, and child abuse.[85]

III. Effect of Proposed Changes:

Education of State and County Inmates (Sections 5 through 7)

The bill amends ss. 951.176 and 944.801, F.S., respectively, to authorize a county or municipal detention facility or the DOC to contract with a district school board, the Florida Virtual School,

[80] Section 435.07(1)(a), F.S.
[81] *Id.*
[82] Section 435.07(1)(b), F.S.
[83] *See* s. 435.07(4)(a), F.S
[84] *See* s. 435.07(4)(b), F.S.
[85] *See* s. 435.07(4)(c), F.S.

a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school to provide educational services. The educational services may include any educational, career, or vocational training that is authorized by a county or municipal detention facility or the DOC.

The bill amends s. 1011.80, F.S., to allow state funding for postsecondary education to be used on inmates with less than 60 months of time remaining on his or her sentence.

Declaratory Statements (Section 1)

The bill creates a new declaratory statement process that permits a person who desires to become licensed in a state-regulated profession or occupation to obtain a binding determination of whether his or her criminal conviction or sanction will prevent such licensure, registration, or certification in the profession or occupation.

A person may seek the agency's opinion prior to the person possessing the training or education required for the license, registration, or certificate in the profession or occupation. Additionally, he or she may request the agency's determination while still under criminal confinement or supervision.

The petition may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to:

- The time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense; and
- The petitioner's standing in his or her community.

The agency's declaratory statement must further indicate whether:

- The petitioner is disqualified from obtaining the license, registration, or certification due to the petitioner's criminal background, regardless of the petitioner's education, training, experience, or other prerequisites required for the license, registration, or certification.
- The petitioner is not eligible for a specified occupational or professional license, registration, or certification because of his or her criminal background.
- The agency's determination of disqualification as a result of criminal background may be reversed based on evidence of rehabilitation or mitigation.
- Any federal laws or regulations or any conditions imposed by the court on the petitioner may impede his or her licensure, registration, or certification in the profession or occupation.
- Conditions or restrictions imposed by the court on the petitioner for a disqualifying offense may impede the petitioner's licensure, registration, or certification in the profession or occupation.

The agency's conclusion is binding on the agency as to the petitioner, but any subsequent criminal history may form an independent basis for denial of licensure, registration, or certification.

An agency may require a petitioner to submit the following with his or her petition for declaratory statement:

- A fee of not more than $100;

- A certified copy of each criminal judgment rendered against the petitioner;
- A complete set of fingerprints; and
- A fingerprint processing fee.

The agency must submit the fingerprints to the FDLE for a state criminal history record check and the FDLE must forward the fingerprints to the FBI for a national criminal history record check.

Licensing and Criminal Background (Sections 2 through 4)

The bill creates a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the DBPR and the DOH.

The bill amends s. 455.213, F.S., dealing with the general licensing provisions of the DBPR, and s. 464.203, F.S., dealing with the certification requirements for certified nursing assistants under the DOH.

The license application review process in the bill applies to the following professions and occupations:

- Barbers.
- Cosmetologists and cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers).
- Construction Professionals, including:
  - Air-conditioning contractor;
  - Electrical contractor;
  - Mechanical contractor;
  - Plumbing contractor;
  - Pollutant storage systems contractor;
  - Roofing contractor;
  - Septic tank contractor;
  - Sheet metal contractor;
  - Solar contractor;
  - Swimming pool and spa contractor;
  - Underground utility and excavation contractor; and
  - Other specialty contractors whose scope of work and responsibility is limited to a particular phase of construction, e.g. drywall, glazing, swimming pool excavation, etc.
- Certified Nursing Assistants.

The process created in the bill:

- Permits a person to apply for a license while under criminal confinement (incarceration) or supervision.
- Limits the period during which the agency may consider criminal history as an impairment to licensure to seven years from the date of the criminal conviction for CNAs and five years from the date of criminal conviction for all other professions covered by the bill.
- Requires each agency to identify by rule the crimes that <u>do not</u> impair a person's qualifications for licensure.

- Requires each agency to identify by rule the crimes that do impair a person's qualifications for licensure.
- Prohibits the board from denying an application for a license solely on the basis of the applicant's current confinement or supervision.
- Authorizes board to stay the issuance of a license until the applicant is lawfully released from confinement or supervision, the applicant notifies the board of such release, and the board has verified the release with the DOC.
- Requires an agency to permit applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person's license application.
- Requires the DOC to cooperate and coordinate with the board or department, as applicable, to facilitate the appearance of the applicant at the hearing in person, by teleconference, or by video conference, as appropriate.

The bill amends s. 400.211, F.S., incorporating changes made by the act.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes a charter school or virtual instruction provider, which can be managed by a for-profit entity, to contract with the DOC or a county or municipal entity to provide educational services to inmates. To the extent that this bill increases the pool of students that a private company can serve, it may result in a positive fiscal impact to the private company.

Additionally, persons who submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a

license, registration, or certificate, must pay a filing fee not to exceed $100 for the petition and the actual cost of state and federal processing related to the criminal background check. However, such individuals may also forego certain unnecessary schooling, training, or application costs, depending on the agency's determination.

C. Government Sector Impact:

The bill authorizes the state or a local entity to contract with district, charter, or virtual school entities (school providers) to offer educational services to its inmates. Such services will be provided by the school providers through the workforce education models that currently exist. The DOC or a county and municipal detention facility may use funds appropriated for the education of inmates to contract with the school providers to offer such educational services.

The bill authorizes persons to submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a license, etc. To the extent that the bill results in an increase in submissions of petitions for declaratory statements, this may result in an increased workload to government agencies that provide occupational or professional licenses. Additionally, the agencies will likely have increased revenues associated with the declaratory statement petition fee of not more than $100.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 2500 appropriates $2,000,000 from the General Revenue Fund for postsecondary education of state inmates.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.565, 400.211, 455.213, 464.203, 944.801, 951.176, and 1011.80.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Criminal and Civil Justice on February 14, 2018:
The committee substitute:

- Permits a person to submit a petition for declaratory statement to any Florida agency to determine the effect of a criminal background on his or her eligibility for occupational or professional licensure;

- Requires the agency to indicate specified information in its declaratory statement conclusion;
- Requires the agency's conclusion in the declaratory statement is binding on the agency as to the petitioner;
- Requires specified submissions to be included with the petition for declaratory statement, including a fee of not more than $100;
- Prohibits an agency from denying an application for licensure for certain professions if a specific duration has passed since the applicant's conviction;
- Authorizes a person to apply for licensing from the DBPR prior to being released from incarceration and provides a process for the staying of the issuance of the license until the person's release from custody;
- Specifies accommodations that an agency must make for applicants who are under confinement or supervision at the time of their application;
- Requires pertinent boards under the DBPR and the DOH to adopt rules that specify crimes that constitute grounds for licensure denial;
- Expands the entities that the DOC or a county may contract with to provide educational services for inmates to include a Florida College System institution or a virtual education provider approved by the State Board of Education; and
- Allows state funds to be expended for inmates that have 60 months left on the term of incarceration.

B. Amendments:

None.

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

571242

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment

Delete line 180
and insert:
l. Other specialty contractors, excluding alarm system contractors.

238822

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 181 - 265

and insert:

(b) Except as provided in s. 435.07(4) and convictions pursuant to chapter 812, a conviction for a crime more than 5 years before the date of the application may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means having been found guilty, with or without adjudication of guilt, as a result of a

jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(c)1. A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the board of such release. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a license.

Section 13. Present subsections (2) through (8) of section

464.203, Florida Statutes, are redesignated as subsections (3) through (9), respectively, and a new subsection (2) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(2)(a)1. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.

2. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for failure of a required background screening.

3. For purposes of this paragraph, the term "conviction" means having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

(b)1. A person may apply for a certificate to practice as a certified nursing assistant before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a certificate solely on the basis of the person's current confinement or supervision.

2. After a certification application is approved, the board may stay the issuance of a certificate until the applicant notifies the board of his or her lawful release from confinement or supervision. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his

or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(c) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a certification.

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

And the title is amended as follows:

Delete lines 25 - 46

and insert:

providing exceptions; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release

238822

with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to adopt rules specifying how certain crimes affect an applicant's eligibility for licensure; amending s. 464.203, F.S.; prohibiting the conviction of a crime before a specified date from being grounds for the denial of a certification under certain circumstances; prohibiting the conviction of a crime before a specified date from being grounds for the failure of a background screening; providing exceptions; defining the term "conviction";

438768

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment to Amendment (238822)

Delete lines 45 - 49
and insert:
(2)(a)1. Notwithstanding s. 456.0635, and except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.
2. Notwithstanding s. 456.0635, and except as provided in

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s. 435.07(4), a conviction for a

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 343 - 344
and insert:
state inmates with more than 48 months of time remaining to serve on their sentence or federal inmates.

Section 8. Subsection (4) of section 1011.81, Florida Statutes, is amended to read:

1011.81 Florida College System Program Fund.—

(4) State funds provided for the Florida College System

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Program Fund may not be expended for the education of state inmates with more than 48 months of time remaining on their sentence or federal inmates.

Section 9. Paragraph (e) of subsection (1) of section 1011.84, Florida Statutes, is amended to read:

1011.84 Procedure for determining state financial support and annual apportionment of state funds to each Florida College System institution district.—The procedure for determining state financial support and the annual apportionment to each Florida College System institution district authorized to operate a Florida College System institution under the provisions of s. 1001.61 shall be as follows:

(1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE FLORIDA COLLEGE SYSTEM PROGRAM FUND FOR THE CURRENT OPERATING PROGRAM.—

(e) All state inmate education provided by Florida College System institutions shall be reported by program, FTE expenditure, and revenue source. These enrollments, expenditures, and revenues shall be reported and projected separately. Instruction of state inmates with more than 48 months of time remaining on their sentence may ~~shall~~ not be included in the full-time equivalent student enrollment for funding through the Florida College System Program Fund.

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

And the title is amended as follows:

Delete lines 68 - 71

and insert:

for county inmates; amending ss. 1011.80 and 1011.81, F.S.; removing provisions prohibiting state funds for

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the operation of postsecondary workforce programs and funds for the Florida College System Program Fund, respectively, from being used for the education of certain state inmates; amending s. 1011.84, F.S.; conforming a provision to changes made by the act;

578002

576-03261-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Criminal and Civil Justice)

A bill to be entitled

An act relating to licensing and training; amending s. 120.565, F.S.; authorizing a person to seek a declaratory statement from an agency as to the effect of the person's criminal background on his or her eligibility for certain licenses, registrations, or certificates; specifying that a person may seek a declaratory statement before meeting any prerequisites for the license, registration, or certification; requiring that an agency's conclusion in the declaratory statement contain certain statements; providing that the agency's conclusion is binding, except under certain circumstances; requiring a person seeking a declaratory statement to submit certain items to the agency and pay certain fees and costs; providing requirements for the processing of fingerprints; requiring the petitioner to pay the actual cost of processing the fingerprints; amending s. 455.213, F.S.; requiring the board to use a specified process for the review of an applicant's criminal record to determine the applicant's eligibility for certain licenses; prohibiting the conviction of a crime before a specified date from being grounds for the denial of certain licenses; defining the term "conviction"; authorizing a person to apply for a license before his or her lawful release from confinement or supervision; prohibiting

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additional fees for an applicant confined or under supervision; prohibiting the board from basing a denial of a license application solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved license under certain circumstances; requiring the board to verify an applicant's release with the Department of Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to adopt rules specifying how certain crimes affect an applicant's eligibility for licensure; conforming a cross-reference; amending s. 464.203, F.S.; providing that the conviction of a crime before a specified date may not serve as grounds for the denial of a certification under certain circumstances; providing that the conviction of a crime before a specified date may not serve as grounds for the failure of a background screening; defining the term "conviction"; authorizing a person to apply for certification before his or her lawful release from confinement or supervision; prohibiting additional fees for an applicant confined or under supervision; prohibiting the board from basing the denial of a certification solely on the applicant's current confinement or supervision; authorizing the board to stay the issuance of an approved certificate under certain circumstances; requiring the board to verify an applicant's release with the Department of

Corrections; providing requirements for the appearance of certain applicants at certain meetings; requiring the board to adopt rules specifying how certain crimes may affect an applicant's eligibility for certification; amending s. 400.211, F.S.; conforming a cross-reference; amending s. 944.801, F.S.; authorizing the Department of Corrections to contract with certain entities to provide educational services for the Correctional Education Program; amending s. 951.176, F.S.; authorizing each county to contract with certain entities to provide educational services for county inmates; amending s. 1011.80, F.S.; removing a provision prohibiting state funds for the operation of postsecondary workforce programs from being used for the education of certain state inmates; providing an effective date.

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

Section 1. Subsection (4) is added to section 120.565, Florida Statutes, to read:

120.565 Declaratory statement by agencies.—

(4)(a) Any person may seek a declaratory statement regarding an agency's opinion as to the effect of the petitioner's criminal background on his or her eligibility for a specific occupational or professional license, registration, or certificate issued by the agency based on the applicable statutes and rules for the occupation or profession. The petition may include mitigating factors or other information the

petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to, the time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense, and the petitioner's standing in his or her community. A person may seek a declaratory statement under this subsection before attaining any education, training, experience, or other prerequisites for the license, registration, or certification.

(b) The agency's conclusion in the declaratory statement must indicate whether:

1. The petitioner is disqualified from obtaining the license, registration, or certification due to the petitioner's criminal background, regardless of the petitioner's education, training, experience, or other prerequisites required for the license, registration, or certification.

2. The petitioner is not eligible for a specified occupational or professional license, registration, or certification because of his or her criminal background, but that the conclusion may be reversed upon the petitioner's presentation of evidence of rehabilitation or mitigation identified by the agency in the declaratory statement at any time subsequent to the issuance of the declaratory statement.

3. Federal laws or regulations may impede the petitioner's licensure, registration, or certification in the profession or occupation.

4. Conditions or restrictions imposed by the court on the petitioner for a disqualifying offense may impede the petitioner's licensure, registration, or certification in the

profession or occupation.

(c) The agency's conclusion in the declaratory statement shall be binding on the agency as to the petitioner, unless the petitioner's subsequent criminal history constitutes an independent basis for denial of the petitioner's application for a license, registration, or certification in the profession or occupation. The agency's conclusion is subject to judicial review pursuant to s. 120.68.

(d) A person seeking a declaratory statement under this subsection must submit to the agency, in addition to the petition for a declaratory statement:

1. A fee set by the agency not to exceed $100;

2. A certified copy of each criminal judgment rendered against the petitioner; and

3. A complete set of electronic fingerprints.

(e) The agency shall submit the fingerprints to the Department of Law Enforcement for a state criminal history record check and the Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for a national criminal history record check. The agency shall review the criminal history record results to determine if the petitioner meets licensure, registration, or certification requirements. The petitioner shall pay the actual cost of state and federal processing in addition to the fee in subparagraph (d)1.

Section 2. Present subsections (3) through (12) of section 455.213, Florida Statutes, are redesignated as subsections (4) through (13), respectively, subsection (2) of that section is amended, and a new subsection (3) is added to that section, to read:

455.213 General licensing provisions.—

(2) Before the issuance of any license, the department may charge an initial license fee as determined by rule of the applicable board or, if no such board exists, by rule of the department. Upon receipt of the appropriate license fee, except as provided in subsection (4) ~~(3)~~, the department shall issue a license to any person certified by the appropriate board, or its designee, or the department when there is no board, as having met the applicable requirements imposed by law or rule. However, an applicant who is not otherwise qualified for licensure is not entitled to licensure solely based on a passing score on a required examination. Upon a determination by the department that it erroneously issued a license, or upon the revocation of a license by the applicable board, or by the department when there is no board, the licensee must surrender his or her license to the department.

(3)(a) Notwithstanding any other provision of law, the board shall use the process in this subsection for review of an applicant's criminal record to determine his or her eligibility for licensure as a:

1. Barber under chapter 476;

2. Cosmetologist or cosmetology specialist under chapter 477; or

3. Any of the following construction professions under chapter 489:

a. Air-conditioning contractor;

b. Electrical contractor;

c. Mechanical contractor;

d. Plumbing contractor;

e. Pollutant storage systems contractor;

f. Roofing contractor;

g. Septic tank contractor;

h. Sheet metal contractor;

i. Solar contractor;

j. Swimming pool and spa contractor;

k. Underground utility and excavation contractor; and

l. Other specialty contractors.

(b) A conviction for a crime more than 5 years before the date of the application may not be grounds for denial of a license specified in paragraph (a). For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(c)1. A person may apply for a license before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a license solely on the basis of the applicant's current confinement or supervision.

2. After a license application is approved, the board may stay the issuance of a license until the applicant is lawfully released from confinement or supervision and the applicant notifies the board of such release. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as

appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a license.

(e) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a license.

Section 3. Present subsections (2) through (8) of section 464.203, Florida Statutes, are redesignated as subsections (3) through (9), respectively, and a new subsection (2) is added to that section, to read:

464.203 Certified nursing assistants; certification requirement.—

(2)(a)1. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for denial of a certificate to practice as a certified nursing assistant.

2. Except as provided in s. 435.07(4), a conviction for a crime more than 7 years before the date of the application may not be grounds for failure of a required background screening.

3. For purposes of this paragraph, the term "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(b)1. A person may apply for a certificate to practice as a certified nursing assistant before his or her lawful release from confinement or supervision. The department may not charge an applicant an additional fee for being confined or under supervision. The board may not deny an application for a certificate solely on the basis of the person's current confinement or supervision.

2. After a certification application is approved, the board may stay the issuance of a certificate until the applicant notifies the board of his or her lawful release from confinement or supervision. The board must verify the applicant's release with the Department of Corrections before it issues a license.

3. If an applicant is unable to appear in person due to his or her confinement or supervision, the board must permit the applicant to appear by teleconference or video conference, as appropriate, at any meeting of the board or other hearing by the agency concerning his or her application.

4. If an applicant is confined or under supervision, the Department of Corrections and the board shall cooperate and coordinate to facilitate the appearance of the applicant at a board meeting or agency hearing in person, by teleconference, or by video conference, as appropriate.

(c) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, do not relate to the practice of the profession or the ability to practice the profession and do not constitute grounds for denial of a

certification.

(d) The board shall adopt rules specifying the crimes that, if committed, and regardless of adjudication, relate to the practice of the profession or the ability to practice the profession and may constitute grounds for denial of a certification.

Section 4. Subsection (4) of section 400.211, Florida Statutes, is amended to read:

400.211 Persons employed as nursing assistants; certification requirement.—

(4) When employed by a nursing home facility for a 12-month period or longer, a nursing assistant, to maintain certification, shall submit to a performance review every 12 months and must receive regular inservice education based on the outcome of such reviews. The inservice training must meet all of the following requirements:

(a) Be sufficient to ensure the continuing competence of nursing assistants and must meet the standard specified in s. 464.203(8). ~~s. 464.203(7);~~

(b) Include, at a minimum:

1. Techniques for assisting with eating and proper feeding;

2. Principles of adequate nutrition and hydration;

3. Techniques for assisting and responding to the cognitively impaired resident or the resident with difficult behaviors;

4. Techniques for caring for the resident at the end-of-life; and

5. Recognizing changes that place a resident at risk for pressure ulcers and falls.~~; and~~

(c) Address areas of weakness as determined in nursing assistant performance reviews and may address the special needs of residents as determined by the nursing home facility staff.

Costs associated with this training may not be reimbursed from additional Medicaid funding through interim rate adjustments.

Section 5. Present subsections (4) and (5) of section 944.801, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

944.801 Education for state prisoners.—

(4) The department may contract with a district school board, the Florida Virtual School, a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school authorized to operate under s. 1002.33 to provide educational services for the Correctional Education Program. The educational services may include any educational, career, or workforce education training that is authorized by the department.

Section 6. Section 951.176, Florida Statutes, is amended to read:

951.176 Provision of education ~~programs for youth~~.—

(1) Each county may contract with a district school board, the Florida Virtual School, a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school authorized to operate under s. 1002.33 to provide educational services for inmates at county detention facilities. The educational services may include any educational, career, or workforce education training

that is authorized by the sheriff or chief correctional officer, or his or her designee.

(2) Minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23 shall be offered educational services by the local school district in which the facility is located. These educational services shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under the age of 21 to the facility. A cooperative agreement with the local school district and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these youth.

Section 7. Paragraph (b) of subsection (7) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(7)

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state inmates with more than 60 months of time remaining to serve on their sentence or federal inmates.

Section 8. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1318
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice) and Senator Rouson
SUBJECT:	Education for Prisoners
DATE:	March 1, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cox	Jones	CJ	**Favorable**
2.	Forbes	Sadberry	ACJ	**Recommend: Fav/CS**
3.	Forbes	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1318 authorizes a county or municipal detention facility or the Department of Corrections (DOC) to contract with a district school board, the Florida Virtual School, a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school (school provider) to provide educational services to its inmates. The educational services may include any educational, career, or vocational training.

The bill allows state funding for postsecondary education and Florida College System institutions to be used for an inmate with less than 48 months of time remaining on his or her sentence.

The bill also makes various changes to procedures related to business licensing for persons who have previously been convicted of a criminal offense, including:

- Permits a person to submit a petition for declaratory statement to any Florida agency to determine the effect of a criminal background on his or her eligibility for occupational or professional licensure;
- Requires the agency to indicate specified information in its declaratory statement conclusion;
- Requires the agency's conclusion in the declaratory statement is binding on the agency as to the petitioner;
- Requires specified submissions to be included with the petition for declaratory statement, including a fee of not more than $100;

- Prohibits an agency from denying an application for licensure for certain professions if a specific duration has passed since the applicant's conviction of a specified offense;
- Authorizes a person to apply for licensing from the Department of Business and Professional Regulation (DBPR) prior to being released from incarceration and provides a process for the staying of the issuance of the license until the person's release from custody;
- Specifies accommodations that an agency must make for applicants who are under confinement or supervision at the time of their application; and
- Requires pertinent boards under the DBPR and Department of Health to adopt rules that specify crimes that constitute grounds for licensure denial.

The bill will likely have no fiscal impact on the school districts. If the DOC or county or municipal detention facilities elect to contract with a school provider to provide services under such contract, the services will need to be funded out of an appropriation specific for this purpose. The bill may result in an increased workload and revenues to agencies that must process the petitions for declaratory statements from a licensing agency. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2018.

II. Present Situation:

Sentencing of Inmates – Overview

A defendant that is convicted of a crime in the state of Florida may be incarcerated in either county jail or state prison based upon the degree of the offense. A number of factors are taken into consideration when determining whether a defendant will be committed to the custody of the jail or the DOC. A defendant convicted of a misdemeanor offense can be committed to the custody of the county's chief correctional officer for no more than one year for a first degree misdemeanor or 60 days for a second degree misdemeanor.[1]

For a defendant convicted of a felony offense, the Criminal Punishment Code[2] (Code) applies to sentencing for felony offenses committed on or after October 1, 1998.[3] The permissible sentence (absent a downward departure) for an offense ranges from the calculated lowest permissible sentence as determined by the Code to the statutory maximum for the primary offense. The statutory maximum sentence for a first-degree felony is 30 years, for a second-degree felony is 15 years, and for a third degree felony is 5 years.[4]

[1] Section 775.082(4), F.S.
[2] Sections 921.002-921.0027, F.S. *See* chs. 97-194 and 98-204, L.O.F. The Code is effective for offenses committed on or after October 1, 1998.
[3] Section 921.0022, F.S.
[4] *See* s. 775.082, F.S.

Education for County Inmates

Section 951.176, F.S., requires county and municipal detention facilities[5] to provide educational services to minors detained in such facilities if the minor has not graduated from high school or is an eligible student with disabilities under the age of 22 who has not graduated with a standard diploma or its equivalent. The educational services must be offered by the local school district in which the facility is located.[6] These educational services are based on the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees must be notified by the county's chief correctional officer if a youth under the age of 21 is accepted into the facility.[7]

Florida law is silent as to whether a county or municipal detention facility is required to provide educational services to its adult inmates. However, the County Corrections Equality Act requires that females have access to educational, vocational training, rehabilitation and substance abuse treatment that are equivalent to that provided to male inmates.8

Education for State Prisoners

Florida law establishes (under the DOC) a Correctional Education Program (CEP), which must be composed of the educational facilities and services of all institutions, and facilities housing inmates operated by the DOC.[9] The duties of the CEP include, but are not limited to:

- Developing guidelines for collecting education-related information during the inmate reception process and for disseminating such information to the classification staff of the DOC.[10]
- Approving educational programs of the appropriate levels and types in the correctional institutions and developing procedures for the admission of inmate students into such programs.[11]
- Entering into agreements with public or private school districts, entities, community colleges, junior colleges, colleges, or universities as may be deemed appropriate for the purpose of carrying out the CEP duties.[12]

[5] Section 951.23(1)(a) and (d), F.S., define county detention facility to mean a county jail, a county stockade, a county work camp, a county residential probation center, and any other place except a municipal detention facility used by a county or county officer for the detention of persons charged with or convicted of either a felony or misdemeanor; and a municipal detention facility to mean a city jail, a city stockade, a city prison camp, and any other place except a county detention facility used by a municipality or municipal officer for the detention of persons charged with or convicted of violation of municipal laws or ordinances.
[6] Section 951.176, F.S.
[7] Section 951.176, F.S., also requires the development of a cooperative agreement with the local school district and applicable law enforcement units to address the notification requirement and the provision of educational services to these youth.
[8] Section 951.175, F.S.
[9] Section 944.801(1), F.S.
[10] Section 944.801(3)(a), F.S., also provides that the information collected must include the inmate's areas of educational or vocational interest, vocational skills, and level of education.
[11] Section 944.801(3)(d), F.S.
[12] Section 944.801(3)(e), F.S.

- Ensuring that such local agreements require minimum performance standards and standards for measurable objectives, in accordance with established Department of Education standards.[13]
- Developing and maintaining complete and reliable statistics on the number of high school equivalency diplomas and vocational certificates issued by each institution in each skill area, the change in inmate literacy levels, and the number of inmate admissions to and withdrawals from education courses.[14]
- Ensuring every inmate who has two years or more on his or her sentence at the time of being received at an institution and who lacks basic and functional literacy skills as defined in s. 1004.02, F.S.,[15] attends not less than 150 hours of sequential instruction in a correctional adult basic education program.[16]
- Ensure that all education staff are certified in accordance with the Department of Education standards.[17]

Providers of K-20 Education in Florida

School Districts

A district school system includes all public schools, classes, and courses of instruction and all services and activities directly related to education in that district which are under the direction of the district school officials.[18] Any district school board, after first obtaining the approval of the Department of Education, may, as a part of the district school system, organize, establish, and operate a career center, or acquire and operate a career center previously established.[19]

Charter Schools

Charter schools are nonsectarian, public schools that operate under a performance contract with a sponsor. This performance contract is known as a "charter."[20] The charter exempts the school from many regulations applicable to traditional public schools to encourage the use of innovative learning methods.[21] One of the guiding principles of charter schools is to meet high standards of student achievement while providing parents flexibility to choose among diverse educational

[13] *Id*.
[14] Section 944.801(3)(g), F.S.
[15] Section 1004.02(4), F.S., defines basic literacy to mean the demonstration of academic competence from 2.0 through 5.9 educational grade levels as measured by means approved for this purpose by the State Board of Education. Section 1004.02(15), F.S., defines functional literacy to mean the demonstration of academic competence from 6.0 through 8.9 educational grade levels as measured by means approved for this purpose by the State Board of Education.
[16] Section 944.801(3)(i), F.S., further provides that highest priority of inmate participation must be focused on youthful offenders and those inmates nearing release from the correctional system and that an inmate is not allowed to participate in the adult basic education program if he or she is serving a life sentence or is under sentence of death, specifically exempted for security or health reasons, housed at a community correctional center, road prison, work camp, or vocational center, attains a functional literacy level after attendance in fewer than 150 hours of adult basic education instruction, or is unable to enter such instruction because of insufficient facilities, staff, or classroom capacity.
[17] Section 944.801(3)(k), F.S. *See* ss. 1002.33(12)(f), 1012.54, 1012.55, and 1012.56, F.S.
[18] Section 1001.31, F.S.
[19] Section 1001.14, F.S.
[20] Section 1002.33(5)(a), (6)(h), (7) and (9)(a), F.S.
[21] Section 1002.33(2)(b)3. and (16), F.S.

opportunities within the state's public school system.[22] The school must be operated by a Florida College System institution, municipality, or nonprofit organization. While a charter school must be a public or nonprofit entity, it may be managed by a for-profit education management organization.[23] A district school board may sponsor a charter school in the county over which the district school board has jurisdiction.[24]

Virtual Instruction

The Florida Virtual School (FVS) is established for the development and delivery of online and distance learning education and its mission is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed.[25] The school must serve any student in the state and must give priority to:

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses; and
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.[26]

There is no specific prohibition against district, charter, or virtual schools providing classes to local or state inmates or in defining "student" to exclude inmates from such instruction.

Workforce Education Through K-20 School Providers

Florida school districts are encouraged to develop educational opportunities for adults who have earned a diploma or high school equivalency diploma, but who lack the basic skills necessary to function effectively in everyday situations, to enter the job market, or to enter career certificate instruction.[27] Each district school board or Florida College System institution board of trustees must negotiate with the local workforce development board for basic and functional literacy skills assessments for participants in the welfare transition employment and training programs. Such assessments are conducted at a site mutually acceptable to the district school board or Florida College System institution board of trustees and the local workforce development board.[28]

Any workforce education program may be conducted by a Florida College System institution and school district unless restricted by statute.[29] Additionally, s. 1004.98, F.S., establishes the

[22] Section 1002.33(2)(a)1., F.S.
[23] Section 1002.33(12)(i), F.S.
[24] Section 1002.33(5)(a)1., F.S.
[25] Section 1002.37(1), F.S.
[26] Section 1002.37(b), F.S.
[27] Section 1004.93(1), F.S.
[28] Section 1004.93(3)(a), F.S.
[29] Section 1011.80(2), F.S. Section 1011.80(1), F.S., defines the terms workforce education and workforce education program to include: a) adult general education programs designed to improve the employability skills of the state's workforce as defined in s. 1004.02(3), F.S; b) career certificate programs, as defined in s. 1004.02(20), F.S.; c) applied technology diploma programs; d) continuing workforce education courses; e) degree career education programs; f) apprenticeship and preapprenticeship programs as defined in s. 446.021, F.S.

workforce literacy program within the Florida College System institutions and school districts. Workforce literacy programs are designed:

- To ensure that a sufficient numbers of employees who possess the skills necessary to perform in entry-level occupations exist;
- To adapt to technological advances in the workplace; and
- With the intention of supporting economic development in Florida by increasing adult literacy and producing an educated workforce.[30]

Florida College System institutions and school districts may also offer courses that assist adults with gaining the communication and computation skills necessary to complete a career program, to gain or maintain entry-level employment, or to upgrade employment.[31]

Funding for Workforce Education Programs

Expenditures for the continuing workforce education programs provided by the Florida College System institutions or school districts must be fully supported by fees. For all other workforce education programs, state funding must equal 75 percent of the average cost of instruction with the remaining 25 percent made up from student fees, which are based on a uniform fee calculated and set at the state level, as adopted by the State Board of Education, unless otherwise specified in the General Appropriations Act. For fee-exempt students pursuant to s. 1009.25, F.S., unless otherwise provided for in law, state funding must equal 100 percent of the average cost of instruction.[32]

Since 2011, state funds allocated for postsecondary workforce programs and the Florida College System institutions are explicitly prohibited from being used to educate state or federal inmates.[33] Additionally, s. 1011.84(1)(e), F.S., which addresses the procedure for calculating apportionment of funding for Florida College System institutions, provides that funds used for the instruction of state inmates must not be included in the full-time equivalent student enrollment for funding calculations.[34]

Agency Declaratory Statements

The Administrative Procedure Act provides uniform procedures for agencies to exercise their authority, and is applicable to every Florida administrative agency.35

A declaratory statement is meant to "'enable members of the public to definitively resolve ambiguities of law arising in the conduct of their daily affairs or in the planning of their future affairs' and 'to enable the public to secure definitive binding advice as to the applicability of

[30] Section 1004.98, F.S.
[31] *See* s. 1004.98, F.S.
[32] Section 1011.80(5), F.S.
[33] Sections 1011.80(7) and 1011.81(4), F.S.; ch. 2011-63, ss. 35 and 36, L.O.F.
[34] *See* s. 1011.84, F.S.
[35] *See* ss. 120.50-120.515, F.S.

agency-enforced law to a particular set of facts.'"[36] A petition for declaratory statement must include a petitioner's specific set of circumstances and the applicable law, rule, or order he or she wishes to have interpreted in light of those circumstances.[37]

When a petitioner files a petition for a declaratory statement with an agency, the agency must file a notice of the petition in the next available issue of the Florida Administrative Register and transmit copies of the petition to the Joint Administrative Procedures Committee.[38] Within 90 days from the petition's filing, the agency must either issue a declaratory statement or deny the petition. The agency must give notice of its action in the next available issue of the Florida Administrative Register.[39]

Generally, an agency will only issue a declaratory statement on actions that will take place in the future.[40] However, the fact pattern must not be hypothetical so as to amount to a request for an advisory opinion regarding facts that are only "contingent, uncertain, [and] rest in the future."[41]

Current law does not require a fee for filing a petition for declaratory statement with an agency.

Department of Business and Professional Regulation

Section 20.165, F.S., establishes the organizational structure of the Department of Business and Professional Regulation (DBPR), which has 12 divisions tasked with the regulation of several professions and businesses.[42]

Chapter 455, F.S., provides the general powers of the DBPR and sets forth the procedural and administrative framework for all of the professional boards housed under the DBPR as well as the Divisions of Certified Public Accounting, Professions, Real Estate, and Regulation.[43] The DBPR may engage in the regulation of professions "only for the preservation of the health, safety, and welfare of the public under the police powers of the state."[44] Regulation is required when:

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[36] Section 120.565(1), F.S.; *Fla. Dept. of Bus. & Pro. Reg., Div. of Pari-Mutuel Wagering v. Invest. Corp. of Palm Bch.*, 747 So. 2d 374, 376 (Fla. 1999), *quoting* Patricia A. Dore, *Access to Florida Administrative Proceedings*, 13 Fla. St. U. L. Rev. 965 (1986).
[37] Section 120.565(2), F.S.
[38] Section 120.565(3), F.S. The Joint Administrative Procedures Committee (JAPC) is a joint standing committee of the Legislature created by Rule 4.1 of the Joint Rules of the Florida Legislature. It is composed of five Senators appointed by the President of the Senate and six Representatives appointed by the Speaker of the House of Representatives. The primary function of JAPC is to generally review agency action pursuant to the operation of the Administrative Procedure Act in ch. 120, F.S., related to the rulemaking process, to ensure that rules adopted by the executive branch agencies do not create new law and stay within the authority specifically delegated to them by the Legislature.
[39] Section 120.565(3), F.S.
[40] *Fed'n of Mobile Home Owners of Fla., Inc. v. Dept. of Bus. Regulation*, 479 So. 2d 252 (Fla. Dist. Ct. App. 1985).
[41] *Santa Rosa Cnty. v. Admin. Comm'n., Div. of Admin. Hearings*, 661 So. 2d 1190 (Fla. 1995).
[42] *See* s. 20.165, F.S., creating the divisions of Administration; Alcoholic Beverages and Tobacco; Certified Public Accounting; Drugs, Devices, and Cosmetics; Florida Condominiums, Timeshares, and Mobile Homes; Hotels and Restaurants; Pari-mutuel Wagering; Professions; Real Estate; Regulation; Service Operations; and Technology.
[43] *See* s. 455.203, F.S. The DBPR must also provide legal counsel for boards within the DBPR by contracting with the Department of Legal Affairs, by retaining private counsel, or by providing the DBPR staff counsel. *See* s. 455.221(1), F.S.
[44] Section 455.201(2), F.S.

- The potential for harming or endangering public health, safety, and welfare is recognizable and outweighs any anticompetitive impact that may result;
- The public is not effectively protected by other state statutes, local ordinances, federal legislation, or other means; and
- Less restrictive means of regulation are not available.[45]

However, "neither the department nor any board may create a regulation that has an unreasonable effect on job creation or job retention," or a regulation that unreasonably restricts the ability of those who desire to engage in a profession or occupation to find employment.[46]

When a person is authorized to engage in a profession or occupation in Florida, the DBPR issues a "permit, registration, certificate, or license" to the licensee.[47]

In Fiscal Year 2016-2017, there were 412,872 active licensees in the Division of Professions,[48] including:

- Architects and interior designers;
- Asbestos consultants and contractors;
- Athlete agents;
- Auctioneers;
- Barbers (19,098 active and 199 inactive);
- Building code administrators and inspectors;
- Community association managers;
- Construction industry contractors (71,818 active and 15,004 inactive);
- Cosmetologists (237,090 active and 1,600 inactive);
- Electrical contractors (11,960 active and 1,285 inactive);
- Employee leasing companies;
- Geologists;
- Home inspectors;
- Harbor pilots;
- Landscape architects;
- Mold-related services;
- Talent agencies; and
- Veterinarians.[49]

Sections 455.203 and 455.213, F.S., establish general licensing authority for the DBPR, including the authority to charge license fees and license renewal fees. Each board within the

[45] *Id.*
[46] Section 455.201(4)(b), F.S.
[47] Section 455.01(4) and (5), F.S.
[48] *See* Department of Business and Professional Regulation, *Annual Report, Fiscal Year 2016-2017*, available at http://www.myfloridalicense.com/dbpr/os/documents/DivisionAnnualReport.pdf?x40199 (last visited Feb. 15, 2018) at pages 21 and 22. Of the total 434,574 licensees in the Division of Professions, 21,702 are inactive. *Id.* at page 22.
[49] *Id*.

DBPR must determine by rule the amount of license fees for each profession, based on estimates of the required revenue to implement the regulatory laws affecting the profession.[50]

Barbering

The term "barbering" in ss. 476.014 through 476.254, F.S., (the Barbers' Act) includes any of the following practices when done for payment: shaving, cutting, trimming, coloring, shampooing, arranging, dressing, curling, or waving the hair or beard or applying oils, creams, lotions, or other preparations to the face, scalp, or neck, either by hand or by mechanical appliances.51

An applicant for licensure as a barber must pass an examination. To be eligible to take the examination, the applicant must:

- Be at least 16 years of age;
- Pay the application fee; and
- Have held an active valid license in another state for at least one year,52 or have a minimum of 1,200 hours of specified training.53

Alternatively, a person may apply for and receive a "restricted license" to practice barbering, which authorizes the licensee to practice only in areas in which he or she has demonstrated competency pursuant to rules of the Barbers' Board.54

Nail and Facial Specialists, Hair Braiders, Hair Wrappers, and Body Wrappers

Chapter 477, F.S., governs the licensing and regulation of cosmetologists, hair braiders, hair wrappers, nail specialists, facial specialists, full specialists, body wrappers, and related salons in the state. The Board of Cosmetology, within the DBPR's Division of Professions, processes license applications, reviews disciplinary cases, and conducts informal administrative hearings relating to licensure and discipline.55

Individuals are prohibited from providing manicures, pedicures, or facials without first becoming licensed as a cosmetologist or registered as a nail specialist, facial specialist, or full specialist.56

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[50] Section 455.219(1), F.S.
[51] *See* s. 476.034(2), F.S. The term does not include those services when done for the treatment of disease or physical or mental ailments.
[52] Licensure by endorsement may also allow a practitioner holding an active license in another state or country to qualify for licensure in Florida. *See* s. 476.144(5), F.S.
[53] *See* s. 476.114(2), F.S.; the training must include, but is not limited to the completion of services directly related to the practice of barbering at a licensed school of barbering, a public school barbering program, or a government-operated barbering program in Florida.
[54] *See* s. 476.144(6), F.S.
[55] *See* Department of Business and Professional Regulation, *Cosmetology*, available at http://www.myfloridalicense.com/DBPR/cosmetology/ (last visited Feb. 15, 2018).
[56] *See* Florida Department of Business and Professional Regulation, *Board of Cosmetology Frequently Asked Questions and Answers* (Aug. 2017), available at http://www.myfloridalicense.com/dbpr/pro/cosmo/documents/cosmo_faq.pdf (last visited Feb. 14, 2018). The application of polish to fingernails and toenails is considered manicuring, even though the individual is not cutting, cleansing, adding, or extending the nails. Therefore, a registration as a specialist or licensure as a cosmetologist is required to apply polish to fingernails and toenails for compensation. *See* s. 477.013(6)(a) and (b), F.S.

A "specialist" is defined to mean any person holding a specialty registration in one or more of the specialties registered under ch. 477, F.S.[57] The term "specialty" is defined as the practice of one or more of the following:

- Manicuring, or the cutting, polishing, tinting, coloring, cleansing, adding, or extending of the nails, and massaging of the hands. This term includes any procedure or process for the affixing of artificial nails, except those nails which may be applied solely by use of a simple adhesive.
- Pedicuring, or the shaping, polishing, tinting, or cleansing of the nails of the feet, and massaging or beautifying of the feet.
- Facials, or the massaging or treating of the face or scalp with oils, creams, lotions, or other preparations, and skin care services.[58]

An applicant for a specialist license must:

- Be at least 16 years of age;
- Obtain a certificate of completion from an approved specialty education program; and
- Submit an application for registration to the DBPR with the registration fee.[59]

A "cosmetologist" is a person who is licensed to engage in the practice of cosmetology.[60] "Cosmetology" is "the mechanical or chemical treatment of the head, face, and scalp for aesthetic rather than for medical purposes, including, but not limited to, hair shampooing, hair cutting, hair arranging, hair coloring, permanent waving, and hair relaxing for compensation. This term also includes performing hair removal, including wax treatments, manicures, pedicures, and skin care services."[61]

Certain persons who apply cosmetic products (makeup) are exempt from ch. 477, F.S., under limited conditions, including application of such products in photography studio salons, in connection with certain retail sales, or during the production of qualified films.62 In addition, persons who provide makeup in a theme park or entertainment complex to actors and others or the general public are exempt from licensing requirements.63

An applicant for a cosmetologist license must pass a licensure examination and:

- Be at least 16 years of age;
- Have a high school diploma;
- Submit an application with the applicable fee and examination fee; and
- Be licensed in another state or country for at least one year, or received 1,200 hours training, including completion of an education at an approved cosmetology school or program.

[57] *See* s. 477.013(5), F.S.
[58] *See* s. 477.013(6), F.S.
[59] *See* s. 477.0201, F.S.
[60] *See* s. 477.013(3), F.S.
[61] *See* s. 477.013(4), F.S. A licensed cosmetologist is not required to register separately as a hair braider, hair wrapper, body wrapper, or specialist. *See supra* at note 55.
[62] *See* ss. 477.013(11), 477.0135(1)(f), and 477.0135(5), F.S.
[63] *See* s. 477.0135(6), F.S.

Employment Background Screening and Exemptions from Disqualification

Level 1 Employment Screening

A level 1 background screening includes, but is not limited to, employment history checks and statewide criminal correspondence checks through the FDLE, and a check of the Dru Sjodin National Sex Offender Public Website, and may include local criminal records checks through local law enforcement agencies.[64] Any person required by law to have a level 1 employment screening must not have a criminal history record related to any offense prohibited with a level 2 background screening or similar law of another jurisdiction.[65] Additionally, a person screened for a level 1 employment screening must not have been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense that constitutes domestic violence,[66] whether such act was committed in this state or in another jurisdiction.[67]

Level 2 Employment Screening

A level 2 background screening includes, but is not limited to, fingerprinting for statewide criminal history records checks through the Florida Department of Law Enforcement (FDLE) and national criminal history checks through the Federal Bureau of Investigation (FBI), and may include local criminal records checks through local law enforcement agencies.[68] The applicant has fingerprints taken by a vendor that submits the electronic fingerprints to the FDLE for an agency. The FDLE then runs statewide checks and submits the electronic file to the FBI for national checks.

Once the background screening is completed, and the FDLE receives the information from the FBI, the criminal history information is transmitted to the requesting agency (agency). The agency then determines if the screening contains any disqualifying information for employment. The agency must ensure that no applicant has been arrested for, is awaiting final disposition of, has been found guilty of, or entered a plea of nolo contendere or guilty to any prohibited offense including, but not limited to, such crimes as sexual misconduct, murder, assault, kidnapping, arson, exploitation, lewd and lascivious behavior, drugs, and domestic violence.[69] If the agency finds that an individual has a history containing any of these offenses, it must disqualify that individual from employment with the agency as is proscribed in agency rule.

Exemptions from Disqualification

If a person is disqualified from employment due to failing the required employment screening, the agency may grant an exemption from disqualification for:

- Felonies for which at least three years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;

[64] Section 435.03(1), F.S.
[65] Section 435.03(2), F.S. A criminal history record for this purpose includes an arrest awaiting final disposition, a finding of guilt, regardless of adjudication, or the entering of plea of nolo contendere or guilt, or an adjudication of delinquency where the record has not been sealed or expunged.
[66] Section 435.03(3), F.S., provides that this is an act that meets the definition of conduct in s. 741.28, F.S.
[67] Section 435.03(3), F.S.
[68] *See* s. 435.04, F.S.
[69] *Id*.

- Misdemeanors prohibited under any of the statutes cited in ch. 435, F.S., or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;
- Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or
- Findings of delinquency.70

However, an agency may not grant an exemption until at least three years have elapsed since the applicant's completion or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for the offense if the:

- Applicant was a juvenile at the time of the commission of the offense;
- Offense committed is a disqualifying crime that would be considered a felony if committed by an adult; and
- Record has not been sealed or expunged.71

An applicant who seeks an exemption must first pay any court-ordered amount for any fee, fine, fund, lien, civil judgment, application, costs of prosecution, trust, or restitution as part of the judgment and sentence for the disqualifying crime.72

However, an agency may not grant an exemption to an individual who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03, F.S., or s. 435.04, F.S., solely by reason of any pardon, executive clemency, or restoration of civil rights.[73]

An exemption may also not be granted to anyone who is a sexual predator, career offender, or sexual offender (unless not required to register).[74] The agency may not grant an exemption from disqualification to persons with a criminal history that includes other violent felonies, crimes against children, and sex-related crimes, such as felony domestic violence, luring or enticing a child, sexual battery, child pornography, and child abuse.[75]

Licensing and Criminal Background

Section 112.011, F.S., outlines general guidelines for considering criminal convictions during licensure determinations. Generally, a person may be denied a professional license based on his or her prior conviction of a crime if the crime was a felony or first-degree misdemeanor that is directly related to the standards determined by the regulatory authority to be necessary and reasonably related to the protection of the public health, safety, and welfare for the specific

[70] Section 435.07(1)(a), F.S.
[71] *Id.*
[72] Section 435.07(1)(b), F.S.
[73] *See* s. 435.07(4)(a), F.S
[74] *See* s. 435.07(4)(b), F.S.
[75] *See* s. 435.07(4)(c), F.S.

profession for which the license is sought.[76] Notwithstanding any law to the contrary, a state agency may not deny an application for a license based solely on the applicant's lack of civil rights.[77]

DBPR

The regulatory boards of the DBPR, or the department if there is no board, may deny a license application for any person who it finds guilty of any of the grounds for discipline set forth in s. 455.227(1), F.S., or set forth in the profession's practice act.[78] Specifically, the regulatory board, or the department if there is no board, may deny a license application for any person having been:

> …convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.[79]

Section 455.227, F.S., does not specifically require the DBPR or the applicable regulatory board to consider the passage of time since the disqualifying criminal offense before denying or granting a license.

Department of Health

The Department of Health (DOH) or an applicable board may deny the licensure of any applicant who has been "convicted of or pled guilty or nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession regulated by this state"[80] or related to certain types of fraud,[81] or for other reasons in the applicable practice act.

There are no statutory provisions or rules that prohibit individuals from applying for licensure while they are still incarcerated or under some form of supervised release.[82]

Certified Nursing Assistants

The Board of Nursing within the DOH is responsible for licensing and regulating the certified nursing assistants (CNA) under part II of ch. 464, F.S.[83] In Fiscal Year 2015-2016, there were 146,495 active certified nursing assistants.[84]

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[76] Section 112.011(1)(b), F.S.
[77] Section 112.011(1)(c), F.S.
[78] Section 455.227(2), F.S.
[79] Section 455.227(1)(c), F.S.
[80] Sections 456.024(3)(c), 456.072(1)(c), (x), (ii) and (ll), and 456.071(2)(a), F.S.
[81] Section 456.0635, F.S.
[82] Florida Department of Health, *Agency Analysis of HB 1041*, p. 2 (Jan. 24, 2018) (on file with the Criminal Justice Committee).
[83] *See* s. 489.107, F.S.
[84] See Florida Department of Health, Division of Medical Quality Assurance, *Annual Report & Long-range Plan, Fiscal Year 2016-2017*, p. 14, available at http://mqawebteam.com/annualreports/1617/#1/z (last visited Feb. 14, 2018). Of the total 193,637 certified nursing assistants, 42,209 are in-state delinquent, 2,019 are out-of-state delinquent, and are active military.

The "practice of a certified nursing assistant" means:

> …providing care and assisting persons with tasks relating to the activities of daily living. Such tasks are those associated with personal care, maintaining mobility, nutrition and hydration, toileting and elimination, assistive devices, safety and cleanliness, data gathering, reporting abnormal signs and symptoms, postmortem care, patient socialization and reality orientation, end-of-life care, cardiopulmonary resuscitation and emergency care, residents' or patients' rights, documentation of nursing-assistant services, and other tasks that a certified nurse assistant may perform after training beyond that required for initial certification and upon validation of competence in that skill by a registered nurse.[85]

The definition of "practice of a certified nursing assistant" does not restrict a person who is otherwise trained and educated from performing the tasks specified in the definition.[86]

To be certified in Florida, a person must have a high school diploma, or its equivalent; or be at least 18 years of age, and pass a nursing assistant competency examination. Alternatively, a person may be certified in Florida if he or she is certified by another state and has not been found to have committed abuse, neglect, or exploitation in that state.[87]

The qualifications for certification as a CNA do not specifically refer to a person's criminal background, but an applicant must pass a background screening pursuant to s. 400.215, F.S., which requires the personnel of nursing homes and related healthcare facilities to pass a level two background screening, or s. 408.809, F.S.[88] The background screening must be completed every five years following licensure, employment, or entering into contract in a capacity that requires background screening.[89]

Level two background screening ensures that a subject of the screening has not been arrested for, is not awaiting final disposition of, has not been found guilty of, regardless of adjudication, or not entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for any of the enumerated prohibited offenses.[90] The prohibited offenses include violent crimes, property crimes, and sexual offenses.[91] In addition to the crimes specified under s. 435.04, F.S., a CNA may not have a felony record for certain specified felony financial crimes, including Medicaid fraud and forgery, and public welfare fraud.[92]

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[85] Section 464.201(5), F.S.
[86] *Id.*
[87] Section 464.203, F.S.
[88] Section 408.809(1), F.S.
[89] Section 408.809(2), F.S.
[90] Section 435.04, F.S.
[91] *See* s. 435.04(2), F.S.
[92] *See* ss. 408.809(4) and 456.0635, F.S.

Section 456.0635, F.S., provides that a health care professional, including a CAN, who has been convicted for a specified offense is prohibited from obtaining a license for a certain amount of time ranging from five to 15 years, depending on the severity of the degree of offense.[93]

III. Effect of Proposed Changes:

Education of State and County Inmates (Sections 5 through 7)

The bill amends ss. 951.176 and 944.801, F.S., respectively, to authorize a county or municipal detention facility or the DOC to contract with a district school board, the Florida Virtual School, a Florida College System institution, a virtual education provider approved by the State Board of Education, or a charter school to provide educational services. The educational services may include any educational, career, or vocational training that is authorized by a county or municipal detention facility or the DOC.

The bill amends ss. 1011.80 and 1011.81, F.S., allowing state funding for postsecondary education and the Florida College System institutions to be used on inmates with less than 48 months of time remaining on his or her sentence. Lastly, the bill amends s. 1011.84, F.S., clarifying that the instruction of inmates with less than 48 months of time remaining on his or her sentence cannot be included in the full-time equivalent student enrollment for funding through the Florida College System Program Fund.

Declaratory Statements (Section 1)

The bill creates a new declaratory statement process that permits a person who desires to become licensed in a state-regulated profession or occupation to obtain a binding determination of whether his or her criminal conviction or sanction will prevent such licensure, registration, or certification in the profession or occupation.

A person may seek the agency's opinion prior to the person possessing the training or education required for the license, registration, or certificate in the profession or occupation. Additionally, he or she may request the agency's determination while still under criminal confinement or supervision.

The petition may include mitigating factors or other information the petitioner believes relevant to establish the petitioner's eligibility, including, but not limited to:

- The time elapsed since completion of or lawful release from confinement, supervision, or nonmonetary condition imposed by the court for a disqualifying offense; and
- The petitioner's standing in his or her community.

The agency's declaratory statement must further indicate whether:

- The petitioner is disqualified from obtaining the license, registration, or certification due to the petitioner's criminal background, regardless of the petitioner's education, training, experience, or other prerequisites required for the license, registration, or certification.

[93] *See* s. 456.0635, F.S., for specified offenses that are prohibited and time frames that are applicable to persons applying for health care professional licenses.

- The petitioner is not eligible for a specified occupational or professional license, registration, or certification because of his or her criminal background.
- The agency's determination of disqualification as a result of criminal background may be reversed based on evidence of rehabilitation or mitigation.
- Any federal laws or regulations or any conditions imposed by the court on the petitioner may impede his or her licensure, registration, or certification in the profession or occupation.
- Conditions or restrictions imposed by the court on the petitioner for a disqualifying offense may impede the petitioner's licensure, registration, or certification in the profession or occupation.

The agency's conclusion is binding on the agency as to the petitioner, but any subsequent criminal history may form an independent basis for denial of licensure, registration, or certification.

An agency may require a petitioner to submit the following with his or her petition for declaratory statement:
- A fee of not more than $100;
- A certified copy of each criminal judgment rendered against the petitioner;
- A complete set of fingerprints; and
- A fingerprint processing fee.

The agency must submit the fingerprints to the FDLE for a state criminal history record check and the FDLE must forward the fingerprints to the FBI for a national criminal history record check.

Licensing and Criminal Background (Sections 2 through 4)

The bill creates a process for reviewing the criminal history of applicants for specified professions or occupations regulated by the DBPR and the DOH.

The bill amends s. 455.213, F.S., dealing with the general licensing provisions of the DBPR, and s. 464.203, F.S., dealing with the certification requirements for certified nursing assistants under the DOH.

The license application review process in the bill applies to the following professions and occupations:
- Barbers.
- Cosmetologists and cosmetology specialists (i.e., hair braiders, hair wrappers, and body wrappers).
- Construction Professionals, including:
  - Air-conditioning contractor;
  - Electrical contractor;
  - Mechanical contractor;
  - Plumbing contractor;
  - Pollutant storage systems contractor;
  - Roofing contractor;

  - Septic tank contractor;
  - Sheet metal contractor;
  - Solar contractor;
  - Swimming pool and spa contractor;
  - Underground utility and excavation contractor; and
  - Other specialty contractors, excluding alarm system contractors, whose scope of work and responsibility is limited to a particular phase of construction, e.g. drywall, glazing, swimming pool excavation, etc.
- Certified Nursing Assistants.

The process created in the bill:
- Permits a person to apply for a license while under criminal confinement (incarceration) or supervision.
- Limits the period during which the agency may consider criminal history as an impairment to licensure to seven years from the date of the criminal conviction for CNAs, notwithstanding s. 456.0635, F.S., and unless the conviction relates to an offense that is disqualified from exemption as provided for in s. 435.07, F.S.;
- Limits the period during which the agency may consider criminal history as an impairment to licensure to five years from the date of criminal conviction for all other professions covered by the bill, unless the conviction relates to an offense that is disqualified from exemption as provided for in s. 435.07, F.S, or are included in ch. 812, F.S.[94]
- Requires each agency to identify by rule the crimes that do not impair a person's qualifications for licensure.
- Requires each agency to identify by rule the crimes that do impair a person's qualifications for licensure.
- Prohibits the board from denying an application for a license solely on the basis of the applicant's current confinement or supervision.
- Authorizes the board to stay the issuance of a license until the applicant is lawfully released from confinement or supervision, the applicant notifies the board of such release, and the board has verified the release with the DOC.
- Requires an agency to permit applicants who are incarcerated or under supervision to appear by teleconference or video conference at a meeting of a board or the agency for a hearing concerning the person's license application.
- Requires the DOC to cooperate and coordinate with the board or department, as applicable, to facilitate the appearance of the applicant at the hearing in person, by teleconference, or by video conference, as appropriate.

The bill defines the term "conviction" to mean having been found guilty, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere.

The bill amends s. 400.211, F.S., incorporating changes made by the act.

The bill takes effect July 1, 2018.

[94] Chapter 812, F.S., relates to theft, robbery, and related crimes.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill authorizes a charter school or virtual instruction provider, which can be managed by a for-profit entity, to contract with the DOC or a county or municipal entity to provide educational services to inmates. To the extent that this bill increases the pool of students that a private company can serve, it may result in a positive fiscal impact to the private company.

Additionally, persons who submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a license, registration, or certificate, must pay a filing fee not to exceed $100 for the petition and the actual cost of state and federal processing related to the criminal background check. However, such individuals may also forego certain unnecessary schooling, training, or application costs, depending on the agency's determination.

C. Government Sector Impact:

The bill authorizes the state or a local entity to contract with district, charter, or virtual school entities (school providers) to offer educational services to its inmates. Such services will be provided by the school providers through the workforce education models that currently exist. The DOC or a county and municipal detention facility may use funds appropriated for the education of inmates to contract with the school providers to offer such educational services.

The bill authorizes persons to submit a petition for a declaratory statement from an agency to determine whether the petitioner's criminal history affects the person's eligibility for a license, etc. To the extent that the bill results in an increase in submissions of petitions for declaratory statements, this may result in an increased workload to government agencies that provide occupational or professional licenses.

Additionally, the agencies will likely have increased revenues associated with the declaratory statement petition fee of not more than $100.

VI. Technical Deficiencies:

None.

VII. Related Issues:

SB 2500 appropriates $2,000,000 from the General Revenue Fund for postsecondary education of state inmates.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 120.565, 400.211, 455.213, 464.203, 944.801, 951.176, and 1011.80.

IX. Additional Information:

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

CS by Appropriations on February 27, 2018:
The committee substitute:

- Permits a person to submit a petition for declaratory statement to any Florida agency to determine the effect of a criminal background on his or her eligibility for occupational or professional licensure;
- Requires the agency to indicate specified information in its declaratory statement conclusion;
- Requires the agency's conclusion in the declaratory statement is binding on the agency as to the petitioner;
- Requires specified submissions to be included with the petition for declaratory statement, including a fee of not more than $100;
- Prohibits an agency from denying an application for licensure for certain professions if a specific duration has passed since the applicant's specified conviction;
- Authorizes a person to apply for licensing from the DBPR prior to being released from incarceration and provides a process for the staying of the issuance of the license until the person's release from custody;
- Specifies accommodations that an agency must make for applicants who are under confinement or supervision at the time of their application;
- Requires pertinent boards under the DBPR and the DOH to adopt rules that specify crimes that constitute grounds for licensure denial;
- Expands the entities that the DOC or a county may contract with to provide educational services for inmates to include a Florida College System institution or a virtual education provider approved by the State Board of Education;
- Allows state funds to be expended through workforce education or Florida College System institutions for inmates that have 48 months left on the term of incarceration; and

- Clarifies that instruction of inmates with less than 48 months of time remaining on his or her sentence cannot be included in the full-time equivalent student enrollment for funding through the Florida College System Program Fund.

B. Amendments:

None.

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

By Senator Rouson

19-00514D-18 20181318__

A bill to be entitled

An act relating to education for prisoners; amending s. 944.801, F.S.; authorizing the Department of Corrections to contract with certain entities to provide educational services for the Correctional Education Program; amending s. 951.176, F.S.; authorizing each county to contract with certain entities to provide educational services for county inmates; amending s. 1011.80, F.S.; removing a provision prohibiting state funds for the operation of postsecondary workforce programs from being used for the education of certain state inmates; providing an effective date.

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

Section 1. Present subsections (4) and (5) of section 944.801, Florida Statutes, are renumbered as subsections (5) and (6), respectively, and a new subsection (4) is added to that section, to read:

944.801 Education for state prisoners.—

(4) The department may contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide educational services for the Correctional Education Program. The educational services may include any educational, career, or vocational training that is authorized by the department.

Section 2. Section 951.176, Florida Statutes, is amended to read:

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

19-00514D-18 20181318__

951.176 Provision of education ~~programs for youth~~.—

(1) Each county may contract with a district school board, the Florida Virtual School, or a charter school authorized to operate under s. 1002.33 to provide educational services for inmates at county detention facilities. The educational services may include any educational, career, or vocational training that is authorized by the sheriff or chief correctional officer, or his or her designee.

(2) Minors who have not graduated from high school and eligible students with disabilities under the age of 22 who have not graduated with a standard diploma or its equivalent who are detained in a county or municipal detention facility as defined in s. 951.23 shall be offered educational services by the local school district in which the facility is located. These educational services shall be based upon the estimated length of time the youth will be in the facility and the youth's current level of functioning. School district superintendents or their designees shall be notified by the county sheriff or chief correctional officer, or his or her designee, upon the assignment of a youth under the age of 21 to the facility. A cooperative agreement with the local school district and applicable law enforcement units shall be developed to address the notification requirement and the provision of educational services to these youth.

Section 3. Paragraph (b) of subsection (7) of section 1011.80, Florida Statutes, is amended to read:

1011.80 Funds for operation of workforce education programs.—

(7)

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

(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state inmates with more than 24 months of time remaining to serve on their sentence or federal inmates.

Section 4. This act shall take effect July 1, 2018.

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

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair

Committee on Appropriations

Subject: Committee Agenda Request

Date: February 14, 2018

I respectfully request that **Senate Bill #1318**, relating to Education for Prisoners, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Darryl Rouson

Senator Darryl Rouson
Florida Senate, District 19

File signed original with committee office

THE FLORIDA SENATE

APPEARANCE RECORD

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

2.27.18
Meeting Date

1318
Bill Number (if applicable)

Topic Education for Prisoners

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
City *State* *Zip*

Email Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Samrt Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	PCS/SB 1328 (443072)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Perry
SUBJECT:	Affordable Housing
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Favorable**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1328 creates the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to expedite the creation of additional affordable housing in response to the needs created by the recent hurricanes. The Florida Housing Finance Corporation will fund the HHRP and RRLP as provided in the General Appropriations Act.

The bill requires the Department of Environmental Protection, the Department of Transportation, and the water management districts, in conjunction with the Florida Housing Finance Corporation, to evaluate all nonconservation surplus lands for suitability for residential use and the development of permanent affordable housing and to offer such parcels to the county or municipality where the land is located. The bill provides for additional evaluation criteria intended to address specific needs and characteristics for the development of affordable housing.

The bill exempts housing authorities from "user fees" and nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments. The Revenue Estimating Conference has not yet estimated the fiscal impact of this provision. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

The bill also provides for an expedited local permit approval process for affordable housing by reducing the time a local government entity has to approve or deny permit applications from 120 days to 60 days.

The bill authorizes the Florida Housing Finance Corporation to take certain administrative actions against an applicant or its affiliate for good cause, including a determination that the applicant or its affiliate made a material misrepresentation or engaged in fraudulent actions in connection with any application for an affordable housing program.

The bill limits the terms of agreements for multifamily rental projects to 30 years, unless the Florida Housing Finance Corporation finds that the project will be "economically feasible" beyond that time.

The HHRP and RRLP will be funded as provided in the General Appropriations Act. The Revenue Estimating Conference has not yet estimated the fiscal impact of the provision exempting housing authorities from "user fees" and nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments

The bill takes effect July 1, 2018.

II. Present Situation:

The present situation is included in the effect of proposed changes.

III. Effect of Proposed Changes:

Affordable Housing

Present Situation

Affordable housing is defined in terms of household income. Housing is considered affordable when monthly rent or mortgage payments including taxes and insurance do not exceed 30 percent of the household income.[1] Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels, published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2017 Florida state median of $59,000 for a family of four (as family size increases or decreases, the income range also increases or decreases):[2]

- Extremely low income – earning up to 30 percent AMI (at or below $17,700);[3]
- Very low income – earning from 30.01 to 50 percent AMI ($17,701 to $29,500);[4]
- Low income – earning from 50.01 to 80 percent AMI ($29,501 to $47,200);[5] and
- Moderate income – earning from 80.01 to 120 percent of AMI ($47,201 to $70,800).[6]

[1] Section 420.9071(2), F.S. Public housing, commonly referred to as Section 8 Housing, is provided by local housing agencies (HAs) for low-income residents. Funding for HAs is provided directly from HUD.
[2] U.S. Department of Housing and Urban Development, Office of Policy Research and Development, *FY 2017 HUD Income Limits Briefing Material*, March 21, 2017, p. 41, available at https://www.huduser.gov/portal/datasets/il/il17/IncomeLimitsBriefingMaterial-FY17.pdf.
[3] Section 420.0004(9), F.S.
[4] Section 420.9071(28), F.S.
[5] Section 420.9071(19), F.S.
[6] Section 420.9071(20), F.S.

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)[7] and the State Apartment Incentive Loan (SAIL)[8] programs. The SHIP program provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as adopted in the Local Housing Assistance Plan. Eligible local government entities must develop and adopt local housing assistance plans that include, but are not limited to, strategies and incentives for the construction, rehabilitation, repair, or financing of affordable housing production.[9] The SAIL program provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation of multifamily affordable housing developments.[10]

Local Government Surplus Land (Sections 1 and 2)

Present Situation

Since July 1, 2007, all counties and municipalities have been required to prepare, every 3 years, an inventory list of all real property held in fee simple by the respective government entity that is appropriate for use as affordable housing. The list must be reviewed at a public hearing of the appropriate local governing body and may be revised at the conclusion of the public hearing. The governing body must adopt a resolution that includes the inventory following the meeting.[11]

Properties identified as appropriate for affordable housing may be:
- Offered for sale by the local government and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.
- Sold with a restriction that requires the development of the property as permanent affordable housing.
- Offered for donation to a nonprofit housing organization for the construction of permanent affordable housing.
- Otherwise made available for use for the production and preservation of permanent affordable housing.[12]

Effect of the Bill

Sections 1 and **2** amend ss. 125.379 and 166.0451, F.S., respectively, to require each county and municipality to include the following criteria when preparing the inventory list of real property and evaluating for use as affordable housing:
- Environmental suitability for construction;
- Site characteristics;
- Current land use designation;
- Current or anticipated zoning;

[7] Sections 420.907-9079, F.S.
[8] Section 420.5087, F.S.
[9] Section 420.9071(14), (15), & (16), F.S. These local housing plans must also align with the requirements for housing under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Chapter 163, Part II, F.S.
[10] Section 420.5087, F.S.
[11] Sections 125.379 and 166.0451, F.S.
[12] *Id.*

- Whether the property is included in at least one special district;
- Existing infrastructure; and
- Proximity to employment opportunities, public transportation, and existing services.

Using Surplus State Lands for Affordable Housing (Sections 8, 3, 4, and 5)

Present Situation

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),[13] the five water management districts (WMDs), and the Department of Transportation (DOT) may each acquire and hold real property for various public purposes.[14] Each agency must follow certain procedures to dispose of property that is no longer needed (surplus).

Board of Trustees

The Board of Trustees may determine which state lands may be surplused. To dispose of conservation lands, the Board of Trustees must determine whether the land is no longer needed for conservation purposes and may dispose of such lands by an affirmative vote of at least three members. To dispose of nonconservation lands, the Board of Trustees must determine whether the land is no longer needed and may dispose of such lands by an affirmative vote of at least three members.[15]

"Conservation lands" are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation are "nonconservation lands." Nonconservation lands include the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, State University or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources.[16]

Any public or private entity or person may ask the Board of Trustees to surplus lands. The lead managing agency must review the request and make a recommendation to Acquisition and Restoration Council within 90 days. The council must immediately schedule a hearing to review the request at the next regularly scheduled hearing for any surplusing requests that have not been acted upon within 90 days.[17]

[13] The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. Art. IV, s. 4(f), Fla. Const., and s. 253.02(1), F.S. The Department of Environmental Protection, through its Division of State Lands, performs all staff duties and functions related to the acquisition, administration, and disposition of state lands. Section 253.002(1), F.S.
[14] Sections 253.001, 253.02, 337.25(1), and 373.089, F.S.
[15] Section 253.0341(1), F.S.
[16] Section 253.034(2)(c), F.S.
[17] Section 253.0341(11), F.S. The Acquisition and Restoration Council assists the Board of Trustees in reviewing the recommendations and plans for state-owned conservation lands. Section 259.035, F.S.

Before a building or parcel of land is offered for lease or sale, the Division of State Lands within the Department of Environmental Protection (DEP) must first offer the land for lease to state agencies, state universities, and Florida College System institutions.[18]

The division must determine the sale price of the land by considering an appraisal. If the value of the land is estimated at $500,000 or less, division may use a comparable sales analysis or broker's opinion.[19] The division must offer parcels valued at more than $500,000 by competitive bid first. If the parcel is not successfully sold by competitive bid, or the parcel is valued at $500,000 or less, then division may sell the property by any reasonable means.[20]

Water Management Districts

A WMD may sell lands its governing board determines to be surplus at any time. These lands must be sold at the highest price obtainable, but not less than the appraised value of the land determined by a certified appraiser 360 days before the sale.[21] Such sales must be in cash and on the terms set by the governing board of the WMD.[22] The WMD must publish notice of its intent to sell the land in a newspaper in the county where the land is located. The notice of intent must be published three times for three successive weeks at least 30 days, and not more than 360 days, before any sale. The notice of intent must describe the land or the interest or rights to be sold.[23]

Public and private entities may request that a WMD make its lands available for purchase when those lands are not essential or necessary to meet conservation. If so requested and the lands are determined to be surplus, the WMD must give priority consideration to public or private buyers who are willing to return the property to productive use so long as the property can reenter the county ad valorem tax roll.[24]

When deciding whether to sell lands designated as acquired for conservation purposes, the governing board of the WMD must determine by a two-thirds vote that the land is no longer needed for conservation purposes.[25] For all other lands, the governing board of the WMD must determine by a majority vote that the land is no longer needed.[26]

Prior to selling land, a WMD must generally first offer title to lands acquired in whole or in part with Florida Forever funds[27] to the Board of Trustees.[28] If the Board of Trustees declines to accept title to the land, the WMD may dispose of the land.[29]

[18] Section 253.0341(7), F.S.
[19] Section 253.0341(8), F.S.
[20] Section 253.0341(9), F.S.
[21] Section 373.089(1), F.S.
[22] Section 373.089(2), F.S.
[23] Section 373.089(3), F.S.
[24] Section 373.089(5), F.S.
[25] Section 373.089(6)(a), F.S.
[26] Section 373.089(6)(b), F.S.
[27] *See* ss. 259.105 and 259.1051, F.S.
[28] Section 373.089(7), F.S.
[29] Section 373.089, F.S.

Department of Transportation

The DOT may convey any land, building, or other property, real or personal, when it determines the property is not needed for the construction, operation, and maintenance of a transportation facility. The DOT may dispose of its surplus property through negotiations, sealed competitive bids, auctions, or any other means it deems to be in its best interest. The DOT must advertise the sale of property valued by the DOT at greater than $10,000.[30] The DOT may generally not sell property for less than the DOT's current estimate of value.[31]

DOT may afford a right of first refusal to the local government or other political subdivision in the jurisdiction where the parcel is situated in certain circumstances.[32]

Effect of the Bill

Section 8 creates s. 420.56, F.S., to make all surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public. As nonconservation land becomes available for surplus, the DEP (acting on behalf of the Board of Trustees), WMDs, and DOT must notify the Florida Housing Finance Corporation (FHFC) that the land is available for surplus before making the parcel available for any other use, including for purchase by other governmental entities or the public. The WMDs must only identify nonconservation surplus lands originally acquired using state funds.

The bill requires the FHFC to evaluate, in consultation with the DEP, WMDs, and DOT, whether the surplus lands identified by the DEP, WMDs, and DOT are suitable for affordable housing based on the following characteristics of the property:

- Environmental suitability for construction;
- Current and anticipated land use and zoning;
- Inclusion in one or more special districts;
- Existing infrastructure on the land such as roads, water, sewer, and electricity;
- Access to grocery stores within walking distance or by public transportation;
- Access to employment opportunities within walking distance or by public transportation;
- Access to public transportation within one-half mile; and
- Access to community services such as public libraries, food kitchens, and employment centers.

If the FHFC determines that the nonconservation surplus land is suitable for affordable housing, the bill requires the Board of Trustees, the WMDs, and DOT to first offer the land to the county and municipality where the land is located to be used for affordable housing before the entity offers the land to other governmental entities or the public. If the county and municipality where the parcel is located do not wish to use the parcel for affordable housing, the Board of Trustees, WMDs, or DOT may dispose of the parcel using the procedures in existing law.

[30] Section 337.25(4), F.S.
[31] Exceptions provided in Section 337.25(4)(a)-(d), F.S.
[32] Exceptions provided in Section 337.25(4)(a), (c), and (e), F.S.

The bill authorizes the Board of Trustees, WMDs, and DOT to sell the parcels identified as suitable for affordable housing for less than the appraised value to any party. If the agency sells the parcels for less than appraised value, the agency must place an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

The bill exempts the Board of Trustees, WMDs, and DOT from certain disposal procedures to expedite the sales of surplus land for affordable housing, specifically:

- The Board of Trustees does not need to follow appraisal and competitive bidding procedures;
- The WMDs do not need to follow their appraisal and advertising requirements and the procedures for selling land valued at $25,000 or less; and
- The DOT does not need to follow its disposal procedures.

The bill authorizes the Board of Trustees, WMDs, and DOT to determine the sale price of the parcels. The bill requires Board of Trustees, WMDs, and DOT to consider at least one appraisal, or if the estimated value of the land is $500,000 or less, a comparable sales analysis or a broker's opinion of value.

Section 3 amends s. 253.0341, F.S., to require the land manager of Board of Trustees owned land to evaluate and indicate whether state lands it manages are still being used for the purpose for which they were originally leased from the Board of Trustees every 3 years instead of every 10 years.

Section 3 also requires the Board of Trustees to offer nonconservation surplus lands to the county and municipality where the land is located for use for the construction of affordable housing as identified by the FHFC before offering it to other potential buyers. This allows those counties and municipalities the opportunity to purchase nonconservation lands for affordable housing prior to state agencies, state universities, and Florida College System institutions, who currently have the first opportunity to either lease or buy surplus lands. All lands not needed for affordable housing will still be offered first to state agencies, state universities, and Florida College System institutions before other being offered to other entities. If the surplus land is not used for affordable housing and not leased by a state agency, state university, or Florida College System institution, the Board of Trustees shall offer the parcel for lease or sale to a local or federal unit of government or a private party.

Section 4 amends s. 337.25, F.S., to require the DOT to evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years on a rotating basis to determine whether the DOT should retain the property. This change is consistent with the Board of Trustee’s current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

Section 4 also requires the DOT to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers except when:

- The property was donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor (then

the donated property is returned to the donor or his or her heirs, successors, assigns, or representatives);
- The DOT originally acquired the property specifically to provide replacement housing for persons displaced by transportation projects (then the DOT may negotiate for the sale of such property as replacement housing); or
- The DOT determines a sale to a person other than an abutting owner would be inequitable (then the property may be sold to the abutting owner for DOT's current estimate of value).

Section 13 amends s. 373.089, F.S., to require the WMDs to review all lands and interests or rights in lands every 10 years on a rotating basis to determine whether the lands are still needed for the purpose for which they were acquired. This change is consistent with the Board of Trustee's current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

Section 13 also requires WMDs to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers. This requirement only applies to nonconservation surplus lands originally acquired using state funds.

Ineligible Applicants for Programs (Section 6)

Present Situation

Section 420.507, F.S., sets forth the powers of the FHFC to carry out the statutory requirements for affordable housing. These include typical corporation powers and duties as well as housing-specific powers, including the ability to preclude any applicant or its affiliate from participating in FHFC programs if the applicant or affiliate has made any material misrepresentations or engaged in fraudulent actions in connection with any application for a FHFC program.

An applicant is ineligible for funding under FHFC programs if the FHFC determines that an applicant or its affiliate has made material misrepresentations or engaged in fraudulent actions in connection with an FHFC application. Before the FHFC makes such a determination, it serves an administrative complaint on the applicant or its affiliate that "affords reasonable notice to the Applicant of the facts or conduct that warrant the intended action, specifies the proposed duration of ineligibility,[33] and advises the Applicant of the opportunity to request a hearing." An applicant is presumed to have engaged in fraudulent actions if the applicant or its affiliate has been convicted of fraud, theft, or misappropriation of funds or a felony in connection with any FHFC program; excluded from any federal or Florida procurement programs for any reason; or offered or given consideration with respect to a local contribution. Any business between the applicant or its affiliate and the FHFC is suspended pending issuance of a final order on the compliant or if the complaint is dismissed.[34]

[33] When establishing the period of ineligibility, the FHFC considers the applicant's compliance history, type of misrepresentation or fraud, and the degree of harm to the program that has been or may have been done.
[34] *See* Rules 67-21.003 and 67-48.004, F.A.C.

The 2017-2018 General Appropriation Act prohibits the FHFC from distributing or allocating funds to any applicant or its affiliate that has been served an administrative complaint based on making a material misrepresentation or engaging in fraudulent actions in connection with any application for a FHFC program, until the period of ineligibility has expired. "Any preliminary funding or allocation award made to an applicant or affiliate subject to such administrative complaint is rescinded unless the developer, applicant or affiliate has completed credit underwriting or has commenced construction at the time the administrative complaint is served."[35]

Effect of Proposed Changes

Section 6 amends s. 420.507, F.S., to add to the powers of the FHFC, the power to take certain actions against any applicant or its affiliate upon a determination of good cause by the FHFC and after the service of an administrative complaint and adequate notice. The FHFC may take one or more of the following actions:

- Preclude the applicant or affiliate from applying for funding from any FHFC program for a specified period.
- Revoke any previously awarded funding for any development for which construction or rehabilitation has not started.
- Suspend any funding, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not started. The suspension may run from the date of filing of the administrative complaint until a final order is issued in regard to the complaint.

The bill defines "good cause" as meaning that the applicant or its affiliate has:

- Made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds.[36]
- Been excluded from federal or state procurement programs for any reason; or
- Offered or given consideration with respect to a local contribution in violation of rules of the FHFC.

The bill repeals the current authority of the FHFC to preclude any applicant or its affiliate from participating in FHFC programs if the applicant or affiliate has made any material misrepresentations or engaged in fraudulent actions in connection with any application for a FHFC program.

[35] Section 2225, proviso, ch. 2017-70, L.O.F.

[36] The bill states that the "record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of this state shall be admissible as prima facie evidence of such guilt."

Terms of Multifamily Rental Projects (Section 6)

Present Situation

Section 420.507, F.S., grants the FHFC the authority to require, as a condition of financing a multifamily rental project, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for affordable housing.

The federal government grants federal tax credits for the acquisition, rehabilitation, or construction of rental housing targeted to low-income households (the low-income housing tax credit).[37] In order to qualify for the tax credit, the developer must agree to rent the housing to people with low incomes and to charge rents that are no more than a certain amount. The developer must agree to preserve this "affordability" for the first 15 years of the program, called the initial compliance period, and then for an additional 15 years during the extended use period (also referred to as the "extended low-income housing commitment"). There is a process by which the developer can convert the property to market-rate units during the extended use period.

About 32 states require extended use periods greater than 30 years, some states provide incentives for projects that voluntarily agree to longer commitments, and some developments agree to local financing that comes with longer use restrictions.[38] The FHFC has stated that generally developers agree to enter into agreements with the FHFC for terms of 30 years, except for large-scale multifamily or elderly housing developments, which are generally for terms of 50 years.

Effect of Proposed Changes

Section 6 amends s. 420.507, F.S., related to the FHFC's authority to make certain requirements for financing multifamily rental projects. The FHFC may require an agreement to be recorded in the official records of the county where the property is located as a condition of financing the project, *including allocating competitive low-income housing tax credits*.

The bill limits the term of any for agreement for a multifamily rental project to the period of time required in federal law for the "extended low-income housing commitment" or extended use period. This effectively limits any agreement entered into by the FHFC for a multifamily rental project to 30 years. However, if the FHFC affirms at the time of the initial credit underwriting that the project will remain "economically feasible" beyond 30 years, then the agreement may be longer. The term "economically feasible" is not defined.

[37] 26 U.S.C. 42. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *Low-Income Housing Tax Credits*, July 10, 2017, available at https://www.huduser.gov/portal/datasets/lihtc.html (last visited February 21, 2018).
[38] U.S. Department of Housing and Urban Development, HUD USER, *What Happens to LIHTC Properties After Affordability Requirements Expire?*, August 17, 2012, available at https://www.huduser.gov/portal/pdredge/pdr_edge_research_081712.html (last visited February 21, 2018). National Low Income Housing Coalition, Low Income Housing Tax Credit Program, 2014, available at http://nlihc.org/sites/default/files/2014AG-254.pdf (last visited February 21, 2018).

State Apartment Incentive Loan Program Local Government Contribution (Section 7)

Present Situation

The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities, nonprofit organizations, or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families.[39]

The Florida Housing Finance Corporation administers the SAIL program and is required to establish a review committee for the competitive evaluation and selection of applications submitted. The evaluation criteria include local government contributions and local government comprehensive planning and activities that promote affordable housing.[40]

Effect of the Bill

Section 7 amends s. 420.5087, F.S., to require the evaluation of additional components related to local government contributions, including policies that promote access to public transportation, reduce the need for on-site parking, and expedite permits for affordable housing projects.

Hurricane Recovery Programs (Sections 9 and 10)

Present Situation

Following the 2004 hurricane season, a statewide Hurricane Housing Work Group was created to recommend how best to leverage funding recommended by the Governor for hurricane housing recovery needs. The work group recommended, and the Legislature subsequently funded, the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP). As a result of the work group's recommendation, the 2005 Legislature appropriated $250 million for housing recovery: $208 million for the HHRP and another $42 million for the RRLP.[41] With those resources, and an additional $93 million appropriation in 2006 for hurricane rental funding, the FHFC states that it assisted over 10,000 families with the HHRP and created over 1,600 units with the RRLP.

Hurricane Housing Recovery Program

The Hurricane Housing Recovery Program was created as a local housing recovery program and modeled after the existing State Housing Incentive Program (SHIP) aimed at assisting homeowners with post-hurricane recovery efforts. The HHRP funds were distributed to local governments using a need-based formula to allow local communities to evaluate and address needs as appropriate.[42]

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[39] Florida Housing Finance Corporation, *State Apartment Incentive Loan, Background*, available at http://www.floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan (last visited February 17, 2018).
[40] Section 420.5087(6)(c), F.S.
[41] Florida Housing Finance Corporation, *Bill Analysis for SB 1328*, p. 3, January 10, 2018. Chapter 2006-69, L.O.F.
[42] Florida Housing Finance Corporation, *Hurricane Housing Recovery Program*, available at http://floridahousing.org/webdocs/disasterrelief/HHRP/HHRPPage.PDF (last visited February 17, 2018).

Rental Recovery Loan Program

The Rental Recovery Loan Program was created to provide affordable rental units needed to promote the housing recovery needs of local communities. Modeled in part after the State Apartment Incentive Loan (SAIL) Program, the RRLP program allowed the state to leverage existing federal rental financing programs to provide units that served a range of incomes, including extremely low income households, throughout the areas impacted by the hurricanes.

Effects of the Bill

Section 9 creates s. 420.57, F.S., to establish the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to provide funds to local governments for affordable housing recovery efforts.

The HHRP will provide resources to local governments according to a need-based formula that reflects affordable housing damage estimates and population impacts resulting from hurricanes. Eligible local governments must submit a strategy outlining proposed recovery actions, income levels and number of units to be served, and funding requests. Program funds must be used as follows:

- To serve households with incomes up to 120 percent of the AMI, except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent AMI and an additional 30 percent of program funds reserved for households with incomes up to 80 percent AMI.
- At least 65 percent of the funds *must* be used for homeownership.
- Up to 15 percent *may* be used for administrative expenses.
- Up to 0.25 percent *may* be used for compliance monitoring.

The RRLP will provide resources to build additional rental housing and allow the state to leverage federal rental financing similar to the SAIL program.

Both programs operate subject to specific appropriation in the General Appropriations Act.

Each participating local entity will be required submit a report of its use of HHRP funding. The FHFC is required to compile and submit the reports to the Senate President and Speaker of the House of Representatives.

The FHFC is granted rulemaking authority to administer the programs. **Section 10** provides the FHFC the authority to adopt emergency rules pursuant to s. 120.54, F.S., for the purpose of implementing these programs. The emergency rules remain in effect for 6 months and may be renewed until final rules are adopted for the programs.

Local Permit Approval Process (Section 11 and 13)

Present Situation

Local governments may enforce requirements to obtain building or development permits, including the processing applications and granting building permits.[43]

[43] Sections 553.79 and 553.792, F.S.

Counties, municipalities, and most special districts are not required to comply with the notice and procedural requirements of ch. 120, F.S., the Administrative Procedure Act.[44] For certain types of building permit applications,[45] the local government must meet certain deadlines:

- Within 10 days of the application being submitted, the local government must inform the applicant in writing of what information is needed to complete the application, if any.
- If no written notice of deficiency is provided, the application is deemed properly completed and accepted.
- Within 45 days of receiving a completed application, the local government must notify the applicant if additional information is needed to determine whether the application is sufficient.
- Within 120 days after receiving a completed application, the local government must approve, approve with conditions, or deny the application.[46]

Effect of the Bill

Section 13 creates s. 553.7923, F.S., to establish a new process for local government permit approval for affordable housing. A local government has 15 days after receiving an application for a development permit, construction permit, or certificate of occupancy for affordable housing to examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the local government is authorized by law to require.

The local government may require any additional required information to be submitted within 10 days after the date it gives notice to the applicant. The local government must grant a request for an extension of time for submitting the additional information for good cause.

If a local government does not timely request addition information, it may not deny the development permit, construction permit, or certificate of occupancy for affordable housing if the applicant fails to correct an error or omission or to supply additional information.

An application is complete when the local government has received all of the requested information and the correction of any error or omission as necessary or when the time for notification has expired.

The local government must approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within 60 days after receipt of a completed application, unless a shorter period of time for local government is provided by law. If the local government does not approve or deny within the time period, the application is considered approved, and the local government must issue the development permit, construction permit, or certificate of occupancy.

[44] *See* s. 120.52(1), F.S.
[45] The list includes permits for the following types of construction: accessory structure, alarm, nonresidential buildings less than 25,000 square feet, electric, irrigation, landscaping, mechanical, plumbing, residential units other than a single family unit, multifamily residential not exceeding 50 units, roofing, signs, site-plan approvals and subdivision plats not requiring public hearings or public notice, and lot grading and site alteration associated with the application. *See* s. 553.792(2), F.S.
[46] Section 553.792(1), F.S.

An applicant for a development permit, construction permit, or certificate of occupancy seeking to receive a permit by default must notify the local government in writing of its intent to rely upon the default approval. However, the applicant may not take any action based upon the default development permit, construction permit, or certificate of occupancy until the applicant receives notification or a receipt acknowledging that the local government received the notice. The applicant must retain the notification or receipt.

Section 11 amends s. 420.9071, F.S., to revise the definition of "local housing incentive strategies" to include expediting permits for affordable housing projects provided in s. 553.7923, F.S. Local housing incentive strategies are included in local housing assistance plans and must be included in various reports as required in the SHIP program provisions in part VII, ch. 420, F.S.

Housing Projects Exemptions (Section 12)

Present Situation

Section 423.02, F.S., exempts housing authorities from payment of taxes and special assessments for housing projects, including all property of the authority used for or in connection with the project. The authority may agree to make payments to the local government in lieu of taxes for services, improvements, or facilities furnished by the local government for the benefit of the project. Such payments are not allowed to exceed the estimated cost to the local government for the services, improvements, or facilities.

Public housing authorities have the power to create a for-profit or nonprofit corporation, limited liability company, or other similar business entity to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single family residential projects. The housing authority may hold an ownership interest or participate in the governance of the business entity.

Effect of Proposed Changes

Section 12 amends s. 423.02, F.S., to exempt housing authorities from "user fees" and to exempt nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments. The authorities or their instrumentalities may still agree to make payments of to the local government in lieu of payment of such taxes, user fees, or assessments. The bill does not define the term "user fees." The term could be interpreted broadly to include fees for services such as garbage, electricity, etc. The term likely includes storm water fees.[47]

Effective Date (Section 14)

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill reduces the revenue raising authority of municipalities and

[47] *See City of Gainesville v. State*, 863 So. 2d 138 (Fla. 2003).

counties by exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments.

However, there are several exemptions and exceptions to the mandate requirements. The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was approximately $2.05 million or less.[48,49,50]

This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, final passage must be approved by two-thirds of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet estimated the fiscal impact of section 12 exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

B. Private Sector Impact:

Developers of large-scale affordable housing developments will benefit from the limitation on the duration of the agreements with the FHFC.

Nonprofit business entities created by local housing authorities will benefit from the exemption from taxes, user fees, and assessments.

C. Government Sector Impact:

Local governments may need to replace the funds that would normally be derived from taxes, user fees, and assessments with other sources of revenue. The Revenue Estimating

[48] FLA. CONST. art. VII, s. 18(d).
[49] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited February 21, 2018).
[50] Based on the Demographic Estimating Conference's population adopted on April 1, 2017. The executive summary is available at http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf (last visited February 21, 2018).

Conference has not yet estimated the fiscal impact of section 12 exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

The hurricane recovery programs will be funded as provided in the General Appropriations Act. The bill allows the FHFC to use 15 percent of any appropriated funds for administrative costs and 0.25 percent for compliance monitoring.

The bill requires the FHFC to evaluate nonconservation surplus lands for suitable for the construction of affordable housing. Currently, the FHFC requires anyone proposing to develop affordable housing to demonstrate that the property is suitable for such purpose. This bill would require the FHFC to develop a new program and develop or contract for expertise to evaluate surplus lands. The cost for such activity it unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Section 3 amends s. 253.0341(4), F.S., to require the land manager of land owned by the Board of Trustees of the Internal Improvement Trust Fund to evaluate and indicate whether state lands it manages are still being used for the purpose for which they were originally leased every 3 years instead of every 10 years. This change appears to be inconsistent with the Board of Trustee's duty to review the management of its lands at least every 10 years in s. 253.034(5), F.S., and the changes in this bill to require the WMDs and DOT to review their lands every 10 years to determine if the lands are still needed.

Section 1 adds as a new criterion in s. 125.379, F.S., for evaluating land for affordable housing purposes whether the land is located within a special district. Section 9 creates a similar criterion to evaluate land but refers to lands located in "special districts meant to revitalize the community." It is unclear whether the language in the two sections should be the same. Additionally, in its bill analysis, the FHFC noted that the corporation promotes new housing opportunities in economically vibrant areas not in need of revitalization and that the criterion may be more inclusive if it was expanded to properties suitable for residential use.[51]

Related to section 8, the FHFC notes that local governments, developers, and others may still conduct their own analysis and evaluations of the property for suitability for affordable housing, instead of only relying upon the evaluation by the state. Local governments would likely still rely upon their own local zoning and land use compatibility analysis and developers would still continue their own "due diligence" reviews to determine if a property was right for their purposes. The FHFC recommended that it might be more efficient for the local governments to evaluate the property to make the determination if the land is suitable for affordable housing and decide to purchase the land from the Board of Trustees, WMD, or DOT.

[51] Florida Housing Finance Corporation, *Bill Analysis for SB 1328*, p. 6, January 10, 2018.

The bill provides the FHFC the authority to adopt emergency rules pursuant to s. 120.54, F.S., for the purpose of implementing the hurricane recovery programs.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.379, 163.3180, 163.31801, 166.0451, 420.5087, 420.9071, 253.0341, 337.25, and 373.089.

This bill creates the following sections of the Florida Statutes: 420.0007, 420.54, and 420.56.

IX. Additional Information:

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

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 21, 2018:
The committee substitute:

- Removes the portions of the bill that amended ss. 163.3180 and 163.31801, F.S., which created a 5-year prohibition on local governments to charge concurrency and impact fees.
- Removes the amendment to s. 163.31801, F.S., which required local governments to provide reports on impact fees charged.
- Creates the local expedited permit statute in ch. 553, F.S., related to the building code instead of ch. 420, F.S., related to affordable housing.
- Clarifies that "local housing incentive strategies" include expedited development permits, construction permits, and certificates of occupancy.
- Allows the FHFC to take certain administrative action against a developer or an affiliate of the developer for good cause.
- Limit contracts for financing multi-family rental housing projects to 30 years, unless at the time of initial credit writing the FHFC finds that the project will remain "economically feasible" beyond 30 years.
- Revises the hurricane recovery programs by:
  - Making the programs generally applicable to hurricanes, instead of specifically applicable to the impacts of Hurricanes Irma and Maria.
  - Removing the appropriation from the housing trust funds, and instead stating that the programs are funded as provided in the General Appropriations Act.
  - Directing the FHFC to allocate funds to local governments based on affordable housing damage estimates and *population impacts resulting from hurricanes*.
  - Allowing the FHFC to use 0.25 percent of the appropriation for compliance monitoring.
  - Clarifying that local governments annual reports are on their participation in the HHRP, removing the required dates for such annual reports, and requiring such reports to be made to the legislature.
  - Granting the FHFC emergency rulemaking authority to implement the programs.
- Exempts housing projects from "user fees."

- Exempts from all taxes, user fees, and special assessments the nonprofit instrumentalities of housing authorities (for nonprofit corporations, LLCs, etc., created by housing authorities to manage certain housing projects).

B. Amendments:

None.

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

618886

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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	.	
	.	

The Committee on Appropriations (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 86 - 397

and insert:

services. As long as a parcel is in an area suitable for residential development, it may be found to be suitable for use as affordable housing, even if the parcel does not meet one or more of these other criteria. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The

618886

governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

Section 2. Subsection (6) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(6) In addition to the items that must be reported in the annual financial reports under s. 218.32, counties, municipalities, and special districts must report the following data on all impact fees charged:

(a) The specific purpose of the impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools.

(b) The Impact Fee Schedule Policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage.

(c) The amount assessed for each purpose and type of dwelling.

(d) The total amount of impact fees charged by type of dwelling.

(e) Each exception and waiver provided for affordable housing developments.

Section 3. Subsection (1) of section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

618886

(1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. Such real property shall be evaluated on criteria that include the environmental suitability for construction, site characteristics, currently designated land use, current or anticipated zoning, inclusion in one or more special districts, existing infrastructure, proximity to employment opportunities, proximity to public transportation, and proximity to existing services. As long as a parcel is in an area suitable for residential development, it may be found to be suitable for use as affordable housing, even if the parcel does not meet one or more of these other criteria. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

Section 4. Subsection (7) of section 253.0341, Florida Statutes, is amended to read:

253.0341 Surplus of state-owned lands.—

(7)(a) The board of trustees must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. All surplus buildings or land not needed for

affordable housing ~~Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it~~ shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions. If a surplus building or land is not used for affordable housing or leased by a state agency, state university, or Florida College System institution, the board of trustees shall offer the building or land for lease or sale to a local or federal unit of government or a private party.

(b) Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the

state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

Section 5. Subsection (3) is amended, and subsection (12) is added to section 337.25, Florida Statutes, to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(3) Beginning July 1, 2018, the department shall evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years, on a rotating basis, to determine whether the property should be retained. ~~The inventory of real property that was acquired by the state after December 31, 1988, that has been owned by the state for 10 or more years, and that is not within a transportation corridor or within the right-of-way of a transportation facility shall be evaluated to determine the necessity for retaining the property.~~ If the property is not needed for the construction, operation, and maintenance of a transportation facility or is not located within a transportation corridor, the department may dispose of the property pursuant to subsection (4).

(12) Except in a conveyance transacted under paragraphs (4)(a), (c), and (e), the department must first offer parcels of nonconservation surplus land to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56.

Section 6. Subsection (1) is amended, and subsection (9) is added to section 373.089, Florida Statutes, to read:

373.089 Sale or exchange of lands, or interests or rights

618886

in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Beginning on July 1, 2018, the district shall review all lands and interests or rights in lands every 10 years, on a rotating basis, to determine whether the lands are still needed for the purpose for which they were acquired. Any lands, or interests or rights in lands, determined by the governing board to be surplus may be sold by the district, at any time, for the highest price obtainable; however, in no case shall the selling price be less than the appraised value of the lands, or interests or rights in lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.

(9) The governing board must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. Districts must only offer nonconservation surplus lands originally acquired using state funds.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this section, the land may be disposed of by the district under the provisions of this section.

Section 7. Subsections (35) and (46) of section 420.507, Florida Statutes, are amended to read:

420.507 Powers of the corporation.—The corporation shall

618886

have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(35) Upon a determination of good cause and after service of an administrative complaint and adequate notice, to take one or more of the following actions against any applicant or affiliate of an applicant:

(a) Preclude such applicant or affiliate from applying for funding from any corporation program for a specified period;

(b) Revoke any funding previously awarded by the corporation for any development for which construction or rehabilitation has not commenced; and

(c) Suspend any funding, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not commenced, from the time an administrative complaint is filed until a final order is issued in regard to that complaint. For purposes of this subsection, the term "good cause" means that the applicant or affiliate of an applicant:

1. Has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program;

2. Has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be

admissible in evidence under the laws of this state shall be admissible as prima facie evidence of such guilt;

3. Has been excluded from federal or state procurement programs for any reason; or

4. Has offered or given consideration with respect to a local contribution in violation of corporation rules ~~To preclude from further participation in any of the corporation's programs, any applicant or affiliate of an applicant which has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program~~.

(46) To require, as a condition of financing a multifamily rental project, which may include allocating competitive low-income housing tax credits, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for housing defined as affordable in s. 420.0004(3) by persons defined in s. 420.0004(9), (11), (12), and (17). The term of such agreement may not extend beyond the period of time required by 26 U.S.C. 42(h)(6)(D)(ii)(II), unless the corporation affirms at the time of the initial credit underwriting that the project will remain economically feasible beyond such period. Such an agreement is a state land use regulation that limits the highest and best use of the property within the meaning of s. 193.011(2).

Section 8. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-

profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor’s agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor’s agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor’s agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable to units serving extremely-low-income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing and policies that promote access to public transportation, reduce the need for onsite parking where appropriate, and expedite permits for affordable housing projects as provided in s. 553.7923.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor’s prior experience.

13. Sponsor’s ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 9. Section 420.56, Florida Statutes, is created to read:

618886

420.56 Disposal of surplus lands for use as affordable housing.—

(1) It is intent of the Legislature to make all suitable surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public.

(2) The Department of Environmental Protection acting on the behalf of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and each water management district shall notify the corporation when nonconservation land becomes available for surplus as part of the entity's regular review of lands under the provisions of s. 253.0341, s. 337.25, or s. 373.089 before making the parcel available for any other use, including for purchase by other governmental entities or the public. Water management districts must only identify nonconservation surplus lands originally acquired using state funds.

(3) In consultation with the Department of Environmental Protection, the Department of Transportation, and the water management districts, the corporation must issue an advisory opinion as to whether these surplus lands may be suitable for affordable housing. The corporation shall first determine whether the parcel is within a special district set up to revitalize a community. Only parcels determined to be outside these areas will be further evaluated for suitability. The corporation's evaluation shall consider at least the following criteria: the property's environmental suitability for construction; current and anticipated land use and zoning; existing and anticipated infrastructure on the land, such as

618886

roads, water, sewer, and electricity; access to grocery stores; access to employment opportunities; access to public transportation; and access to community services, such as public libraries, health care, and employment centers. As long as a parcel is in an area suitable for residential development, it may be found by the corporation to be suitable for use as affordable housing, even if the parcel does not meet one or more of these or other criteria.

(4) If the corporation issues an advisory opinion finding that the nonconservation surplus land may be suitable for affordable housing, the entity seeking to dispose of the parcel must first offer the land to the county and municipality where the land is located, to be used for affordable housing, before the entity offers the land to other governmental entities or the public. If the county and municipality where the parcel is located do not wish to use the parcel for affordable housing, the entity may dispose of the parcel as otherwise provided by law or herein.

(5) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts may sell the parcels identified by the corporation for affordable housing for less than the appraised value to any party so long as the agency places an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

(6)(a) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts are exempt from the disposal procedures of ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2),

618886

(3), and (8) when disposing of nonconservation surplus lands under this section.

(b) The sale price of land parcels disposed of pursuant to this section shall be determined by the entity disposing of the parcels. The Department of Transportation, the Board of Trustees of the Internal Improvement Trust Fund, and the water management districts must consider at least one appraisal of the property or, if the estimated value of the land is $500,000 or less, a comparable sales analysis or a broker's opinion of value; however, if a property owned by the Department of Transportation was acquired with federal participation and the estimated value of the property is more than $25,000, an appraisal of the property must be considered.

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

And the title is amended as follows:

Delete lines 6 - 18

and insert:

of lands; providing that, as long as a parcel is in an area suitable for residential development, it may be found to be suitable for use as affordable housing, even if the parcel does not meet certain other criteria; amending s. 163.31801, F.S.; requiring that additional information be submitted by specified entities when submitting their annual financial reports; amending ss. 253.0341, 337.25, and 373.089, F.S.; revising the procedures under which the Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management

districts must dispose of nonconservation surplus lands; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to take one or more specified actions against any applicant or affiliate of an applicant upon a determination of good cause and after service of an administrative complaint and adequate notice; defining the term “good cause”; authorizing the corporation to require, as a condition of financing a multifamily rental project, which may include

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576-03499-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to affordable housing; amending ss. 125.379 and 166.0451, F.S.; revising the criteria that counties and municipalities must use when evaluating real property as part of their inventory for disposal of lands; amending ss. 253.0341, 337.25, and 373.089, F.S.; revising the procedures under which the Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts must dispose of nonconservation surplus lands; amending s. 420.507, F.S.; authorizing the Florida Housing Finance Corporation to take one or more specified actions against any applicant or affiliate of an applicant upon a determination of good cause and after service of an administrative complaint and adequate notice; defining the term "good cause"; authorizing the corporation to require, as a condition of financing a multifamily rental project, including allocating competitive low-income housing tax credits, that a certain agreement be recorded in the official records of the county where the real property is located; providing requirements for the term of such agreement; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for the state apartment incentive loans; creating s. 420.56, F.S.;

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providing legislative intent; providing a process for certain entities to dispose of surplus lands for use as affordable housing; creating s. 420.57, F.S.; creating the Hurricane Housing Recovery Program to provide funds for certain affordable housing recovery efforts; requiring the corporation to administer the program and allocate resources to local governments that meet certain criteria; specifying requirements for receiving and using funds; requiring participating local governments to submit a report; requiring the corporation to compile the reports and submit them to the Legislature; creating the Rental Recovery Loan Program to provide funds for additional rental housing due to specified impacts; providing a rationale for the program; authorizing the corporation to adopt rules to administer specified provisions; authorizing the corporation to adopt emergency rules; providing legislative findings; providing that the corporation is not required to make specified findings; providing an exemption; requiring the emergency rules to remain in effect for a specified period after adoption; authorizing the emergency rules to be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules; amending s. 420.9071, F.S.; revising the definition of the term "local housing incentive strategies"; amending s. 423.02, F.S.; exempting housing projects, including certain property, of housing authorities or their nonprofit instrumentalities from all taxes, user fees,

and special assessments of the state or any city, town, county, or political subdivision of the state; providing that, in lieu of such taxes, user fees, or special assessments, a housing authority or its nonprofit instrumentality may agree to make payments to any city, town, county, or political subdivision of the state for services, improvements, or facilities furnished by such city, town, county, or political subdivision for the benefit of a housing project owned by the housing authority or its nonprofit instrumentality; creating s. 553.7923, F.S.; providing a local permit approval process for affordable housing; providing an effective date.

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

Section 1. Subsection (1) of section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title that is appropriate for use as affordable housing. The real property must be evaluated on criteria that include environmental suitability for construction, site characteristics, current land use designation, current or anticipated zoning, inclusion in at least one special district, existing infrastructure, proximity to employment opportunities,

proximity to public transportation, and proximity to existing services. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

Section 2. Subsection (1) of section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

(1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title that is appropriate for use as affordable housing. Such real property shall be evaluated on criteria that include the environmental suitability for construction, site characteristics, currently designated land use, current or anticipated zoning, inclusion in one or more special districts, existing infrastructure, proximity to employment opportunities, proximity to public transportation, and proximity to existing services. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes

an inventory list of such property.

Section 3. Subsections (4) and (7) of section 253.0341, Florida Statutes, are amended to read:

253.0341 Surplus of state-owned lands.—

(4) Beginning July 1, 2018, and continuing every 3 years thereafter ~~At least every 10 years~~, as a component of each land management plan or land use plan and in a form and manner adopted by rule of the board of trustees, each manager shall evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. For conservation lands, the Acquisition and Restoration Council shall review and recommend to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees. For nonconservation lands, the Division of State Lands shall review and recommend to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.

(7)(a) The board of trustees must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. All surplus buildings or land not needed for affordable housing ~~Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it~~ shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions. If the

surplus building or land is not used for affordable housing or leased by a state agency, state university, or Florida College System institution, then the board of trustees shall offer the building or parcel for lease or sale to a local or federal unit of government or a private party.

(b) Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

Section 4. Subsection (3) is amended, and subsection (12) is added to section 337.25, Florida Statutes, to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(3) Beginning July 1, 2018, the department shall evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years on a rotating basis to determine whether the property should be retained. ~~The inventory of real property that was acquired by the state after December 31, 1988, that has been owned by the state for 10 or more years, and that is not within a transportation corridor or within the right-of-way of a transportation facility shall be evaluated to determine the necessity for retaining the property.~~ If the property is not needed for the construction, operation, and maintenance of a transportation facility or is not located within a transportation corridor, the department may dispose of the property pursuant to subsection (4).

(12) Except in a conveyance transacted under paragraphs (4)(a), (c), and (e), the department must first offer parcels of nonconservation surplus land to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56.

Section 5. Subsection (1) is amended, and subsection (9) is added to section 373.089, Florida Statutes, to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Beginning on July 1, 2018, the district shall review all lands and interests or rights in lands every 10 years on a

rotating basis to determine whether the lands are still needed for the purpose for which they were acquired. Any lands, or interests or rights in lands, determined by the governing board to be surplus may be sold by the district, at any time, for the highest price obtainable; however, in no case shall the selling price be less than the appraised value of the lands, or interests or rights in lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.

(9) The governing board must first offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. Districts must only offer nonconservation surplus lands originally acquired using state funds.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this section, the land may be disposed of by the district under the provisions of this section.

Section 6. Subsections (35) and (46) of section 420.507, Florida Statutes, are amended to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(35)(a) Upon a determination of good cause and after service of an administrative complaint and adequate notice, to

take one or more of the following actions against any applicant or affiliate of an applicant:

1. Preclude such applicant or affiliate from applying for funding from any corporation program for a specified period;

2. Revoke any funding previously awarded by the corporation for any development for which construction or rehabilitation has not commenced; and

3. Suspend any funding, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not commenced from the time an administrative complaint is filed until a final order is issued in regard to that complaint.

(b) For purposes of this subsection, the term "good cause" means that the applicant or affiliate of an applicant:

1. Has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program;

2. Has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of this state shall be admissible as prima facie evidence of such guilt;

3. Has been excluded from federal or state procurement programs for any reason; or

4. Has offered or given consideration with respect to a local contribution in violation of corporation rules ~~To preclude~~

~~from further participation in any of the corporation's programs, any applicant or affiliate of an applicant which has made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program~~.

(46) To require, as a condition of financing a multifamily rental project, including allocating competitive low-income housing tax credits, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for housing defined as affordable in s. 420.0004(3) by persons defined in s. 420.0004(9), (11), (12), and (17). The term of such agreement does not extend beyond that period of time required by 26 U.S.C. 42(h)(6)(D)(ii)(II), unless the corporation affirms at the time of the initial credit underwriting that the project will remain economically feasible beyond such period. Such an agreement is a state land use regulation that limits the highest and best use of the property within the meaning of s. 193.011(2).

Section 7. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following

provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable to units serving extremely-low-

income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing, policies that promote access to public transportation, reduce the need for onsite parking, and expedite permits for affordable housing projects as provided in s. 553.7923.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 8. Section 420.56, Florida Statutes, is created to read:

420.56 Disposal of surplus lands for use as affordable housing.—

(1) It is intent of the Legislature to make all surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public.

(2) The Department of Environmental Protection acting on

the behalf of the Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and each water management district shall notify the corporation when nonconservation land becomes available for surplus as part of the entity's regular review of lands under the provisions of s. 253.0341, s. 337.25, or s. 373.089 before making the parcel available for any other use, including for purchase by other governmental entities or the public. Water management districts must only identify nonconservation surplus lands originally acquired using state funds.

(3) In consultation with the Department of Environmental Protection, the Department of Transportation, and the water management districts, the corporation must evaluate whether these surplus lands are suitable for affordable housing based on the property's environmental suitability for construction; current and anticipated land use and zoning; inclusion in one or more special districts; existing infrastructure on the land, such as roads, water, sewer, and electricity; access to grocery stores within walking distance or by public transportation; access to employment opportunities within walking distance or by public transportation; access to public transportation within one half mile; and access to community services, such as public libraries, food kitchens, and employment centers.

(4) If the corporation determines that the nonconservation surplus land is suitable for affordable housing, the entity seeking to dispose of the parcel must first offer the land to the county and municipality where the land is located, to be used for affordable housing, before the entity offers the land to other governmental entities or the public. If the county and

municipality where the parcel is located do not wish to use the parcel for affordable housing, the entity may dispose of the parcel as otherwise provided by law or herein.

(5) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts may sell the parcels identified by the corporation for affordable housing for less than the appraised value to any party so long as the agency places an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

(6)(a) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts are exempt from the disposal procedures of ss. 253.0341(8) and (9), 337.25(4) and (7), 373.089(1), (2), (3), and (8) when disposing of nonconservation surplus lands under this section.

(b) The sale price of land parcels disposed of pursuant to this section shall be determined by the entity disposing of the parcels. The Department of Transportation, the Board of Trustees of the Internal Improvement Trust Fund, and the water management districts must consider at least one appraisal of the property or, if the estimated value of the land is $500,000 or less, a comparable sales analysis or a broker's opinion of value.

Section 9. Section 420.57, Florida Statutes, is created to read:

420.57 Hurricane recovery programs.—

(1) The Hurricane Housing Recovery Program is created to provide funds to local governments for affordable housing recovery efforts, similar to the State Housing Initiatives

Partnership Program as set forth in ss. 420.907-420.9079. Subject to a specific appropriation as authorized by the General Appropriations Act, the Florida Housing Finance Corporation shall administer the program. Notwithstanding ss. 420.9072 and 420.9073, the Florida Housing Finance Corporation shall allocate resources to local governments according to a need-based formula that reflects housing damage estimates and population impacts resulting from hurricanes. Eligible local governments must submit a strategy outlining proposed recovery actions, household income levels and number of residential units to be served, and funding requests. Program funds shall be used to serve households with incomes up to 120 percent of area median income, except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent of area median income and an additional 30 percent of program funds should be reserved for households with incomes up to 80 percent of area median income. Program funds shall be used as follows:

(a) At least 65 percent of funds shall be used for homeownership.

(b) Up to 15 percent of the funds may be used for administrative expenses to ensure expeditious use of funds.

(c) Up to one-quarter of 1 percent may be used by the Florida Housing Finance Corporation for compliance monitoring.

(2) Each participating local government shall submit to the Florida Housing Finance Corporation an annual report of its use of funds from the Hurricane Housing Recovery Program. The corporation shall compile the reports and submit them to the President of the Senate and the Speaker of the House of Representatives.

(3) The Rental Recovery Loan Program is created to provide funds to build additional rental housing due to impacts to the affordable housing stock and changes to the population resulting from hurricanes. The program is intended to allow the state to leverage additional federal rental financing similar to the State Apartment Incentive Loan Program as described in s. 420.5087 and is subject to a specific appropriation in the General Appropriations Act.

(4) The Florida Housing Finance Corporation may adopt rules to administer this section.

Section 10. The Florida Housing Finance Corporation may adopt emergency rules pursuant to s. 120.54, Florida Statutes, to implement s. 420.57, Florida Statutes. The Legislature finds that emergency rules adopted to implement this section meet the health, safety, and welfare requirements of s. 120.54(4), Florida Statutes. The Legislature also finds that such emergency rulemaking is necessary to preserve the rights and welfare of the people and to provide additional funds to assist those areas of the state that sustained impacts to available affordable housing stock due to recent hurricanes. Therefore, in adopting such emergency rules, the corporation is not required to make the findings required by s. 120.54(4)(a), Florida Statutes. Emergency rules adopted under this section are exempt from s. 120.54(4)(c), Florida Statutes. The emergency rules shall remain in effect for 6 months after adoption and may be renewed during the pendency of procedures to adopt rules addressing the subject of the emergency rules.

Section 11. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include, at a minimum, expediting development permits as defined in s. 163.3164(16), construction permits, and certificates of occupancy for affordable housing projects as provided in s. 553.7923 ~~assurance that permits for affordable housing projects are expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.~~; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 12. Section 423.02, Florida Statutes, is amended to read:

423.02 Housing projects exempted from taxes, user fees, and assessments; payments in lieu thereof.—The housing projects, including all property of housing authorities used for or in connection therewith or appurtenant thereto, of housing authorities, or their nonprofit instrumentalities as authorized by s. 421.08(8), shall be exempt from all taxes, user fees, and special assessments of the state or any city, town, county, or political subdivision of the state, provided, however, that in

lieu of such taxes, user fees, or special assessments, a housing authority or its nonprofit instrumentality may agree to make payments to any city, town, county, or political subdivision of the state for services, improvements, or facilities furnished by such city, town, county, or political subdivision for the benefit of a housing project owned by the housing authority or its nonprofit instrumentality, but in no event shall such payments exceed the estimated cost to such city, town, county, or political subdivision of the services, improvements, or facilities to be so furnished.

Section 13. Section 553.7923, Florida Statutes, is created to read:

553.7923 Local Permit Approval Process for Affordable Housing.—

(1) A local government has 15 days after the date it receives an application for a development permit, construction permit, or certificate of occupancy for affordable housing to examine the application and notify the applicant of any apparent errors or omissions and request any additional information the local government is permitted by law to require.

(2) If a local government does not request additional information within the required time, the local government may not deny a development permit, construction permit, or certificate of occupancy for affordable housing if the applicant has failed to correct an error or omission or to supply additional information.

(3) The local government may require any additional requested information to be submitted no later than 10 days after the date of the notice specified in subsection (1).

(4) For good cause shown, the local government shall grant a request for an extension of time for submitting the additional information.

(5) An application is complete upon receipt of all requested information and the correction of any error or omission for which the applicant was timely notified or when the time for notification has expired.

(6) The local government must approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within 60 days after receipt of a completed application unless a shorter period of time for local government action is provided by law.

(7) If the local government does not approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within the 60-day or shorter period, the permit is considered approved and the local government must issue the development permit, construction permit, or certificate of occupancy and may include such reasonable conditions as authorized by law.

(8) An applicant for a development permit, construction permit, or certificate of occupancy seeking to receive a permit by default under this section must notify the local government in writing of the intent to rely upon the default approval provision of this section but may not take any action based upon the default development permit, construction permit, or certificate of occupancy until the applicant receives notification or a receipt that the local government received the notice. The applicant must retain the notification or receipt.

Section 14. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	CS/SB 1328
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Perry
SUBJECT:	Affordable Housing
DATE:	March 1, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Present	Yeatman	CA	**Favorable**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1328 creates the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to expedite the creation of additional affordable housing in response to the needs created by the recent hurricanes. The Florida Housing Finance Corporation will fund the HHRP and RRLP as provided in the General Appropriations Act.

The bill requires the Department of Environmental Protection, the Department of Transportation, and the water management districts, in conjunction with the Florida Housing Finance Corporation, to evaluate all nonconservation surplus lands for suitability for residential use and the development of permanent affordable housing and to offer such parcels to the county or municipality where the land is located. The bill provides for additional evaluation criteria intended to address specific needs and characteristics for the development of affordable housing.

The bill exempts housing authorities from "user fees" and nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments. The Revenue Estimating Conference has not yet estimated the fiscal impact of this provision. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

The bill also provides for an expedited local permit approval process for affordable housing by reducing the time a local government entity has to approve or deny permit applications from 120 days to 60 days.

The bill requires counties, municipalities, and special districts to report certain information about impact fees as part of their annual financial reports.

The bill authorizes the Florida Housing Finance Corporation to take certain administrative actions against an applicant or its affiliate for good cause, including a determination that the applicant or its affiliate made a material misrepresentation or engaged in fraudulent actions in connection with any application for an affordable housing program.

The bill limits the terms of agreements for multifamily rental projects to 30 years, unless the Florida Housing Finance Corporation finds that the project will be "economically feasible" beyond that time.

The HHRP and RRLP will be funded as provided in the General Appropriations Act. The Revenue Estimating Conference has not yet estimated the fiscal impact of the provision exempting housing authorities from "user fees" and nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments

The bill takes effect July 1, 2018.

II. Present Situation:

The present situation is included in the effect of proposed changes.

III. Effect of Proposed Changes:

Affordable Housing

Present Situation

Affordable housing is defined in terms of household income. Housing is considered affordable when monthly rent or mortgage payments including taxes and insurance do not exceed 30 percent of the household income.[1] Resident eligibility for Florida's state and federally funded housing programs is typically governed by area median income (AMI) levels, published annually by the U.S. Department of Housing and Urban Development (HUD) for every county and metropolitan area. The following are standard household income level definitions and their relationship to the 2017 Florida state median of $59,000 for a family of four (as family size increases or decreases, the income range also increases or decreases):[2]

- Extremely low income – earning up to 30 percent AMI (at or below $17,700);[3]
- Very low income – earning from 30.01 to 50 percent AMI ($17,701 to $29,500);[4]

[1] Section 420.9071(2), F.S. Public housing, commonly referred to as Section 8 Housing, is provided by local housing agencies (HAs) for low-income residents. Funding for HAs is provided directly from HUD.
[2] U.S. Department of Housing and Urban Development, Office of Policy Research and Development, *FY 2017 HUD Income Limits Briefing Material*, March 21, 2017, p. 41, available at https://www.huduser.gov/portal/datasets/il/il17/IncomeLimitsBriefingMaterial-FY17.pdf.
[3] Section 420.0004(9), F.S.
[4] Section 420.9071(28), F.S.

- Low income – earning from 50.01 to 80 percent AMI ($29,501 to $47,200);[5] and
- Moderate income – earning from 80.01 to 120 percent of AMI ($47,201 to $70,800).[6]

The two primary state housing assistance programs are the State Housing Initiatives Partnership (SHIP)[7] and the State Apartment Incentive Loan (SAIL)[8] programs. The SHIP program provides funds to eligible local governments, allocated using a population-based formula, to address local housing needs as adopted in the Local Housing Assistance Plan. Eligible local government entities must develop and adopt local housing assistance plans that include, but are not limited to, strategies and incentives for the construction, rehabilitation, repair, or financing of affordable housing production.[9] The SAIL program provides low interest loans on a competitive basis as gap financing for the construction or substantial rehabilitation of multifamily affordable housing developments.[10]

Local Government Surplus Land (Sections 1 and 3)

Present Situation

Since July 1, 2007, all counties and municipalities have been required to prepare, every 3 years, an inventory list of all real property held in fee simple by the respective government entity that is appropriate for use as affordable housing. The list must be reviewed at a public hearing of the appropriate local governing body and may be revised at the conclusion of the public hearing. The governing body must adopt a resolution that includes the inventory following the meeting.[11]

Properties identified as appropriate for affordable housing may be:
- Offered for sale by the local government and the proceeds used to purchase land for the development of affordable housing or to increase the local government fund earmarked for affordable housing.
- Sold with a restriction that requires the development of the property as permanent affordable housing.
- Offered for donation to a nonprofit housing organization for the construction of permanent affordable housing.
- Otherwise made available for use for the production and preservation of permanent affordable housing.[12]

[5] Section 420.9071(19), F.S.
[6] Section 420.9071(20), F.S.
[7] Sections 420.907-9079, F.S.
[8] Section 420.5087, F.S.
[9] Section 420.9071(14), (15), & (16), F.S. These local housing plans must also align with the requirements for housing under the Local Government Comprehensive Planning and Land Development Regulation Act of 1985. Chapter 163, Part II, F.S.
[10] Section 420.5087, F.S.
[11] Sections 125.379 and 166.0451, F.S.
[12] *Id.*

Effect of the Bill

Sections 1 and **3** amend ss. 125.379 and 166.0451, F.S., respectively, to require each county and municipality to include the following criteria when preparing the inventory list of real property and evaluating for use as affordable housing:

- Environmental suitability for construction;
- Site characteristics;
- Current land use designation;
- Current or anticipated zoning;
- Whether the property is included in at least one special district;
- Existing infrastructure; and
- Proximity to employment opportunities, public transportation, and existing services.

A property in an area suitable for residential development may be found to be suitable for use as affordable housing even if the property doesn't meet one of the criteria listed above.

Local Government Impact Fees (Section 2)

Present Situation

Impact fees are amounts imposed by local governments to fund local infrastructure required to provide for increased local services needs caused by new growth.[13] Adopted by ordinance of a county, municipality, or special district, impact fees must meet the following minimum criteria:

- The fee must be calculated using the most recent localized data;
- The local government adopting the impact fee must account for and report fee collections and expenditures. If the fee is imposed for a specific infrastructure need, the local government must account for those revenues and expenditures in a separate accounting fund;
- Administrative charges imposed for the collection of impact fees are limited to the actual costs; and
- All local governments are required to give notice of a new or increased impact fee at least 90 days before the new or increased fee takes effect. However, counties and municipalities do not need to wait 90 days before decreasing, suspending, or eliminating an impact fee.[14]

The types of impact fees, amounts, and timing of collection are within the discretion of the local government authorities choosing to impose the fees.[15] The courts have found the imposition of impact fees appropriate where the local government meets two fundamental requirements:

- A reasonable connection, or nexus, between the need for additional capital facilities and the population growth generated by the project; and
- A reasonable connection, or nexus, between the expenditures of the funds collected from the impact fees and the benefits accruing to the subdivision or project.

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[13] Section 163.31801(2), F.S.
[14] Section 163.31801(3), F.S.
[15] Currently, in Florida there are 67 counties, 413 municipalities, 1,059 independent special districts, and 633 dependent special districts. *See* ch. 7, F.S.; Florida House of Representatives, *The Local Government Formation Manual 2017-2018*, Appx. B, at http://www.flsenate.gov/Reference/Publications; Lists of Independent and Dependent Districts available through Department of Economic Opportunity, Special District Accountability Program, at http://specialdistrictreports.floridajobs.org/webreports/criteria.aspx (both sites last visited February 17, 2018).

Meeting the second criteria requires the local government ordinance imposing the impact fee to earmark the funds collected to acquire the new capital facilities necessary to benefit the new residents.[16]

In 2015, 38 counties reported total impact fee revenues of $503.9 million and 193 cities reported total impact fee revenues of $225.3 million.[17] In 2016, 28 school districts reported total impact fee revenues of $265.3 million.[18]

The 2017 Affordable Housing Workgroup[19] was charged with providing recommendations for, among other components, a review of land use for affordable housing developments.[20] The review included fee impacts of fees such as impact fees, exactions, mitigation fees, and development fees.[21] To provide context to workgroup members, the Florida Housing Finance Corporation queried local SHIP administrators regarding impact fee calculations and waivers in their locales. Based on responses from approximately two-thirds of those surveyed, nearly 25 percent do not currently assess any impact fees. For the remaining cities and counties that do impose impact fees, the fees are calculated using a combination of methodologies, including by square footage, number of bedrooms, geographic location, resident status as a senior citizen, or as a flat fee. Approximately 30 percent of the reporting entities indicated the existence of mechanisms to waive fees in part or whole for affordable housing development.[22]

A local governments, including a special district, is required to submit an annual financial report to the Department of Financial Services no later than 9 months of the close of the local government's fiscal year.[23]

Effect of the Bill

Section 2 amends s. 163.31801, F.S., to require each county, municipality, and special district to include, in their annual financial reports, the following information pertaining to impact fees imposed:

- The specific purpose of each impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools;
- The impact fee schedule policy, describing the method of calculating impact fees, such as flat fee, tiered scale based on number of bedrooms, and tiered scale based on square footage;
- The amount assessed for each purpose and type of dwelling;
- The total amount of impact fees charged by type of dwelling; and
- Each exception and waiver provided for affordable housing developments.

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[16] This is known as the dual rational nexus test. *St. Johns County v. Northeast Florida Builders Association, Inc.*, 583 So. 2d 635, 637 (Fla. 1991), citations omitted.
[17] Office of Economic and Demographic Research, The Florida Legislature, *Impact Fees*, at http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm (last visited February 17, 2018). County revenues were updated July 25, 2017, and city revenues were updated September 28, 2017.
[18] *Id*. School district revenues were updated October 5, 2017.
[19] Chapter 2017-71, Laws of Florida.
[20] Section 46, ch. 2017-71, L.O.F.
[21] Florida Housing Finance Corporation, *Affordable Housing Workgroup Final Report 2017*, December 19, 2017, p. 23, at https://issuu.com/fhfc/docs/ahwg-report_2017-web (last visited February 17, 2018).
[22] *Id*. at pp. 25-27.
[23] Section 218.32, F.S.

Using Surplus State Lands for Affordable Housing (Sections 9, 4, 5, and 6)

Present Situation

The Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees),[24] the five water management districts (WMDs), and the Department of Transportation (DOT) may each acquire and hold real property for various public purposes.[25] Each agency must follow certain procedures to dispose of property that is no longer needed (surplus).

Board of Trustees

The Board of Trustees may determine which state lands may be surplused. To dispose of conservation lands, the Board of Trustees must determine whether the land is no longer needed for conservation purposes and may dispose of such lands by an affirmative vote of at least three members. To dispose of nonconservation lands, the Board of Trustees must determine whether the land is no longer needed and may dispose of such lands by an affirmative vote of at least three members.[26]

"Conservation lands" are lands managed for conservation, outdoor resource-based recreation, or archaeological or historic preservation, except those lands acquired solely to facilitate the acquisition of other conservation lands. Lands acquired for uses other than conservation, outdoor resource-based recreation, or archaeological or historic preservation are "nonconservation lands." Nonconservation lands include the following: correction and detention facilities, military installations and facilities, state office buildings, maintenance yards, State University or Florida College System institution campuses, agricultural field stations or offices, tower sites, law enforcement and license facilities, laboratories, hospitals, clinics, and other sites that possess no significant natural or historical resources.[27]

Any public or private entity or person may ask the Board of Trustees to surplus lands. The lead managing agency must review the request and make a recommendation to Acquisition and Restoration Council within 90 days. The council must immediately schedule a hearing to review the request at the next regularly scheduled hearing for any surplusing requests that have not been acted upon within 90 days.[28]

Before a building or parcel of land is offered for lease or sale, the Division of State Lands within the Department of Environmental Protection (DEP) must first offer the land for lease to state agencies, state universities, and Florida College System institutions.[29]

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[24] The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. Art. IV, s. 4(f), Fla. Const., and s. 253.02(1), F.S. The Department of Environmental Protection, through its Division of State Lands, performs all staff duties and functions related to the acquisition, administration, and disposition of state lands. Section 253.002(1), F.S.
[25] Sections 253.001, 253.02, 337.25(1), and 373.089, F.S.
[26] Section 253.0341(1), F.S.
[27] Section 253.034(2)(c), F.S.
[28] Section 253.0341(11), F.S. The Acquisition and Restoration Council assists the Board of Trustees in reviewing the recommendations and plans for state-owned conservation lands. Section 259.035, F.S.
[29] Section 253.0341(7), F.S.

The division must determine the sale price of the land by considering an appraisal. If the value of the land is estimated at $500,000 or less, division may use a comparable sales analysis or broker's opinion.[30] The division must offer parcels valued at more than $500,000 by competitive bid first. If the parcel is not successfully sold by competitive bid, or the parcel is valued at $500,000 or less, then division may sell the property by any reasonable means.[31]

Water Management Districts

A WMD may sell lands its governing board determines to be surplus at any time. These lands must be sold at the highest price obtainable, but not less than the appraised value of the land determined by a certified appraiser 360 days before the sale.[32] Such sales must be in cash and on the terms set by the governing board of the WMD.[33] The WMD must publish notice of its intent to sell the land in a newspaper in the county where the land is located. The notice of intent must be published three times for three successive weeks at least 30 days, and not more than 360 days, before any sale. The notice of intent must describe the land or the interest or rights to be sold.[34]

Public and private entities may request that a WMD make its lands available for purchase when those lands are not essential or necessary to meet conservation. If so requested and the lands are determined to be surplus, the WMD must give priority consideration to public or private buyers who are willing to return the property to productive use so long as the property can reenter the county ad valorem tax roll.[35]

When deciding whether to sell lands designated as acquired for conservation purposes, the governing board of the WMD must determine by a two-thirds vote that the land is no longer needed for conservation purposes.[36] For all other lands, the governing board of the WMD must determine by a majority vote that the land is no longer needed.[37]

Prior to selling land, a WMD must generally first offer title to lands acquired in whole or in part with Florida Forever funds[38] to the Board of Trustees.[39] If the Board of Trustees declines to accept title to the land, the WMD may dispose of the land.[40]

Department of Transportation

The DOT may convey any land, building, or other property, real or personal, when it determines the property is not needed for the construction, operation, and maintenance of a transportation facility. The DOT may dispose of its surplus property through negotiations, sealed competitive bids, auctions, or any other means it deems to be in its best interest. The DOT must advertise the

[30] Section 253.0341(8), F.S.
[31] Section 253.0341(9), F.S.
[32] Section 373.089(1), F.S.
[33] Section 373.089(2), F.S.
[34] Section 373.089(3), F.S.
[35] Section 373.089(5), F.S.
[36] Section 373.089(6)(a), F.S.
[37] Section 373.089(6)(b), F.S.
[38] *See* ss. 259.105 and 259.1051, F.S.
[39] Section 373.089(7), F.S.
[40] Section 373.089, F.S.

sale of property valued by the DOT at greater than $10,000.[41] The DOT may generally not sell property for less than the DOT's current estimate of value.[42]

The DOT may afford a right of first refusal to the local government or other political subdivision in the jurisdiction where the parcel is situated in certain circumstances.[43]

Effect of the Bill

Section 9 creates s. 420.56, F.S., to make all suitable surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public. As nonconservation land becomes available for surplus, the DEP (acting on behalf of the Board of Trustees), WMDs, and the DOT must notify the Florida Housing Finance Corporation (FHFC) that the land is available for surplus before making the parcel available for any other use, including for purchase by other governmental entities or the public. The WMDs must only identify nonconservation surplus lands originally acquired using state funds.

The bill requires the FHFC to issue an advisory opinion, in consultation with the DEP, WMDs, and the DOT, whether the surplus lands identified by the DEP, WMDs, and the DOT are suitable for affordable housing based. The FHFC will only evaluate property that is outside of a special district set up to revitalize a community. The evaluation will consider at least the following characteristics of the property:

- Environmental suitability for construction;
- Current and anticipated land use and zoning;
- Existing and anticipated infrastructure on the land such as roads, water, sewer, and electricity;
- Access to grocery stores;
- Access to employment opportunities;
- Access to public transportation; and
- Access to community services such as public libraries, health care, and employment centers.

Further, a property in an area suitable for residential development may be found to be suitable for use as affordable housing even if the property doesn't meet one of the criteria listed above.

If the FHFC issues an opinion that the nonconservation surplus land is suitable for affordable housing, the bill requires the Board of Trustees, the WMDs, and the DOT to first offer the land to the county and municipality where the land is located to be used for affordable housing before the entity offers the land to other governmental entities or the public. If the county and municipality where the parcel is located do not wish to use the parcel for affordable housing, the Board of Trustees, WMDs, or the DOT may dispose of the parcel using the procedures in existing law.

The bill authorizes the Board of Trustees, WMDs, and the DOT to sell the parcels identified as suitable for affordable housing for less than the appraised value to any party. If the agency sells

[41] Section 337.25(4), F.S.
[42] Exceptions provided in Section 337.25(4)(a)-(d), F.S.
[43] Exceptions provided in Section 337.25(4)(a), (c), and (e), F.S.

the parcels for less than appraised value, the agency must place an encumbrance on the parcels to ensure the purchaser uses the land for affordable housing for a period of not less than 99 years.

The bill exempts the Board of Trustees, WMDs, and the DOT from certain disposal procedures to expedite the sales of surplus land for affordable housing, specifically:

- The Board of Trustees does not need to follow appraisal and competitive bidding procedures;
- The WMDs do not need to follow their appraisal and advertising requirements and the procedures for selling land valued at $25,000 or less; and
- The DOT does not need to follow its disposal procedures.

The bill authorizes the Board of Trustees, WMDs, and the DOT to determine the sale price of the parcels. The bill requires Board of Trustees, WMDs, and the DOT to consider at least one appraisal, or if the estimated value of the land is $500,000 or less, a comparable sales analysis or a broker's opinion of value. If the DOT property was acquired with federal participation and the estimated value is more than $25,000, then an appraisal of the property must be considered.

Section 4 amends s. 253.0341, F.S., to require the Board of Trustees to offer nonconservation surplus lands to the county and municipality where the land is located for use for the construction of affordable housing as identified by the FHFC before offering it to other potential buyers. This allows those counties and municipalities the opportunity to purchase nonconservation lands for affordable housing prior to state agencies, state universities, and Florida College System institutions, who currently have the first opportunity to either lease or buy surplus lands. All lands not needed for affordable housing will still be offered first to state agencies, state universities, and Florida College System institutions before other being offered to other entities. If the surplus land is not used for affordable housing and not leased by a state agency, state university, or Florida College System institution, the Board of Trustees shall offer the parcel for lease or sale to a local or federal unit of government or a private party.

Section 5 amends s. 337.25, F.S., to require the DOT to evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years on a rotating basis to determine whether the DOT should retain the property. This change is consistent with the Board of Trustee's current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

Section 5 also requires the DOT to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers except when:

- The property was donated to the state for transportation purposes and a transportation facility has not been constructed for at least 5 years, plans have not been prepared for the construction of such facility, and the property is not located in a transportation corridor (then the donated property is returned to the donor or his or her heirs, successors, assigns, or representatives);
- The DOT originally acquired the property specifically to provide replacement housing for persons displaced by transportation projects (then the DOT may negotiate for the sale of such property as replacement housing); or

- The DOT determines a sale to a person other than an abutting owner would be inequitable (then the property may be sold to the abutting owner for the DOT's current estimate of value).

Section 6 amends s. 373.089, F.S., to require the WMDs to review all lands and interests or rights in lands every 10 years on a rotating basis to determine whether the lands are still needed for the purpose for which they were acquired. This change is consistent with the Board of Trustee's current duty to review the management of its lands every 10 years in s. 253.0341(4), F.S., to determine if the lands should be kept.

Section 6 also requires WMDs to offer nonconservation surplus lands to the county and municipality where the land is located for use as affordable housing as identified by the FHFC before offering it to other potential buyers. This requirement only applies to nonconservation surplus lands originally acquired using state funds.

Ineligible Applicants for Programs (Section 7)

Present Situation

Section 420.507, F.S., sets forth the powers of the FHFC to carry out the statutory requirements for affordable housing. These include typical corporation powers and duties as well as housing-specific powers, including the ability to preclude any applicant or its affiliate from participating in FHFC programs if the applicant or affiliate has made any material misrepresentations or engaged in fraudulent actions in connection with any application for a FHFC program.

An applicant is ineligible for funding under FHFC programs if the FHFC determines that an applicant or its affiliate has made material misrepresentations or engaged in fraudulent actions in connection with an FHFC application. Before the FHFC makes such a determination, it serves an administrative complaint on the applicant or its affiliate that "affords reasonable notice to the Applicant of the facts or conduct that warrant the intended action, specifies the proposed duration of ineligibility,[44] and advises the Applicant of the opportunity to request a hearing." An applicant is presumed to have engaged in fraudulent actions if the applicant or its affiliate has been convicted of fraud, theft, or misappropriation of funds or a felony in connection with any FHFC program; excluded from any federal or Florida procurement programs for any reason; or offered or given consideration with respect to a local contribution. Any business between the applicant or its affiliate and the FHFC is suspended pending issuance of a final order on the compliant or if the complaint is dismissed.[45]

The 2017-2018 General Appropriation Act prohibits the FHFC from distributing or allocating funds to any applicant or its affiliate that has been served an administrative complaint based on making a material misrepresentation or engaging in fraudulent actions in connection with any application for a FHFC program, until the period of ineligibility has expired. "Any preliminary funding or allocation award made to an applicant or affiliate subject to such administrative

[44] When establishing the period of ineligibility, the FHFC considers the applicant's compliance history, type of misrepresentation or fraud, and the degree of harm to the program that has been or may have been done.
[45] *See* Rules 67-21.003 and 67-48.004, F.A.C.

complaint is rescinded unless the developer, applicant or affiliate has completed credit underwriting or has commenced construction at the time the administrative complaint is served."[46]

Effect of Proposed Changes

Section 7 amends s. 420.507, F.S., to add to the powers of the FHFC, the power to take certain actions against any applicant or its affiliate upon a determination of good cause by the FHFC and after the service of an administrative complaint and adequate notice. The FHFC may take one or more of the following actions:

- Preclude the applicant or affiliate from applying for funding from any FHFC program for a specified period.
- Revoke any previously awarded funding for any development for which construction or rehabilitation has not started.
- Suspend any funding, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not started. The suspension may run from the date of filing of the administrative complaint until a final order is issued in regard to the complaint.

The bill defines "good cause" as meaning that the applicant or its affiliate has:

- Made a material misrepresentation or engaged in fraudulent actions in connection with any application for a corporation program;
- Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction that directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds.[47]
- Been excluded from federal or state procurement programs for any reason; or
- Offered or given consideration with respect to a local contribution in violation of rules of the FHFC.

The bill repeals the current authority of the FHFC to preclude any applicant or its affiliate from participating in FHFC programs if the applicant or affiliate has made any material misrepresentations or engaged in fraudulent actions in connection with any application for a FHFC program.

Terms of Multifamily Rental Projects (Section 7)

Present Situation

Section 420.507, F.S., grants the FHFC the authority to require, as a condition of financing a multifamily rental project, that an agreement be recorded in the official records of the county where the real property is located, which requires that the project be used for affordable housing.

[46] Section 2225, proviso, ch. 2017-70, L.O.F.

[47] The bill states that the "record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of this state shall be admissible as prima facie evidence of such guilt."

The federal government grants federal tax credits for the acquisition, rehabilitation, or construction of rental housing targeted to low-income households (the low-income housing tax credit).[48] In order to qualify for the tax credit, the developer must agree to rent the housing to people with low incomes and to charge rents that are no more than a certain amount. The developer must agree to preserve this "affordability" for the first 15 years of the program, called the initial compliance period, and then for an additional 15 years during the extended use period (also referred to as the "extended low-income housing commitment"). There is a process by which the developer can convert the property to market-rate units during the extended use period.

About 32 states require extended use periods greater than 30 years, some states provide incentives for projects that voluntarily agree to longer commitments, and some developments agree to local financing that comes with longer use restrictions.[49] The FHFC has stated that generally developers agree to enter into agreements with the FHFC for terms of 30 years, except for large-scale multifamily or elderly housing developments, which are generally for terms of 50 years.

Effect of Proposed Changes

Section 7 amends s. 420.507, F.S., related to the FHFC's authority to make certain requirements for financing multifamily rental projects. The FHFC may require an agreement to be recorded in the official records of the county where the property is located as a condition of financing the project, *including allocating competitive low-income housing tax credits*.

The bill limits the term of any for agreement for a multifamily rental project to the period of time required in federal law for the "extended low-income housing commitment" or extended use period. This effectively limits any agreement entered into by the FHFC for a multifamily rental project to 30 years. However, if the FHFC affirms at the time of the initial credit underwriting that the project will remain "economically feasible" beyond 30 years, then the agreement may be longer. The term "economically feasible" is not defined.

State Apartment Incentive Loan Program Local Government Contribution (Section 8)

Present Situation

The SAIL program provides low-interest loans on a competitive basis to affordable housing developers each year. This money often serves to bridge the gap between the primary financing and the total cost of the development. SAIL dollars are available to individuals, public entities,

[48] 26 U.S.C. 42. U.S. Department of Housing and Urban Development, Office of Policy Development and Research, *Low-Income Housing Tax Credits*, July 10, 2017, available at https://www.huduser.gov/portal/datasets/lihtc.html (last visited February 21, 2018).
[49] U.S. Department of Housing and Urban Development, HUD USER, *What Happens to LIHTC Properties After Affordability Requirements Expire?*, August 17, 2012, available at https://www.huduser.gov/portal/pdredge/pdr_edge_research_081712.html (last visited February 21, 2018). National Low Income Housing Coalition, Low Income Housing Tax Credit Program, 2014, available at http://nlihc.org/sites/default/files/2014AG-254.pdf (last visited February 21, 2018).

nonprofit organizations, or for-profit organizations that propose the construction or substantial rehabilitation of multifamily units affordable to very low income individuals and families.[50]

The Florida Housing Finance Corporation administers the SAIL program and is required to establish a review committee for the competitive evaluation and selection of applications submitted. The evaluation criteria include local government contributions and local government comprehensive planning and activities that promote affordable housing.[51]

Effect of the Bill

Section 8 amends s. 420.5087, F.S., to require the evaluation of additional components related to local government contributions, including policies that promote access to public transportation, reduce the need for on-site parking where appropriate, and expedite permits for affordable housing projects.

Hurricane Recovery Programs (Sections 10 and 11)

Present Situation

Following the 2004 hurricane season, a statewide Hurricane Housing Work Group was created to recommend how best to leverage funding recommended by the Governor for hurricane housing recovery needs. The work group recommended, and the Legislature subsequently funded, the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP). As a result of the work group's recommendation, the 2005 Legislature appropriated $250 million for housing recovery: $208 million for the HHRP and another $42 million for the RRLP.[52] With those resources, and an additional $93 million appropriation in 2006 for hurricane rental funding, the FHFC states that it assisted over 10,000 families with the HHRP and created over 1,600 units with the RRLP.

Hurricane Housing Recovery Program

The Hurricane Housing Recovery Program was created as a local housing recovery program and modeled after the existing State Housing Incentive Program (SHIP) aimed at assisting homeowners with post-hurricane recovery efforts. The HHRP funds were distributed to local governments using a need-based formula to allow local communities to evaluate and address needs as appropriate.[53]

Rental Recovery Loan Program

The Rental Recovery Loan Program was created to provide affordable rental units needed to promote the housing recovery needs of local communities. Modeled in part after the State Apartment Incentive Loan (SAIL) Program, the RRLP program allowed the state to leverage

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[50] Florida Housing Finance Corporation, *State Apartment Incentive Loan, Background*, available at http://www.floridahousing.org/programs/developers-multifamily-programs/state-apartment-incentive-loan (last visited February 17, 2018).
[51] Section 420.5087(6)(c), F.S.
[52] Florida Housing Finance Corporation, *Bill Analysis for SB 1328*, p. 3, January 10, 2018. Chapter 2006-69, L.O.F.
[53] Florida Housing Finance Corporation, *Hurricane Housing Recovery Program*, available at http://floridahousing.org/webdocs/disasterrelief/HHRP/HHRPPage.PDF (last visited February 17, 2018).

existing federal rental financing programs to provide units that served a range of incomes, including extremely low income households, throughout the areas impacted by the hurricanes.

Effects of the Bill

Section 10 creates s. 420.57, F.S., to establish the Hurricane Housing Recovery Program (HHRP) and the Rental Recovery Loan Program (RRLP) to provide funds to local governments for affordable housing recovery efforts.

The HHRP will provide resources to local governments according to a need-based formula that reflects affordable housing damage estimates and population impacts resulting from hurricanes. Eligible local governments must submit a strategy outlining proposed recovery actions, income levels and number of units to be served, and funding requests. Program funds must be used as follows:

- To serve households with incomes up to 120 percent of the AMI, except that at least 30 percent of program funds should be reserved for households with incomes up to 50 percent AMI and an additional 30 percent of program funds reserved for households with incomes up to 80 percent AMI.
- At least 65 percent of the funds *must* be used for homeownership.
- Up to 15 percent *may* be used for administrative expenses.
- Up to 0.25 percent *may* be used for compliance monitoring.

The RRLP will provide resources to build additional rental housing and allow the state to leverage federal rental financing similar to the SAIL program.

Both programs operate subject to specific appropriation in the General Appropriations Act.

Each participating local entity will be required submit a report of its use of HHRP funding. The FHFC is required to compile and submit the reports to the Senate President and Speaker of the House of Representatives.

The FHFC is granted rulemaking authority to administer the programs. **Section 11** provides the FHFC the authority to adopt emergency rules pursuant to s. 120.54, F.S., for the purpose of implementing these programs. The emergency rules remain in effect for 6 months and may be renewed until final rules are adopted for the programs.

Local Permit Approval Process (Section 12 and 14)

Present Situation

Local governments may enforce requirements to obtain building or development permits, including the processing applications and granting building permits.[54] A development permit pertains to any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.[55]

[54] Sections 553.79 and 553.792, F.S.
[55] Section 163.3164(16), F.S.

A certificate of occupancy is required before a building or structure may be used or occupied.[56] The certificate is issued by the appropriate local building official after completion of all work and a final inspection of the building or structure shows no violations of the Florida Building Code or other applicable laws.[57]

Counties, municipalities, and most special districts are not required to comply with the notice and procedural requirements of ch. 120, F.S., the Administrative Procedure Act.[58] For certain types of building permit applications,[59] the local government must meet certain deadlines:

- Within 10 days of the application being submitted, the local government must inform the applicant in writing of what information is needed to complete the application, if any.
- If no written notice of deficiency is provided, the application is deemed properly completed and accepted.
- Within 45 days of receiving a completed application, the local government must notify the applicant if additional information is needed to determine whether the application is sufficient.
- Within 120 days after receiving a completed application, the local government must approve, approve with conditions, or deny the application.[60]

Effect of the Bill

Section 14 creates s. 553.7923, F.S., to establish a new process for local government permit approval for affordable housing. A local government has 15 days after receiving an application for a development permit, construction permit, or certificate of occupancy for affordable housing to examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the local government is authorized by law to require.

The local government may require any additional required information to be submitted within 10 days after the date it gives notice to the applicant. The local government must grant a request for an extension of time for submitting the additional information for good cause.

If a local government does not timely request addition information, it may not deny the development permit, construction permit, or certificate of occupancy for affordable housing if the applicant fails to correct an error or omission or to supply additional information.

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[56] Section 111.1, Florida Building Code – Building (6th ed. 2017), at https://codes.iccsafe.org/public/document/FBC2017/chapter-1-scope-and-administration (last visited February 17, 2018).
[57] Section 111.2, Florida Building Code – Building (6th ed. 2017). *See also* Broward County Amendments to the 5th Edition (2014) Florida Building Code (Effective June 30, 2015, with amendments through March 2017), s. 110, "Inspections," p. 1.38, at http://www.broward.org/CodeAppeals/AboutUs/Documents/ch%201-5thEdition%20-PAssed%2003-09-2017.pdf (last visited February 17, 2018).
[58] *See* s. 120.52(1), F.S.
[59] The list includes permits for the following types of construction: accessory structure, alarm, nonresidential buildings less than 25,000 square feet, electric, irrigation, landscaping, mechanical, plumbing, residential units other than a single family unit, multifamily residential not exceeding 50 units, roofing, signs, site-plan approvals and subdivision plats not requiring public hearings or public notice, and lot grading and site alteration associated with the application. *See* s. 553.792(2), F.S.
[60] Section 553.792(1), F.S.

An application is complete when the local government has received all of the requested information and the correction of any error or omission as necessary or when the time for notification has expired.

The local government must approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within 60 days after receipt of a completed application, unless a shorter period of time for local government is provided by law. If the local government does not approve or deny within the time period, the application is considered approved, and the local government must issue the development permit, construction permit, or certificate of occupancy.

An applicant for a development permit, construction permit, or certificate of occupancy seeking to receive a permit by default must notify the local government in writing of its intent to rely upon the default approval. However, the applicant may not take any action based upon the default development permit, construction permit, or certificate of occupancy until the applicant receives notification or a receipt acknowledging that the local government received the notice. The applicant must retain the notification or receipt.

Section 12 amends s. 420.9071, F.S., to revise the definition of "local housing incentive strategies" to include expediting permits for affordable housing projects provided in s. 553.7923, F.S. Local housing incentive strategies are included in local housing assistance plans and must be included in various reports as required in the SHIP program provisions in part VII, ch. 420, F.S.

Housing Projects Exemptions (Section 13)

Present Situation

Section 423.02, F.S., exempts housing authorities from payment of taxes and special assessments for housing projects, including all property of the authority used for or in connection with the project. The authority may agree to make payments to the local government in lieu of taxes for services, improvements, or facilities furnished by the local government for the benefit of the project. Such payments are not allowed to exceed the estimated cost to the local government for the services, improvements, or facilities.

Public housing authorities have the power to create a for-profit or nonprofit corporation, limited liability company, or other similar business entity to develop, acquire, lease, construct, rehabilitate, manage, or operate multifamily or single family residential projects. The housing authority may hold an ownership interest or participate in the governance of the business entity.

Effect of Proposed Changes

Section 13 amends s. 423.02, F.S., to exempt housing authorities from "user fees" and to exempt nonprofit housing corporations created by housing authorities from taxes, user fees, and assessments. The authorities or their instrumentalities may still agree to make payments of to the local government in lieu of payment of such taxes, user fees, or assessments. The bill does not

define the term "user fees." The term could be interpreted broadly to include fees for services such as garbage, electricity, etc. The term likely includes storm water fees.[61]

Effective Date (Section 15)

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because this bill reduces the revenue raising authority of municipalities and counties by exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments.

However, there are several exemptions and exceptions to the mandate requirements. The mandate requirements do not apply to laws having an insignificant impact, which for Fiscal Year 2017-2018 was approximately $2.05 million or less.[62,63,64]

This bill does not appear to qualify under any exemption or exception. If the bill does qualify as a mandate, final passage must be approved by two-thirds of the membership of each house of the Legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not yet estimated the fiscal impact of section 13 exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

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[61] *See City of Gainesville v. State*, 863 So. 2d 138 (Fla. 2003).
[62] FLA. CONST. art. VII, s. 18(d).
[63] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf (last visited February 21, 2018).
[64] Based on the Demographic Estimating Conference's population adopted on April 1, 2017. The executive summary is available at http://edr.state.fl.us/Content/conferences/population/demographicsummary.pdf (last visited February 21, 2018).

B. Private Sector Impact:

Developers of large-scale affordable housing developments will benefit from the limitation on the duration of the agreements with the FHFC.

Nonprofit business entities created by local housing authorities will benefit from the exemption from taxes, user fees, and assessments.

C. Government Sector Impact:

Local governments may need to replace the funds that would normally be derived from taxes, user fees, and assessments with other sources of revenue. The Revenue Estimating Conference has not yet estimated the fiscal impact of section 13 exempting housing authorities from paying user fees and their nonprofit housing corporations from paying taxes, user fees, and assessments. The term "user fees" is not defined in the bill but could be interpreted broadly to include fees for services such as garbage, electricity, storm water, etc.

The hurricane recovery programs will be funded as provided in the General Appropriations Act. The bill allows the FHFC to use 15 percent of any appropriated funds for administrative costs and 0.25 percent for compliance monitoring.

The bill requires the FHFC to evaluate nonconservation surplus lands for suitable for the construction of affordable housing. Currently, the FHFC requires anyone proposing to develop affordable housing to demonstrate that the property is suitable for such purpose. This bill would require the FHFC to develop a new program and develop or contract for expertise to evaluate surplus lands. The cost for such activity it unknown at this time.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill provides the FHFC the authority to adopt emergency rules pursuant to s. 120.54, F.S., for the purpose of implementing the hurricane recovery programs.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 125.379, 163.31801, 166.0451, 253.0341, 337.25, 373.089, 420.507, 420.5087, 420.9071, and 423.02.

This bill creates the following sections of the Florida Statutes: 420.56, 420.57, and 553.7923.

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 Appropriations on February 27, 2018:
The committee substitute:

- Removes the portions of the bill that amended ss. 163.3180 and 163.31801, F.S., which created a 5-year prohibition on local governments to charge concurrency and impact fees.
- Allows property that is an area suitable for residential development, but that does not meet other criteria, to be considered suitable for use as affordable housing.
- Requires special districts to also provide reports on impact fees charged.
- Removes the amendment that changed the surplus lands survey by the Board of Trustees from every 10 years to every 3 years.
- Creates the local expedited permit statute in ch. 553, F.S., related to the building code instead of ch. 420, F.S., related to affordable housing.
- Clarifies that "local housing incentive strategies" include expedited development permits, construction permits, and certificates of occupancy.
- Allows the FHFC to take certain administrative action against a developer or an affiliate of the developer for good cause.
- Limit contracts for financing multi-family rental housing projects to 30 years, unless at the time of initial credit writing the FHFC finds that the project will remain "economically feasible" beyond 30 years.
- Allows the FHFC to provide an advisory opinion, instead of an evaluation, of surplus lands suitable for housing, limits the review to property outside of special districts set up to revitalize communities; and revises the review criteria, in part, to remove the requirement for certain criteria to be within walking distance to the housing.
- Requires the sales price of any surplus land sold by the DOT that was acquired with federal participation and has an estimated value of greater than $25,000, to consider an appraisal as part of the sale.
- Revises the hurricane recovery programs by:
  - Making the programs generally applicable to hurricanes, instead of specifically applicable to the impacts of Hurricanes Irma and Maria.
  - Removing the appropriation from the housing trust funds, and instead stating that the programs are funded as provided in the General Appropriations Act.
  - Directing the FHFC to allocate funds to local governments based on affordable housing damage estimates and *population impacts resulting from hurricanes*.
  - Allowing the FHFC to use 0.25 percent of the appropriation for compliance monitoring.
  - Clarifying that local governments annual reports are on their participation in the HHRP, removing the required dates for such annual reports, and requiring such reports to be made to the legislature.
  - Granting the FHFC emergency rulemaking authority to implement the programs.
- Exempts housing projects from "user fees."

- Exempts from all taxes, user fees, and special assessments the nonprofit instrumentalities of housing authorities (for nonprofit corporations, LLCs, etc., created by housing authorities to manage certain housing projects).

B. Amendments:

None.

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

By Senator Perry

8-01486-18 20181328__

A bill to be entitled

An act relating to affordable housing; amending ss. 125.379 and 166.0451, F.S.; revising the criteria that counties and municipalities must use when evaluating real property as part of their inventory for disposal of lands; amending s. 163.3180, F.S.; prohibiting local governments from charging certain mobility fees for a specified period; preempting to the state the right to impose such fees; amending s. 163.31801, F.S.; prohibiting local governments from charging certain impact fees for a specified period; preempting to the state the right to impose such fees; specifying additional information that must be submitted by specified entities when submitting their annual financial reports; creating s. 420.0007, F.S.; providing a local permit approval process for affordable housing; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; creating s. 420.54, F.S.; creating the Hurricane Housing Recovery Program to provide funds for specified purposes related to affordable housing; requiring that the Florida Housing Finance Corporation administer the program according to specified procedures; specifying how program funds are to be used; creating the Recovery Rental Loan Program to provide funds for specified purposes related to rental housing; providing legislative intent; requiring an annual report regarding the

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8-01486-18 20181328__

housing recovery program; authorizing the corporation to adopt emergency rules to implement the programs; providing legislative findings regarding such emergency rulemaking; exempting the emergency rules from specified requirements; providing appropriations; creating s. 420.56, F.S.; providing a process for certain entities to dispose of surplus lands for use for the construction of affordable housing; amending s. 420.9071, F.S.; revising the definition of "local housing incentive strategies"; amending ss. 253.0341, 337.25, and 373.089, F.S.; revising the procedures under which the board of trustees, the Department of Transportation, and the water management districts must dispose of nonconservation surplus lands; providing an effective date.

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

Section 1. Subsection (1) of section 125.379, Florida Statutes, is amended to read:

125.379 Disposition of county property for affordable housing.—

(1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3 years thereafter, each county shall prepare an inventory list of all real property within its jurisdiction to which the county holds fee simple title which ~~that~~ is appropriate for use as affordable housing. The real property must be evaluated on criteria including environmental suitability for construction, site characteristics, current land use designation, current or

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anticipated zoning, whether the property is included in at least one special district, existing infrastructure, proximity to employment opportunities, proximity to public transportation, and proximity to existing services. The inventory list must include the address and legal description of each such real property and specify whether the property is vacant or improved. The governing body of the county must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. The governing body of the county shall adopt a resolution that includes an inventory list of such property following the public hearing.

Section 2. Paragraph (i) of subsection (5) of section 163.3180, Florida Statutes, is amended to read:

163.3180 Concurrency.—

(5)

(i)1. If a local government elects to repeal transportation concurrency, it is encouraged to adopt an alternative mobility funding system that uses one or more of the tools and techniques identified in paragraph (f). Any alternative mobility funding system adopted may not be used to deny, time, or phase an application for site plan approval, plat approval, final subdivision approval, building permits, or the functional equivalent of such approvals provided that the developer agrees to pay for the development's identified transportation impacts via the funding mechanism implemented by the local government. The revenue from the funding mechanism used in the alternative system must be used to implement the needs of the local government's plan which serves as the basis for the fee imposed. A mobility fee-based funding system must comply with the dual

rational nexus test applicable to impact fees. An alternative system that is not mobility fee-based shall not be applied in a manner that imposes upon new development any responsibility for funding an existing transportation deficiency as defined in paragraph (h).

2. Beginning July 1, 2018, and ending June 20, 2023, a local government may not charge a mobility fee for the development or construction of housing that is affordable, as defined in s. 420.9071.

Section 3. Subsection (6) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; definitions; ordinances levying impact fees.—

(6)(a) Beginning July 1, 2018, and ending June 20, 2023, a local government may not charge an impact fee for the development or construction of housing that is affordable, as defined in s. 420.9071.

(b) In addition to the items that must be reported in the annual financial reports required under s. 218.32, counties and municipalities shall report the following data on all impact fees charged:

1. The specific purpose of the impact fee, including the specific infrastructure need to be met, such as transportation, parks, water, sewer, and schools;

2. The impact fee schedule policy, describing the method of calculating impact fees, such as a flat fee, a tiered scale based on number of bedrooms, and a tiered scale based on square footage;

3. The amount assessed for each purpose and type of

dwelling;

4. The total amount of impact fees charged by type of dwelling; and

5. Each exception and waiver provided for affordable housing developments.

Section 4. Subsection (1) of section 166.0451, Florida Statutes, is amended to read:

166.0451 Disposition of municipal property for affordable housing.—

(1) Beginning July 1, 2018 ~~By July 1, 2007~~, and every 3 years thereafter, each municipality shall prepare an inventory list of all real property within its jurisdiction to which the municipality holds fee simple title which ~~that~~ is appropriate for use as affordable housing. Such real property shall be evaluated on criteria that include the environmental suitability for construction, site characteristics, currently designated land use, current or anticipated zoning, whether the property is included in one or more special districts, existing infrastructure, proximity to employment opportunities, proximity to public transportation, and proximity to services. The inventory list must include the address and legal description of each such property and specify whether the property is vacant or improved. The governing body of the municipality must review the inventory list at a public hearing and may revise it at the conclusion of the public hearing. Following the public hearing, the governing body of the municipality shall adopt a resolution that includes an inventory list of such property.

Section 5. Section 420.0007, Florida Statutes, is created to read:

420.0007 Local permit approval process for affordable housing.—

(1) A local government has 15 days from the date it receives an application for a development permit, construction permit, or certificate of occupancy for affordable housing to examine the application, notify the applicant of any apparent errors or omissions, and request any additional information the local government is authorized by law to require.

(2) If a local government does not timely request additional information, it may not deny a development permit, construction permit, or certificate of occupancy for affordable housing if the applicant fails to correct an error or omission or to supply additional information.

(3) The local government may require any additional requested information to be submitted no later than 10 days after the date that it gives notice to the applicant, as specified in subsection (1).

(4) For good cause shown, the local government must grant a request for an extension of time for submitting the additional information.

(5) An application is complete upon receipt of all requested information and the correction of any error or omission of which the applicant was timely notified or when the time for notification has expired.

(6) The local government must approve or deny an application for a development permit, construction permit, or certificate of occupancy for affordable housing within 60 days after receipt of a completed application, unless a shorter period of time for local government action is provided by law.

(7) If the local government does not approve or deny within the 60-day or shorter time period, as appropriate, an application for a development permit, construction permit, or certificate of occupancy for affordable housing, the permit is considered approved and the local government must issue the development permit, construction permit, or certificate of occupancy, which may include such reasonable conditions as authorized by law.

(8) An applicant for a development permit, construction permit, or certificate of occupancy seeking to receive a permit by default under this section shall notify the local government, in writing, of its intent to rely upon the default approval under this section but may not take any action based upon the default development permit, construction permit, or certificate of occupancy until the applicant receives notification or a receipt acknowledging that the local government received the notice. The applicant must retain the notification or receipt.

Section 6. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following

provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable to units serving extremely-low-

income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing, and policies that promote access to public transportation, reduce the need for onsite parking, and expedite permits for affordable housing projects as provided in s. 420.0007.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience.

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

Section 7. Section 420.54, Florida Statutes, is created to read:

420.54 Hurricane recovery programs.—

(1) The Hurricane Housing Recovery Program is created to provide funding to local governments for recovery efforts related to the impact of Hurricanes Irma and Maria during the 2017 Atlantic hurricane season on the affordable housing inventory. The corporation shall administer the program,

allocating resources to local governments according to a need-based formula that reflects affordable housing damage estimates. Eligible local governments must submit a strategy outlining proposed recovery actions, income levels, number of units to be served, and funding requests. Program funds must be used as follows:

(a) To serve households with incomes of up to 120 percent of area median income; however, at least 30 percent of program funds must be reserved for households with incomes of up to 50 percent of area median income, and an additional 30 percent of program funds must be reserved for households with incomes of up to 80 percent of area median income.

(b) At least 65 percent of funds allocated must be used for homeownership and distributed as provided in paragraph (a).

(c) Up to 15 percent of the allocation may be used for administrative expenses to ensure expeditious use of funds.

(2) The Recovery Rental Loan Program is created to provide funds to build additional rental housing in light of the impact of Hurricanes Irma and Maria during the 2017 Atlantic hurricane season on the rental housing inventory. The program is intended to allow the state to leverage federal funds as it does in the State Apartment Incentive Loan Program described in s. 420.5087.

(3) By September 15, 2019, and each year thereafter, each participating local entity shall submit a report of its housing recovery program and accomplishments through June 30 of that year, as specified by the corporation.

(4) The corporation may adopt emergency rules pursuant to s. 120.54 to implement this section. The Legislature finds that emergency rules adopted pursuant to this section meet the

immediate danger to the public health, safety, and welfare standard established in s. 120.54(4). The Legislature finds that such emergency rulemaking is necessary to preserve the rights and welfare of the people and to provide additional funds to assist those areas of the state which sustained impacts to available affordable housing inventory due to Hurricanes Irma and Maria. Therefore, in adopting such emergency rules, the corporation need not establish that the standard established in s. 120.54(4)(a) has been met. Emergency rules adopted under this section are exempt from s. 120.54(4)(c).

Section 8. For the 2018-2019 fiscal year, 20 percent of the most recent revenue estimate from the Revenue Estimating Conference for the 2018-2019 fiscal year for both the Local Government Housing Trust Fund and the State Housing Trust Fund is appropriated to the Florida Housing Finance Corporation for the purpose of affordable housing hurricane recovery efforts. Funds from the Local Government Housing Trust Fund must be used for the Hurricane Housing Recovery Program created in s. 420.54, Florida Statutes, and must be allocated based on the review of Federal Emergency Management Agency damage assessment data by the Florida Housing Finance Corporation. Funds from the State Housing Trust Fund must be used for the Recovery Rental Loan Program created in s. 420.54, Florida Statutes, to assist with building and rehabilitating affordable rental housing to help communities respond to hurricane recovery needs. The Florida Housing Finance Corporation shall use $100,000 from the funds appropriated from the State Housing Trust Fund to provide technical and training assistance.

Section 9. Section 420.56, Florida Statutes, is created to

read:

420.56 Disposal of surplus lands for use as affordable housing.—

(1) It is the intent of the Legislature to make all surplus lands designated as nonconservation available for affordable housing before making the parcels available for purchase by other governmental entities or the public.

(2) The Department of Environmental Protection, acting on the behalf of the Board of Trustees of the Internal Improvement Trust Fund; the Department of Transportation; and each water management district shall notify the corporation when nonconservation land becomes available for surplus as part of the entity's regular review of lands under s. 253.0341, s. 337.25, or s. 373.089 before making the parcel available for any other use, including for purchase by other governmental entities or the public. Water management districts must identify only nonconservation surplus lands originally acquired using state funds.

(3) In consultation with the Department of Environmental Protection, the Department of Transportation, and the water management districts, the corporation must evaluate whether these surplus lands are suitable for the construction of affordable housing based on the property's environmental suitability for such construction; current and anticipated land use and zoning; inclusion in one or more special districts intended to revitalize the community; existing infrastructure on the land such as roads, water, sewer, and electricity; access to grocery stores within walking distance or by public transportation; access to employment opportunities within

walking distance or by public transportation; access to public transportation within one-half mile; and access to community services such as public libraries, food kitchens, and employment centers.

(4) If the corporation determines that the nonconservation surplus land is suitable for the construction of affordable housing, the entity seeking to dispose of the parcel must first offer the land to the county and any municipality in which the land is located to be used for the construction of affordable housing before the entity offers the land to other governmental entities or the public. If the county and any municipality where the parcel is located do not wish to use the parcel for affordable housing, the entity may dispose of the parcel as otherwise provided by law or this section.

(5) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts may sell the parcels identified by the corporation as suitable for affordable housing for less than the appraised value to any party so long as the agency places an encumbrance on the parcels to ensure that the purchaser uses the land for the construction and maintenance of affordable housing for a period of at least 99 years.

(6)(a) The Board of Trustees of the Internal Improvement Trust Fund, the Department of Transportation, and the water management districts are exempt from the disposal procedures provided in ss. 253.0341(8) and (9), 337.25(4) and (7), and 373.089(1), (2), (3), and (8) when disposing of nonconservation surplus lands under this section.

(b) The sale price of land parcels disposed of pursuant to

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this section shall be determined by the entity disposing of the parcel. The Department of Transportation, the Board of Trustees of the Internal Improvement Trust Fund, and the water management districts must consider at least one appraisal of the property or, if the estimated value of the land is $500,000 or less, a comparable sales analysis or a broker's opinion of value.

Section 10. Subsection (16) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(16) "Local housing incentive strategies" means local regulatory reform or incentive programs to encourage or facilitate affordable housing production, which include at a minimum, expediting permits for affordable housing projects as provided in s. 420.0007 ~~assurance that permits for affordable housing projects are expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.~~; an ongoing process for review of local policies, ordinances, regulations, and plan provisions that increase the cost of housing prior to their adoption; and a schedule for implementing the incentive strategies. Local housing incentive strategies may also include other regulatory reforms, such as those enumerated in s. 420.9076 or those recommended by the affordable housing advisory committee in its triennial evaluation of the implementation of affordable housing incentives, and adopted by the local governing body.

Section 11. Subsections (4) and (7) of section 253.0341, Florida Statutes, are amended to read:

253.0341 Surplus of state-owned lands.—

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(4) Beginning July 1, 2018, and continuing every 3 years thereafter, ~~At least every 10 years,~~ as a component of each land management plan or land use plan and in a form and manner adopted by rule of the board of trustees, each manager shall evaluate and indicate to the board of trustees those lands that are not being used for the purpose for which they were originally leased. For conservation lands, the Acquisition and Restoration Council shall review and recommend to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees. For nonconservation lands, the Division of State Lands shall review and recommend to the board of trustees whether such lands should be retained in public ownership or disposed of by the board of trustees.

(7)(a) The board of trustees must first offer nonconservation surplus lands to the county and any municipality in which the land is located for use for the construction of affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. All surplus buildings or land not needed for affordable housing ~~Before a building or parcel of land is offered for lease or sale to a local or federal unit of government or a private party, it~~ shall first be offered for lease to state agencies, state universities, and Florida College System institutions, with priority consideration given to state universities and Florida College System institutions. If the surplus building or land is not used for the construction of affordable housing or leased by a state agency, state university, or Florida College System institution, the board of trustees shall offer the building or parcel for lease or sale to

a local or federal unit of government or a private party.

(b) Within 60 days after the offer for lease of a surplus building or parcel, a state university or Florida College System institution that requests the lease must submit a plan for review and approval by the Board of Trustees of the Internal Improvement Trust Fund regarding the intended use, including future use, of the building or parcel of land before approval of a lease. Within 60 days after the offer for lease of a surplus building or parcel, a state agency that requests the lease of such facility or parcel must submit a plan for review and approval by the board of trustees regarding the intended use. The state agency plan must, at a minimum, include the proposed use of the facility or parcel, the estimated cost of renovation, a capital improvement plan for the building, evidence that the building or parcel meets an existing need that cannot otherwise be met, and other criteria developed by rule by the board of trustees. The board or its designee shall compare the estimated value of the building or parcel to any submitted business plan to determine if the lease or sale is in the best interest of the state. The board of trustees shall adopt rules pursuant to chapter 120 for the implementation of this section.

Section 12. Subsection (3) is amended and subsection (12) is added to section 337.25, Florida Statutes, to read:

337.25 Acquisition, lease, and disposal of real and personal property.—

(3) Beginning July 1, 2018, the department shall evaluate all of its land not within a transportation corridor or within the right-of-way of a transportation facility at least every 10 years on a rotating basis to determine whether the property

should be retained. ~~The inventory of real property that was acquired by the state after December 31, 1988, that has been owned by the state for 10 or more years, and that is not within a transportation corridor or within the right-of-way of a transportation facility shall be evaluated to determine the necessity for retaining the property.~~ If the property is not needed for the construction, operation, and maintenance of a transportation facility or is not located within a transportation corridor, the department may dispose of the property pursuant to subsection (4).

(12) Except in a conveyance transacted under paragraphs (4)(a), (c), and (e), the department must first offer nonconservation surplus lands to the county and any municipality in which the lands are located for use as affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56.

Section 13. Subsection (1) is amended and subsection (9) is added to section 373.089, Florida Statutes, to read:

373.089 Sale or exchange of lands, or interests or rights in lands.—The governing board of the district may sell lands, or interests or rights in lands, to which the district has acquired title or to which it may hereafter acquire title in the following manner:

(1) Beginning on July 1, 2018, the district shall review all lands and interests or rights in lands every 10 years on a rotating basis to determine whether the lands are still needed for the purpose for which they were acquired. Any lands, or interests or rights in lands, determined by the governing board to be surplus may be sold by the district, at any time, for the

highest price obtainable; however, in no case shall the selling price be less than the appraised value of the lands, or interests or rights in lands, as determined by a certified appraisal obtained within 360 days before the effective date of a contract for sale.

(9) The governing board must first offer nonconservation surplus lands to the county and any municipality in which the land is located for use for the construction of affordable housing as identified by the Florida Housing Finance Corporation pursuant to s. 420.56. Districts must only offer nonconservation surplus lands originally acquired using state funds.

If the Board of Trustees of the Internal Improvement Trust Fund declines to accept title to the lands offered under this section, the land may be disposed of by the district under the provisions of this section.

Section 14. This act shall take effect July 1, 2018.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/2014
Meeting Date

1328
Bill Number (if applicable)

618986
Amendment Barcode (if applicable)

Topic Affordable Housing

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Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida League of Cities

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1328
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Affordable Housing

Name Trey Price

Job Title Executive Director

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Phone 850-488-4197

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Speaking: ☐ For ☐ Against ☑ Information

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

Representing Florida Housing Finance Corp

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)

2/27/2018
Meeting Date

SB 1328
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Affordable Housing - 2018

Name Rebecca DeLaRosa

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Speaking: ☐ For ☐ Against ☐ Information

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

Representing 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

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 1360 (580822)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senator Broxson
SUBJECT:	Child Welfare
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	**Fav/CS**
2.	Sneed	Williams	AHS	**Recommend: Fav/CS**
3.	Sneed	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1360 makes a number of changes to the child welfare system related to fingerprinting a member of a household being considered as a prospective placement for a child in out-of-home care and the allocation formula used to distribute additional funding to community-based lead agencies (CBCs).

Specifically, the bill adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The change will allow the Department of Children and Families (DCF or department) to utilize out-of-state criminal history records results for the past five years. The bill also adds drug offenses to the list of disqualifying offenses in ch. 893, F.S., for child care personnel.

The bill makes changes to the equity allocation model for the community-based care lead agencies (CBCs) that contract with the department, by revising the formula that directs the allocation of new core services funding, to more closely align the model with factors that affect the CBC's performance.

The bill amends the definition of the term "abuse" to include the birth of a new child into a family during the course of an open dependency case for those parents or caregivers who are

determined to lack the protective capacity to safely care for the children in the home, and have not substantially complied with their case plan, or met the conditions for return of the children into the home. The bill requires parents to provide accurate contact information to the department, update the information as necessary, and contact the DCF or the CBC at least every 14 days.

The bill requires child care facilities, family day care homes, and large family child care homes to provide public service information related to distracted adults leaving children in vehicles to parents of enrolled children.

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. By transferring existing recurring funding between appropriation categories within the DCF, funding for the sheriff's office of $860,607 is included in Senate Bill 2500, the Senate Fiscal Year 2018-2019 General Appropriations Bill.

The bill is not expected to have a fiscal impact on state government.

The bill is effective July 1, 2018.

II. Present Situation:

Limitations on Placement of a Child

When the Department of Children and Families (DCF or department) considers placement of a child in the child welfare system, the department must conduct a records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records check on all persons under consideration for child placement, including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the person being considered.[1] This records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information.[2]

Current law prohibits the department from considering out-of-home placements with persons who have been convicted of a felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect;
- Domestic violence;
- Child pornography or other felony in which a child was a victim of the offense; or
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

In addition, the DCF may not place a child with a person other than a parent if that person has been convicted of assault, battery, or a drug-related offense within the previous five years.[3]

[1] Section 39.0138, F.S.
[2] *Id*.
[3] Section 39.0138(3), F.S.

Community-Based Care Lead Agencies

Section 409.986, Florida Statutes, provides legislative intent for the department to contract with community-based care lead agencies (CBCs) to provide foster care and related services.[4] These services include family support and family preservation, independent living, emergency shelter, facility or family-based foster care, dependency case management, adoptions, services for victims of sexual exploitation, postplacement supervision, and family reunification. CBCs contract with a number of subcontractors for case management and direct care services to children and their families, and must give priority to services that are evidence-based and trauma informed.[5]

There are 19 CBCs statewide, which together serve the state's 20 judicial circuits. Section 409.991, F.S., requires the department to allocate funds to the CBCs based on an equity allocation model. The model is designed to allocate funds among these lead agencies based on the differing needs and services required by the particular population served by each organization.

The model includes "core services funding," which is defined as all funds allocated to CBCs operating under contract with the DCF pursuant to s. 409.987, F.S., except funds appropriated for independent living, maintenance adoption subsidies, protective investigations training, or mental health wrap-around services; designated special projects; or those appropriated from nonrecurring funds.

Since Fiscal Year 2015-2016, recurring core services funding to each CBC has been based on the prior year's recurring base funding.[6] However, additional or new core services funding that becomes available is directed to be distributed based on the equity allocation model, as follows:

- 20 percent is allocated among all CBCs;
- 80 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of the total amount of funding below the equitable share.[7]

The equity allocation model requires that any additional core services funding be distributed to the CBCs based on the following factors:

- Proportion of the child population;
- Proportion of the child abuse hotline workload; and
- Proportion of children in care, weighted as 60 percent based on children in out-of-home care and 40 percent based on children in in-home care.[8]

These factors are then used by the DCF for funding allocation purposes, with the distribution of core services funds for each CBC calculated as follows:

- Proportion of the child population, weighted as 5 percent of the total;

[4] *Id*.
[5] Section 409.988, F.S.
[6] *Id*.
[7] *Id*.
[8] *Id*.

- Proportion of child abuse hotline workload, weighted as 15 percent of the total; and
- Proportion of children in care, weighted as 80 percent of the total.[9]
-

Child Care Licensure

The department has responsibility for regulation of child care facilities, family day care homes, and large family child care homes, including those that are also School Readiness providers. Current law requires personnel of these providers to have good moral character based upon screening.[10] Additionally, some entities caring for children are not subject to regulation by the DCF's child care program but their personnel are subject to background screening.[11] Screening must be conducted as provided in ch. 435, F.S., using Level 2 standards.[12]

Child Care and Development Block Grant

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality child care. OCC works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.[13]

Florida's Office of Early Learning (OEL)[14] provides state-level administration for the School Readiness program. The School Readiness program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.[15] The School Readiness program receives funding from a mix of state and federal sources, including the federal Child Care and Development Block Grant (CCDBG), the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds. The School Readiness program subsidizes for child care services and early childhood education for low-income families and for children in protective services who are at risk of abuse, neglect, or abandonment, and for children with disabilities.

The program uses a variety of providers, such as licensed and unlicensed child care providers and public and nonpublic schools.[16] The Department of Children and Families (DCF), Office of

[9] *Id*.
[10] Section 402.305, F.S.
[11] For example, a child care facility that is an integral part of a church or parochial schools meeting certain requirements. Section 402.316, F.S.
[12] *Id*.
[13] U.S. Department of Health and Human Services, Office of Child Care, *What We Do*, (August 19, 2016) http://www.acf.hhs.gov/programs/occ/about/what-we-do (last visited February 6, 2018).
[14] In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1001.213, F.S.
[15] Part VI, ch. 1002, F.S.
[16] Section 1002.88(1)(a), F.S.

Child Care Regulation, as the agency responsible for the state's child care provider licensing program, regulates many, but not all, child care providers that provide early learning programs.[17]

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The new law prescribed health and safety requirements that apply to school readiness program providers and required better information to parents and the general public about available child care choices.

Based on the new requirements of the block grant, to continue to receive federal funding, states must require that screening for child care staff include searches of the National Sex Offender Registry, as well as searches of state criminal records, sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding five years.[18] Additionally, a state must make ineligible for employment by school readiness providers any person who is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry[19] or has been convicted of:

- Murder;
- Child abuse or neglect;
- A crime against children, including child pornography;
- Spousal abuse;
- A crime involving rape or sexual assault;
- Kidnapping;
- Arson;
- Physical assault or battery;
- A drug-related offense committed during the preceding five years; or
- A violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography.[20]

In 2016, the Legislature aligned the state's child care personnel screening standards with the CCDBG Act of 2014 requirements, specifying new screening requirements in ch. 402, F.S., and including these limitations on granting disqualifications in ch. 435, F.S.[21]

Parental Responsibilities and Terminations of Parental Rights

Parents involved in the child welfare system have a number of responsibilities they must carry out in order to be reunified with their children, if permanency is a goal. A primary responsibility is to comply with the case plan. Parental lack of compliance with a case plan constitutes grounds for termination of parental rights. Specifically, noncompliance is shown if a parent fails to substantially comply for 12 months after the child's adjudication of dependency or if a child has been in care for 12 of the last 22 months, or a parent materially breaches the case plan such that noncompliance is likely before the expiration of time to comply. However, generally if

[17] See ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.
[18] Pub. Law No. 113-186, 128 Stat. 1971, Sec. 658H(b)
[19] 42 U.S.C. s. 9858f(c)(1)(C).
[20] 42 U.S.C. s. 9858f(c)(1).
[21] Chapter 2016-238, Laws of Fla.

noncompliance is due to the parent's lack of financial resources or the department's failure to make reasonable efforts, grounds for termination are not established.[22]

Section 39.6011, F.S., requires the case plan to contain a written notice that a parent's noncompliance with the case plan may lead to the termination of parental rights. This message is also delivered by the judge during the hearing on the child's placement in a shelter[23] and the adjudicatory hearing.[24]

The U.S. Department of Health and Human Services, through the Children's Bureau, conducts periodic Child and Family Services Reviews (CFSR) in each state. As authorized by federal law, these reviews assess state compliance with the federal requirements for child welfare systems in Title IV-B and Title IV-E of the Social Security Act. In particular, the Children's Bureau examines whether desired child outcomes are being achieved and whether the child welfare system is structured appropriately and operates effectively. Reviews are conducted every 4 years.

The report summarizing Florida's most recent results was issued in late 2016. The report indicated the following related to achieving permanency:

- Despite establishing timely and appropriate permanency goals, case review results found that agencies and courts struggle to make concerted efforts to achieve identified permanency goals in a timely manner.
- Delays in achieving reunification and guardianship goals are affected by case plans not being updated timely to reflect the current needs of the family, delays in referral for services, and any failure to engage parents.
- The agency and court do not make concerted efforts to achieve the goal of adoption timely in nearly half of applicable cases.
- Barriers affecting timely adoptions include the lack of concurrent planning when a parent's compliance level is minimal, and providing parents additional time to work on case plan goals.
- In over half of applicable cases, the agency failed to make concerted efforts to provide services, removed children without providing appropriate services, or did not monitor safety plans and engage the family in needed safety-related services.[25]

The report also concluded that there are concerns with gaps in key services, long waiting lists, insurance barriers, and an inability to tailor services to meet the cultural needs of the diverse population. Substance abuse and domestic violence are the main reasons for agency involvement. The review found that substance abuse, in particular, contributes to various safety concerns for children. Stakeholders noted that there are major gaps in services to address both substance abuse and domestic violence in the non-metro areas of the state.[26]

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[22] Section 39.806, F.S.
[23] Section 39.402(18), F.S.
[24] Section 39.507(7)(c), F.S.
[25] U.S. Department Of Health And Human Services, Children's Bureau, Child and Family Services Reviews, Florida Final Report, 2016, *available at*: http://centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf. (last visited February 21, 2018.
[26] *Id*.

This indicates that while lack of case plan compliance by parents causes delays in permanency, inadequacies in the system are also contributing factors.

Sheriffs Conducting Child Protective Investigations

Child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves whether the report meets the criteria to be accepted for a protective investigation, gathering information, and making a determination of whether child maltreatment occurred or the child is at risk of abuse or neglect.

The DCF has been authorized to enter into contracts with county sheriffs to provide child protective investigations since 1998.[27] Currently, the department is responsible for performing child protective investigations in 61 counties statewide. Sheriff's offices in 6 counties (Broward, Manatee, Pinellas, Seminole, Hillsborough, and Pasco) are responsible for performing child protective investigations.[28] Child protective investigations in Walton County are conducted by DCF staff.[29] The department currently employs 12 full-time equivalent (FTE) positions to provide these investigative services for the county.

The department is also required to enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect.[30] The following types of calls to the DCF Child Abuse Hotline are automatically transferred to the appropriate county sheriff's office:

- Reports of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in s. 39.01, F.S.;
- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior; and
- Reports of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), F.S.[31]

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws, and regulations. The county sheriffs must conduct investigations, at a minimum, in accordance with the performance standards and outcome measures established by the Legislature for protective investigations conducted by the department. Each individual child protective investigator must complete, at a minimum, the training provided to and required of protective investigators employed by the department.[32]

Funds for providing child protective investigations must be identified in the annual appropriation made to the department, which shall award grants to the respective sheriffs' offices. Funds for child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be

[27] Section 39.3065, F.S.
[28] Those county sheriffs are Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole.
[29] Staff in Walton County include 12 positions that are responsible for child protective investigative functions.
[30] Section 39.306, F.S.
[31] Section 39.201, F.S.
[32] Section 39.3065, F.S.

maintained separately from all other records of the sheriffs' offices and reported to the department as specified in the grant agreement.[33]

The grants funding from the DCF is from several sources, including state general revenue and federal funds from the Welfare Transition Trust Fund (Temporary Assistance for Needy Families Block Grant), Social Services Block Grant Trust Fund, Child Welfare Training Trust Fund, Federal Grants Trust Fund, and Title IV-E funds.

Performance and Cost

The DCF and the sheriff's offices generally use similar investigative processes and procedures, although the higher level of funding for the sheriffs results in their investigators having greater resources than typically available to DCF investigators. Due to their law enforcement affiliation, child abuse investigators working for sheriffs also generally have greater access to training and specialists, as well as enhanced cooperation and community respect not always afforded to DCF investigators.[34] The additional resources available to sheriffs' offices enhance their investigators' ability to perform their job duties and the office's ability to attract and retain experienced investigators. Sheriffs:

- Have slightly lower overall investigator caseloads;
- Tend to have more investigative aides and support staff positions;
- Provide vehicles for investigators;
- Provide investigator uniforms;
- Provide additional equipment to investigators;
- Provide supplies for children awaiting placement, including diapers, formula, food, and clothes;
- Have well-equipped visitation rooms with furniture, rugs, toys, television, games, kitchens, and bathrooms to provide children with a comfortable and safe environment after removal, further enabling investigators to perform their job more easily;
- Provide investigators with office space either in the sheriff's office or collocated with or near community-based care lead agencies, which facilitates communication between supervisors and investigators and enhances accountability; and
- Often provide higher salaries for investigators, which enhances morale and also contributes to lower turnover. In addition to higher salaries, sheriffs' child protective investigators are normally awarded merit and cost-of-living raises.[35]

Child protective investigation units administered by sheriffs' offices also have advantages that are not entirely due to their higher state funding. Because sheriff's offices are law enforcement agencies, they can provide protective investigators with access to training and resource specialists, and a higher degree of cooperation with local law enforcement agencies and the community.[36]

[33] Id.
[34] The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriff's Offices Have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF*, February 26, 2010.
[35] *Id*.
[36] *Id*.

However, the higher funding and other advantages enjoyed by the sheriff's offices does not appear to result in better outcomes and the cost per investigation is higher.[37]

Vehicular Heat Stroke Deaths in Children

Hyperthermia or vehicular heat stroke deaths have become much more prevalent in children since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.[38] The national average number of these deaths is 39 per year.[39] Thirty-one percent of hyperthermia deaths involve children under the age of one.[40] Between 1998 and 2015, Florida had the second highest number of child deaths from vehicular heat stroke.[41]

Licensing Standards for Child Care Facilities and Large Family Child Care Homes Relating to Vehicles

The department establishes licensing standards that each licensed child care facility in the state must meet.[42] A child care facility is defined in Florida law as "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit."[43]

A large family child care home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.[44]

The department currently oversees just over 6,000 licensed child care entities including child care facilities, large family child care homes and family day care homes.[45] In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a

[37] The Department of Children and Families, Florida Sheriffs Performing Child Protective Investigations, Annual Program Performance Evaluation Report, Fiscal Year 2015-2016, *available at*: http://centerforchildwelfare.fmhi.usf.edu/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf. (last visited February 21, 2018)
[38] See Kids and Cars.org, Fact Sheet, *available at*: http://www.kidsandcars.org/files/2013/06/National-Stats-Chart-2017.jpg (last visited February 7, 2018); see also Gene Weingarten, Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?, THE WASHINGTON POST, Mar. 8, 2009, *available at*: http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html (last visited February 7, 2018).
[39] *Id.*
[40] *Id*.
[41] California Department of Meteorology and Climate Science, *Heatstroke Deaths of Children in Vehicles by State*, *available at*: http://noheatstroke.org/state.htm (last visited February 7, 2018.
[42] See s. 402.305, F.S.
[43] See s. 402.302(2), F.S.
[44] See s. 402.302(11), F.S.
[45] Florida Department of Children and Families, DCF Quick Facts, 7 (Quarter 1, Fiscal Year 2017-2018), *available at*: http://www.dcf.state.fl.us/general-information/quick-facts/cc / (last visited February 7, 2018).

religious affiliation,[46] and homes currently licensed by five counties in the state.[47] Of these homes, a total 1,490 child care facilities and large family child care homes regulated by the department reported that they transport children.[48]

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.[49] The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.[50]

Providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle. Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.[51]

Current standards for child care facilities and large family child care homes do not address providing information to parents related to being distracted and leaving a child in a vehicle.

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, relating to definitions, to provide that the definition of the term "abuse" includes birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home.

Section 2 amends s. 39.0138, F.S., relating to criminal history and other records checks and the limits on placing a child, to allow the department to grant an exemption from a fingerprinting requirement to a household member with a physical, developmental, or cognitive disability that prevents him or her from being fingerprinted. The department is granted rulemaking authority to administer the provision. The section requires that if a fingerprint exemption is granted, a Level 1 background screening pursuant to s. 435.03, F.S., must be completed on the person who is granted the exemption.

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[46] See s. 402.316, F.S.
[47] See s. 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.
[48] Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.
[49] See s. 402.305, F.S
[50] See 65C-22.001(6) and 65C-20.13(8), F.A.C.
[51] *Id*.

The section also clarifies that “resisting arrest with violence” is a disqualifier for placement of a child in the home if the offense occurred within the previous five years rather than if the offense was committed at any time.

Section 3 amends s. 39.3065, F.S., relating to sheriffs providing child protective investigations, to authorize the Walton County Sheriff to assume responsibility for the investigations beginning with the 2018-2019 fiscal year.

Section 4 amends s. 39.6012, F.S., relating to case plan tasks and services, to require parents to provide accurate contact information, including updates of contact information, to the department or the contracted case management agency. Parents must also proactively contact the department or the contracted case management agency at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans towards reunification.

Section 5 amends s. 39.6013, F.S., relating to case plan amendments, to require additional considerations by the court before determining whether to amend a case plan.

Section 6 amends s. 39.621, F.S., relating to permanency determinations by the court, to add as a factor for the court to consider in determining permanency at the permanency hearing, whether the frequency, duration, manner, and level of engagement of the parent or legal guardian meets the case plan requirements.

Section 7 amends s. 39.701, F.S., relating to judicial review, to provide that the court at the judicial review hearing must make written findings regarding the parent or legal guardian’s compliance with the case plan and demonstrable change in parental capacity to achieve timely reunification.

Section 8 amends s. 63.092, F.S., relating to the requirements of preliminary home studies of intended adoptive parents, to:

- Require the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allow licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted. The bill exempts adoptive parents in private adoptions from the training requirements in s. 409.175(14), F.S.

Section 9 amends s. 402.305, F.S., relating to licensure standards for child care facilities, to add two federal Child Care and Development Block Grant Act requirements not previously addressed in state law, to align background screening requirements for child care personnel with federal requirements. The change allows the department to utilize results from out-of-state employment history checks, criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the person resided during the past five years, and requires fingerprint submissions for child care personnel to comply with s. 435.12, F.S.

The bill also requires each child care facility to provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is directed to develop a flyer or brochure and post it on the agency website.

Section 10 amends s. 402.30501, F.S., relating to modification of introductory child care course for community college credit, to conform references to changes made by the bill.

Section 11 amends s. 402.313, F.S., relating to family day care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

Section 12 amends s. 402.3231, F.S., relating to large family child care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

Section 13 amends s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-placing agencies, to define the term "severe disability" when determining whether a person should be exempt from being fingerprinted because of a physical, developmental, or cognitive disability. If a person is exempt from being fingerprinted, the department would be able to license the family foster home without fingerprinting all individuals in the home.

Section 14 amends s. 409.991, F.S., relating to allocation of funds for community-based care lead agencies, to modify the definition of the term "children in care" and revise the formula for the allocation of new core services funding to CBCs. Children in care will now include only new entries of children into out-of-home care over the most recent 24 months, instead of all children in out-of-home over the most recent 12 months. The term will also include children whose families have received family support services over the most recent 12 months. Children receiving in-home services will continue to be included over the most recent 12 months. The bill modifies the weights of children in care as 15 percent for family support services, 55 percent for children in out-of-home care, and 30 percent for children in in-home care.

The bill directs the department to distribute new core services funding to CBCs pursuant to the following amended equity allocation model:

- Proportion of the child population, remaining as 5 percent of the total;
- Proportion of child abuse hotline workload, weighted as 35 percent of the total rather than 15 percent; and
- Proportion of children in care, weighted as 60 percent of the total, rather than 80 percent. The
- proportion of children in care is calculated based on 55 percent weight for children in out-of-home care (instead of 60 percent), 30 percent weight for children in in-home care (instead of 40 percent), and 15 percent weight based on children in family support services which is a new category.

Lastly, the bill changes the distribution of new core services funding as follows:

- 70 percent is allocated among all CBCs;

- 30 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of total funding below their equitable share.

- **Section 15** amends s. 435.07, F.S., relating to exemptions from disqualification, to add drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel.

  Section 16 amends s. 1002.55, F.S., relating to school-year prekindergarten programs delivered by private providers, to conform references to changes made by the bill.

  Section 17 amends s. 1002.57, F.S., relating to prekindergarten director credentials, to conform references to changes made by the bill.

  Section 18 amends s. 1002.59, F.S., relating to emergent literacy and performance standards, to conform references to changes made by the bill.

  Section 19 directs the Division of Law Revision and Information to prepare a reviser's bill for the 2019 session of the Legislature to capitalize the first letter of each word of the term "child protection team" wherever it occurs in the Florida Statutes.

  Section 20 provides an effective date of July 1, 2018.

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:

PCS/CS/SB 1360 revises the equity allocation model used for distributing funds among the CBCs. The bill will have an indeterminate fiscal impact on the individual CBCs. In the event that new core services funding is made available for the CBCs, it is expected that some will receive more funding than they would have under the previous formula, while others would receive less. The equity allocation model only affects how new core

services funding will be distributed. As an example, if a new appropriation of $10 million was made for core services funding, the following chart shows the difference between the distribution under current law and under the bill. Conversely, if new core services funding was not appropriated, the distribution of core services funding to the CBCs would remain unchanged from the previous year.

CBC Funding Formula Changes with $10 million of New Core Services Funding

		A	B	C	C-B	A+C
			New Core Services Funding			
	Community Based Care Lead Agencies	Base Core Services Funding	Current Allocation Formula	Proposed Formula	Difference Increase/ (Decrease)	Total Core Services Funding as Proposed
1	Lakeview Center (Families First Network)	34,290,074	105,127	458,847	353,720	34,748,921
2	Big Bend CBC	25,580,295	66,731	261,282	194,551	25,841,577
3	Partnership for Strong Families	22,519,522	434,857	358,068	(76,789)	22,877,590
4	Kids First of Florida	6,469,036	19,266	72,118	52,852	6,541,154
5	Family Support Services of North Florida	35,803,739	111,134	729,823	618,689	36,533,562
6	St Johns Board of County Commissioners (Family Integrity Program)	4,340,311	87,724	111,670	23,946	4,451,981
7	Community Partnership for Children	24,518,476	76,392	541,351	464,959	25,059,827
8	Kids Central	38,069,464	581,653	666,357	84,704	38,735,821
9	CBC of Central Florida	54,790,601	162,962	603,066	440,104	55,393,667
10	Heartland for Children	32,972,143	102,914	342,961	240,047	33,315,104
11	CBC of Brevard (Brevard Family Partnerships)	18,724,431	785,596	893,866	108,270	19,618,297
12	Eckerd (Pasco-Pinellas)	45,099,623	1,681,385	1,005,370	(676,015)	46,104,993
13	Sarasota Family YMCA	21,335,346	1,090,033	684,784	(405,249)	22,020,130
14	Eckerd (Hillsborough)	53,515,735	1,868,890	642,722	(1,226,168)	54,158,457
15	Children's Network of Southwest Florida	32,319,498	2,343,016	987,470	(1,355,546)	33,306,968
16	Devereux CBC	22,167,758	68,521	229,813	161,292	22,397,571
17	Childnet (Palm Beach)	32,340,871	85,128	291,121	205,993	32,631,992
18	ChildNet (Broward)	56,635,267	173,298	602,311	429,013	57,237,578
19	Our Kids of Miami and Monroe	73,469,270	155,373	517,000	361,627	73,986,270
	New Core Services Funding Total	**634,961,460**	**10,000,000**	**10,000,000**	**-**	**644,961,460**

	Equity Formula Factors (weighted):	Current	Proposed
	Percentage of Hotline Workload	15%	35%
	Percentage of Children in Care	80%	60%
	Percentage of population	5%	5%
	Total	100%	100%
	Allocation of New Funding (weighted):		
	Percentage to All CBCs	20%	70%
	Percentage to Below Equity	80%	30%
	Total	100%	100%
	Child in Care (weighted):		
	In-Home	40%	30%
	Out-of-Home Care (*)	60%	55%
	Family Support Services	0%	15%
	Total	100%	100%

* Out-of-home care weighted formula is changing from the number of children in out-of-home care during the last 12-month period to the number of children who "enter" out-of-home care during the last 24-month period.

Collectively, CBC lead agencies were appropriated $878 million for the 2017-2018 fiscal year. Funds are provided for core services as well as for specific programs such as maintenance adoptions subsidies, independent living, and others. The amount of core

services funding for Fiscal Year 2017-2018 is included in the chart below, along with the projected expenditures for the year. Several CBCs are projected to have a funding deficit for the year. The change in the equity allocation model and its impact on the CBCs for Fiscal Year 2018-2019 may provide some assistance to the CBCs if new core services funding were to be appropriated. At present, Senate Bill 2500, the Senate General Appropriations Bill, does not provide an increase for CBC core services funding.

CBC Funding and Projected Expenditures for Fiscal Year 2017-18:

	Lead Agency (CBC)	Core Services Funding, as Proposed	Carry Forward Balance at 7/1/2017	Total Available for Core Services	Projected Expenditures	Projected Surplus/ (Deficit)
1	Lakeview Center (Families First)	$ 34,748,921	$ (335,809)	$ 34,413,112	$ 34,354,262	$ 58,850
2	Big Bend CBC	25,841,577	475,457	26,317,034	26,948,787	(631,753)
3	Partnership for Strong Families	22,877,590	791,216	23,668,806	23,834,534	(165,728)
4	Kids First of Florida	6,541,154	2,211,230	8,752,384	6,359,075	2,393,309
5	Family Support Services of North Florida	36,533,562	3,245,015	39,778,577	38,607,796	1,170,781
6	St Johns Board of County Commissioners (Family Integrity)	4,451,981	47,667	4,499,648	4,599,449	(99,801)
7	Community Partnership for Children	25,059,827	(120,887)	24,938,940	25,924,237	(985,297)
8	Kids Central	38,735,821	525,144	39,260,965	41,201,380	(1,940,415)
9	CBC of Central Florida	55,393,667	(685,066)	54,708,601	56,331,476	(1,622,875)
10	Heartland for Children	33,315,104	2,621,067	35,936,171	33,985,259	1,950,912
11	CBC of Brevard (Brevard Family Partnerships)	19,618,297	(196,437)	19,421,860	19,662,875	(241,015)
12	Eckerd (Pasco-Pinellas)	46,104,993	(195,642)	45,909,351	49,168,798	(3,259,447)
13	Sarasota Family YMCA	22,020,130	21,398	22,041,528	25,489,660	(3,448,132)
14	Eckerd (Hillsborough)	54,158,457	(419,724)	53,738,733	57,342,155	(3,603,422)
15	Children's Network of Southwest Florida	33,306,968	2,652,269	35,959,237	36,419,221	(459,984)
16	Devereux CBC	22,397,571	974,362	23,371,933	22,234,210	1,137,723
17	Childnet (Palm Beach)	32,631,992	(1,612,908)	31,019,084	31,933,396	(914,312)
18	ChildNet (Broward)	57,237,578	(5,911,972)	51,325,606	58,039,744	(6,714,138)
19	Our Kids of Miami-Dade & Monroe	73,986,270	4,011,050	77,997,320	75,199,724	2,797,596
	Total	**$644,961,460**	**$ 8,097,430**	**$653,058,890**	**$667,636,038**	**$ (14,577,148)**

Source: FY 2017-18 budget projections provided by CBCs; Analysis by Department of Children and Families.

C. Government Sector Impact:

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. The DCF currently conducts these investigations with 12 full-time equivalent (FTE) positions at a cost of $860,607 ($334,652 from the General Revenue Fund and $525,955 from various trust funds). By eliminating the FTE and the corresponding salary rate of 457,659, and transferring the recurring funding between appropriation categories, total funding of $860,607 is included in Senate Bill 2500, the Senate Fiscal Year 2018-2019 General Appropriations Bill for the outsourced services.

The bill is not expected to have a fiscal impact on state government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.0138, 39.3065, 39.6012, 39.6013, 39.621, 39.701, 63.092, 402.305, 402.313, 402.3131, 409.175, 409.991, 435.07, 402.30501, 1002.55, 1002.57 and 1002.59.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Health and Human Services on February 21, 2018:
The committee substitute:

- Amends the definition of the term "abuse" to include the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home;
- Requires parents to provide accurate contact information to the department, update the information as necessary and contact the DCF or the CBC lead agency at least every 14 days;
- Authorizes the Walton County Sheriff to assume responsibility for child protective investigations beginning with the 2018-2019 fiscal year;
- Requires child care facilities, family day care homes and large family child care homes to provide parents of enrolled children information related to distracted adults leaving children in vehicles;
- Requires the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allows licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted.

CS by Children, Families, and Elder Affairs on February 6, 2018:
The CS:

- Clarifies that a Level 1 background screening is required when an exemption is approved for placement of a child;

- Adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The changes allow the department to use out-of-state criminal history records results for the past five years, and require fingerprint submissions for child care personnel to comply with s. 435.12, F.S;
- Adds drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel; and
- Adjusts the formula for the allocation of funding for the community-based care lead agencies.

B. Amendments:

None.

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

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576-03510-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Health and Human Services)

A bill to be entitled

An act relating to child welfare; amending s. 39.01, F.S.; revising the definition of the term "abuse"; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring the department or its designee to assess the limitations that justify the exemption and the limitation's effects on the child before granting the exemption; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 39.3065, F.S.; requiring the Sheriff of Walton County to provide all child protective investigations in the county beginning with a specified fiscal year; amending s. 39.6012, F.S.; requiring parents to make proactive contact with the department or contracted case management agency at regular intervals; amending s. 39.6013, F.S.; requiring the court to consider certain case details before amending a case plan; amending s. 39.621, F.S.; requiring the court, during permanency hearings, to determine case plan compliance; amending s. 39.701, F.S.; requiring the court, during judicial review hearings, to determine case plan compliance; amending s. 63.092, F.S.;

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576-03510-18

requiring the department to release specified records to entities conducting preliminary home studies; providing that certain specified training is required only for persons who adopt children from the department; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; requiring child care facilities to provide information during specified months to parents intended to prevent children from being left in vehicles; requiring the department to develop a flyer or brochure containing specified information; specifying the minimum standards the department must adopt regarding transportation of children by child care facilities; specifying that a child care facility is not responsible for children when they are transported by a parent or guardian; amending ss. 402.313 and 402.3131, F.S.; requiring family day care homes and large family child care homes to provide information during specified months to parents intended to prevent children from being left in vehicles; requiring the department to develop a flyer or brochure containing specified information; amending s. 409.175, F.S.; defining the term "severe disability" and providing an exemption from fingerprint requirements for adult household members with severe disabilities; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child

care personnel from specified employment; amending ss. 402.30501, 1002.55, 1002.57, and 1002.59, F.S.; conforming cross-references; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. Subsection (2) of section 39.01, Florida Statutes, is amended to read:

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(2) "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

Section 2. Subsections (2) through (7) of section 39.0138, Florida Statutes, are renumbered as subsections (3) through (8), respectively, present subsections (2) and (3) are amended, and a

new subsection (2) is added to that section, to read:

39.0138 Criminal history and other records checks; limit on placement of a child.—

(2)(a) The department shall establish rules for granting an exemption from the fingerprinting requirements under subsection (1) for a household member who has a physical, developmental, or cognitive disability that prevents that person from safely submitting fingerprints.

(b) Before granting an exemption, the department or its designee shall assess and document the physical, developmental, or cognitive limitations that justify the exemption and the effect of such limitations on the safety and well-being of the child being placed in the home.

(c) If a fingerprint exemption is granted, a level 1 screening pursuant to s. 435.03 shall be completed on the person who is granted the exemption.

(3) ~~(2)~~ The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

(a) Child abuse, abandonment, or neglect;

(b) Domestic violence;

(c) Child pornography or other felony in which a child was a victim of the offense; or

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery, or resisting arrest with violence.

(4) ~~(3)~~ The department may not place a child with a person

other than a parent if the criminal history records check reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:

(a) Assault;

(b) Battery; ~~or~~

(c) A drug-related offense; or

(d) Resisting arrest with violence.

Section 3. Paragraph (a) of subsection (3) of section 39.3065, Florida Statutes, is amended to read:

39.3065 Sheriffs of certain counties to provide child protective investigative services; procedures; funding.—

(3)(a) Beginning in fiscal year 1999-2000, the sheriffs of Pasco County, Manatee County, Broward County, and Pinellas County shall ~~have the responsibility to~~ provide all child protective investigations in their respective counties. Beginning in fiscal year 2018-2019, the Sheriff of Walton County shall provide all child protective investigations in his or her county. Beginning in fiscal year 2000-2001, the Department of Children and Families is authorized to enter into grant agreements with sheriffs of other counties to perform child protective investigations in their respective counties.

Section 4. Paragraph (d) is added to subsection (1) of section 39.6012, Florida Statutes, to read:

39.6012 Case plan tasks; services.—

(1) The services to be provided to the parent and the tasks that must be completed are subject to the following:

(d) Parents must provide accurate contact information to the department or the contracted case management agency, update

such information as appropriate, and make proactive contact with the department or the contracted case management agency at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans toward reunification.

Section 5. Subsections (6) and (7) of section 39.6013, Florida Statutes, are renumbered as subsections (7) and (8), respectively, and a new subsection (6) is added to that section, to read:

39.6013 Case plan amendments.—

(6) When determining whether to amend the case plan, the court must consider the length of time the case has been open, the level of parental engagement to date, the number of case plan tasks completed, the child's type of placement and attachment, and the potential for successful reunification.

Section 6. Subsection (5) of section 39.621, Florida Statutes, is amended to read:

39.621 Permanency determination by the court.—

(5) At the permanency hearing, the court shall determine:

(a) Whether the current permanency goal for the child is appropriate or should be changed;

(b) When the child will achieve one of the permanency goals; ~~and~~

(c) Whether the department has made reasonable efforts to finalize the permanency plan currently in effect; and

(d) Whether the frequency, duration, manner, and level of engagement of the parent or legal guardian's visitation with the child meets the case plan requirements.

Section 7. Paragraph (d) of subsection (2) of section

39.701, Florida Statutes, is amended to read:

39.701 Judicial review.—

(2) REVIEW HEARINGS FOR CHILDREN YOUNGER THAN 18 YEARS OF AGE.—

(d) *Orders.*—

1. Based upon the criteria set forth in paragraph (c) and the recommended order of the citizen review panel, if any, the court shall determine whether or not the social service agency shall initiate proceedings to have a child declared a dependent child, return the child to the parent, continue the child in out-of-home care for a specified period of time, or initiate termination of parental rights proceedings for subsequent placement in an adoptive home. Amendments to the case plan must be prepared as prescribed in s. 39.6013. If the court finds that the prevention or reunification efforts of the department will allow the child to remain safely at home or be safely returned to the home, the court shall allow the child to remain in or return to the home after making a specific finding of fact that the reasons for the creation of the case plan have been remedied to the extent that the child's safety, well-being, and physical, mental, and emotional health will not be endangered.

2. The court shall return the child to the custody of the parents at any time it determines that they have substantially complied with the case plan, if the court is satisfied that reunification will not be detrimental to the child's safety, well-being, and physical, mental, and emotional health.

3. If, in the opinion of the court, the social service agency has not complied with its obligations as specified in the written case plan, the court may find the social service agency

in contempt, shall order the social service agency to submit its plans for compliance with the agreement, and shall require the social service agency to show why the child could not safely be returned to the home of the parents.

4. If, at any judicial review, the court finds that the parents have failed to substantially comply with the case plan to the degree that further reunification efforts are without merit and not in the best interest of the child, on its own motion, the court may order the filing of a petition for termination of parental rights, whether or not the time period as contained in the case plan for substantial compliance has expired.

5. Within 6 months after the date that the child was placed in shelter care, the court shall conduct a judicial review hearing to review the child's permanency goal as identified in the case plan. At the hearing the court shall make findings regarding the likelihood of the child's reunification with the parent or legal custodian. In making such findings, the court shall consider the level of the parent or legal custodian's compliance with the case plan and demonstrated change in protective capacities compared to that necessary to achieve timely reunification within 12 months after the removal of the child from the home. The court shall also consider the frequency, duration, manner, and level of engagement of the parent or legal custodian's visitation with the child in compliance with the case plan. If the court makes a written finding that it is not likely that the child will be reunified with the parent or legal custodian within 12 months after the child was removed from the home, the department must file with

the court, and serve on all parties, a motion to amend the case plan under s. 39.6013 and declare that it will use concurrent planning for the case plan. The department must file the motion within 10 business days after receiving the written finding of the court. The department must attach the proposed amended case plan to the motion. If concurrent planning is already being used, the case plan must document the efforts the department is taking to complete the concurrent goal.

6. The court may issue a protective order in assistance, or as a condition, of any other order made under this part. In addition to the requirements included in the case plan, the protective order may set forth requirements relating to reasonable conditions of behavior to be observed for a specified period of time by a person or agency who is before the court; and the order may require any person or agency to make periodic reports to the court containing such information as the court in its discretion may prescribe.

Section 8. Paragraphs (b) and (e) of subsection (3) of section 63.092, Florida Statutes, are amended to read:

63.092 Report to the court of intended placement by an adoption entity; at-risk placement; preliminary study.—

(3) PRELIMINARY HOME STUDY.—Before placing the minor in the intended adoptive home, a preliminary home study must be performed by a licensed child-placing agency, a child-caring agency registered under s. 409.176, a licensed professional, or an agency described in s. 61.20(2), unless the adoptee is an adult or the petitioner is a stepparent or a relative. If the adoptee is an adult or the petitioner is a stepparent or a relative, a preliminary home study may be required by the court

for good cause shown. The department is required to perform the preliminary home study only if there is no licensed child-placing agency, child-caring agency registered under s. 409.176, licensed professional, or agency described in s. 61.20(2), in the county where the prospective adoptive parents reside. The preliminary home study must be made to determine the suitability of the intended adoptive parents and may be completed prior to identification of a prospective adoptive minor. A favorable preliminary home study is valid for 1 year after the date of its completion. Upon its completion, a signed copy of the home study must be provided to the intended adoptive parents who were the subject of the home study. A minor may not be placed in an intended adoptive home before a favorable preliminary home study is completed unless the adoptive home is also a licensed foster home under s. 409.175. The preliminary home study must include, at a minimum:

(b) Records checks of the department's central abuse registry<u>, which the department shall provide to the entity conducting the preliminary home study,</u> and criminal records correspondence checks under s. 39.0138 through the Department of Law Enforcement on the intended adoptive parents;

(e) Documentation of counseling and education of the intended adoptive parents on adoptive parenting<u>, as determined by the entity conducting the preliminary home study. The training specified in s. 409.175(14) shall only be required for persons who adopt children from the department</u>;

If the preliminary home study is favorable, a minor may be placed in the home pending entry of the judgment of adoption. A

minor may not be placed in the home if the preliminary home study is unfavorable. If the preliminary home study is unfavorable, the adoption entity may, within 20 days after receipt of a copy of the written recommendation, petition the court to determine the suitability of the intended adoptive home. A determination as to suitability under this subsection does not act as a presumption of suitability at the final hearing. In determining the suitability of the intended adoptive home, the court must consider the totality of the circumstances in the home. A minor may not be placed in a home in which there resides any person determined by the court to be a sexual predator as defined in s. 775.21 or to have been convicted of an offense listed in s. 63.089(4)(b)2.

Section 9. Paragraphs (b) through (f) of subsection (2) of section 402.305, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, paragraph (a) of subsection (2) and subsections (9) and (10) are amended, and a new paragraph (b) is added to that subsection (2), to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening as defined in s. 402.302(15). This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, and must include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding 5 years.

(b) Fingerprint submission for child care personnel, which shall comply with s. 435.12.

(9) ADMISSIONS AND RECORDKEEPING.—

(a) Minimum standards shall include requirements for preadmission and periodic health examinations, requirements for immunizations, and requirements for maintaining emergency information and health records on all children.

(b) During the months of August and September of each year, each child care facility shall provide parents of children enrolled in the facility detailed information regarding the causes, symptoms, and transmission of the influenza virus in an effort to educate those parents regarding the importance of immunizing their children against influenza as recommended by the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention.

(c) During the months of April and September of each year, at a minimum, each facility shall provide parents of children enrolled in the facility with information regarding the potential for a distracted adult to fail to drop off a child at the facility and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The child care facility shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information, which shall be posted to the department's website, which child care facilities may choose to reproduce and provide to parents to satisfy the requirements of this paragraph.

(d) ~~(c)~~ Because of the nature and duration of drop-in child care, requirements for preadmission and periodic health

examinations and requirements for medically signed records of immunization required for child care facilities shall not apply. A parent of a child in drop-in child care shall, however, be required to attest to the child's health condition and the type and current status of the child's immunizations.

(e)~~(d)~~ Any child shall be exempt from medical or physical examination or medical or surgical treatment upon written request of the parent or guardian of such child who objects to the examination and treatment. However, the laws, rules, and regulations relating to contagious or communicable diseases and sanitary matters shall not be violated because of any exemption from or variation of the health and immunization minimum standards.

(10) TRANSPORTATION SAFETY.—Minimum standards shall include requirements for child restraints or seat belts in vehicles used by child care facilities and large family child care homes to transport children, requirements for annual inspections of the vehicles, limitations on the number of children in the vehicles, procedures to avoid leaving children in vehicles when transported by the facility, and accountability for children ~~being~~ transported by the child care facility. A child care facility is not responsible for children when they are transported by a parent or guardian.

Section 10. Section 402.30501, Florida Statutes, is amended to read:

402.30501 Modification of introductory child care course for community college credit authorized.—The Department of Children and Families may modify the 40-clock-hour introductory course in child care under s. 402.305 or s. 402.3131 to meet the

requirements of articulating the course to community college credit. Any modification must continue to provide that the course satisfies the requirements of s. 402.305(2)(e) ~~s. 402.305(2)(d)~~.

Section 11. Subsection (15) is added to section 402.313, Florida Statutes, to read:

402.313 Family day care homes.—

(15) During the months of April and September of each year, at a minimum, each family day care home shall provide parents of children attending the family day care home with information regarding the potential for a distracted adult to fail to drop off a child at the family day care home and instead leave the child in the adult's vehicle upon arrival at the adult's destination. The family day care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information, which shall be posted to the department's website, which family day care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 12. Subsection (10) is added to section 402.3131, Florida Statutes, to read:

402.3131 Large family child care homes.—

(10) During the months of April and September of each year, at a minimum, each large family child care home shall provide parents of children attending the large family child care home with information regarding the potential for a distracted adult to fail to drop off a child at the large family child care home and instead leave the child in the adult's vehicle upon arrival

at the adult's destination. The large family child care home shall also give parents information about resources with suggestions to avoid this occurrence. The department shall develop a flyer or brochure with this information, which shall be posted to the department's website, which large family child care homes may choose to reproduce and provide to parents to satisfy the requirements of this subsection.

Section 13. Paragraphs (l) and (m) of subsection (2) of section 409.175, Florida Statutes, are redesignated as paragraphs (m) and (n), respectively, a new paragraph (l) is added to that subsection, and paragraph (a) of subsection (6) of that section is amended, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(2) As used in this section, the term:

(l) "Severe disability" means a physical, developmental, or cognitive limitation affecting an individual's ability to safely submit fingerprints.

(6)(a) An application for a license shall be made on forms provided, and in the manner prescribed, by the department. The department shall make a determination as to the good moral character of the applicant based upon screening. The department may grant an exemption from fingerprinting requirements, pursuant to s. 39.0138, for an adult household member who has a severe disability.

Section 14. Paragraph (e) of subsection (1) and subsections (2) and (4) of section 409.991, Florida Statutes, are amended to read:

409.991 Allocation of funds for community-based care lead agencies.—

(1) As used in this section, the term:

(e) "Proportion of children in care" means the proportion of the number of children in care receiving in-home services over the most recent 12-month period, the number of children whose families were receiving family support services during the most recent 12-month period, and the number of children who have entered into ~~in~~ out-of-home care with a case management overlay during the most recent 24-month ~~12-month~~ period. This subcomponent shall be weighted as follows:

1. Fifteen percent shall be based on children whose families are receiving family support services.

2.~~1.~~ Fifty-five ~~Sixty~~ percent shall be based on children in out-of-home care.

3.~~2.~~ Thirty ~~Forty~~ percent shall be based on children in in-home care.

(2) The equity allocation of core services funds shall be calculated based on the following weights:

(a) Proportion of the child population shall be weighted as 5 percent of the total.~~;~~

(b) Proportion of child abuse hotline workload shall be weighted as 35 ~~15~~ percent of the total.~~; and~~

(c) Proportion of children in care shall be weighted as 60 ~~80~~ percent of the total.

(4) Unless otherwise specified in the General Appropriations Act, any new core services funds shall be allocated based on the equity allocation model as follows:

(a) Seventy ~~Twenty~~ percent of new funding shall be

allocated among all community-based care lead agencies.

(b) Thirty ~~Eighty~~ percent of new funding shall be allocated among community-based care lead agencies that are funded below their equitable share. Funds allocated pursuant to this paragraph shall be weighted based on each community-based care lead agency's relative proportion of the total amount of funding below the equitable share.

Section 15. Subsection (4) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)(a) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(b) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;

2. Career offender pursuant to s. 775.261; or

3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

(c) Disqualification from employment under this chapter may not be removed from, and an exemption may not be granted to, any current or prospective child care personnel, as defined in s. 402.302(3), and such a person is disqualified from employment as child care personnel, regardless of any previous exemptions from disqualification, if the person has been registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been arrested for and is awaiting final disposition of, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or a similar law of another jurisdiction:

1. A felony offense prohibited under any of the following statutes:

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

c. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

d. Section 784.021, relating to aggravated assault.

e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

g. Section 787.025, relating to luring or enticing a child.

h. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or

concealing the location of a minor, with criminal intent pending custody proceedings.

i. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

j. Section 794.011, relating to sexual battery.

k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

l. Section 794.05, relating to unlawful sexual activity with certain minors.

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

q. Section 827.04, relating to contributing to the delinquency or dependency of a child.

r. Section 827.071, relating to sexual performance by a child.

s. Chapter 847, relating to child pornography.

t. Chapter 893, relating to a drug abuse prevention and control offense, if that offense was committed in the preceding 5 years.

u.~~t.~~ Section 985.701, relating to sexual misconduct in juvenile justice programs.

2. A misdemeanor offense prohibited under any of the

following statutes:

a. Section 784.03, relating to battery, if the victim of the offense was a minor.

b. Section 787.025, relating to luring or enticing a child.

c. Chapter 847, relating to child pornography.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 16. Paragraph (g) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

Section 17. Subsections (3) and (4) of section 1002.57, Florida Statutes, are amended to read:

1002.57 Prekindergarten director credential.—

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Families for the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the prekindergarten director credential which are duplicative of requirements for the child care facility director credential.

Section 18. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies

requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~, 402.313(6), and 402.3131(5).

Section 19. The Division of Law Revision and Information is directed to prepare, with the assistance of the staffs of the appropriate substantive committees of the House of Representatives and the Senate, a reviser's bill for the 2019 Regular Session of the Legislature to capitalize the first letter of each word of the term "child protection team" wherever it occurs in Florida Statutes.

Section 20. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1360
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Health and Human Services); Children, Families, and Elder Affairs Committee; and Senator Broxson
SUBJECT:	Child Welfare
DATE:	February 27, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Preston	Hendon	CF	**Fav/CS**
2.	Sneed	Williams	AHS	**Recommend: Fav/CS**
3.	Sneed	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1360 makes a number of changes to the child welfare system related to fingerprinting a member of a household being considered as a prospective placement for a child in out-of-home care and the allocation formula used to distribute additional funding to community-based lead agencies (CBCs).

Specifically, the bill adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The change will allow the Department of Children and Families (DCF or department) to utilize out-of-state criminal history records results for the past five years. The bill also adds drug offenses to the list of disqualifying offenses in ch. 893, F.S., for child care personnel.

The bill makes changes to the equity allocation model for the community-based care lead agencies (CBCs) that contract with the department, by revising the formula that directs the allocation of new core services funding, to align more closely the model with factors that affect the CBC's performance.

The bill amends the definition of the term "abuse" to include the birth of a new child into a family during the course of an open dependency case for those parents or caregivers who are

determined to lack the protective capacity to safely care for the children in the home, and have not substantially complied with their case plan, or met the conditions for return of the children into the home. The bill requires parents to provide accurate contact information to the department, update the information as necessary, and contact the DCF or the CBC at least every 14 days.

The bill requires child care facilities, family day care homes, and large family child care homes to provide public service information related to distracted adults leaving children in vehicles to parents of enrolled children.

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. Existing recurring funding is available within the DCF to fund the sheriff's office.

The bill is not expected to have a fiscal impact on state government.

The bill is effective July 1, 2018.

II. Present Situation:

Limitations on Placement of a Child

When the Department of Children and Families (DCF or department) considers placement of a child in the child welfare system, the department must conduct a records check through the State Automated Child Welfare Information System (SACWIS) and a local and statewide criminal history records check on all persons under consideration for child placement, including all nonrelative placement decisions, and all members of the household, 12 years of age and older, of the person being considered.[1] This records check may include, but is not limited to, submission of fingerprints to the Department of Law Enforcement for processing and forwarding to the Federal Bureau of Investigation for state and national criminal history information.[2]

Current law prohibits the department from considering out-of-home placements with persons who have been convicted of a felony that falls within any of the following categories:

- Child abuse, abandonment, or neglect;
- Domestic violence;
- Child pornography or other felony in which a child was a victim of the offense; or
- Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery.

In addition, the DCF may not place a child with a person other than a parent if that person has been convicted of assault, battery, or a drug-related offense within the previous five years.[3]

[1] Section 39.0138, F.S.
[2] *Id*.
[3] Section 39.0138(3), F.S.

Community-Based Care Lead Agencies

Section 409.986, Florida Statutes, provides legislative intent for the department to contract with community-based care lead agencies (CBCs) to provide foster care and related services.[4] These services include family support and family preservation, independent living, emergency shelter, facility or family-based foster care, dependency case management, adoptions, services for victims of sexual exploitation, postplacement supervision, and family reunification. CBCs contract with a number of subcontractors for case management and direct care services to children and their families, and must give priority to services that are evidence-based and trauma informed.[5]

There are 19 CBCs statewide, which together serve the state's 20 judicial circuits. Section 409.991, F.S., requires the department to allocate funds to the CBCs based on an equity allocation model. The model is designed to allocate funds among these lead agencies based on the differing needs and services required by the particular population served by each organization.

The model includes "core services funding," which is defined as all funds allocated to CBCs operating under contract with the DCF pursuant to s. 409.987, F.S., except funds appropriated for independent living, maintenance adoption subsidies, protective investigations training, or mental health wrap-around services; designated special projects; or those appropriated from nonrecurring funds.

Since Fiscal Year 2015-2016, recurring core services funding to each CBC has been based on the prior year's recurring base funding.[6] However, additional or new core services funding that becomes available is directed to be distributed based on the equity allocation model, as follows:

- 20 percent is allocated among all CBCs;
- 80 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of the total amount of funding below the equitable share.[7]

The equity allocation model requires that any additional core services funding be distributed to the CBCs based on the following factors:

- Proportion of the child population;
- Proportion of the child abuse hotline workload; and
- Proportion of children in care, weighted as 60 percent based on children in out-of-home care and 40 percent based on children in in-home care.[8]

These factors are then used by the DCF for funding allocation purposes, with the distribution of core services funds for each CBC calculated as follows:

- Proportion of the child population, weighted as 5 percent of the total;

[4] *Id*.
[5] Section 409.988, F.S.
[6] *Id*.
[7] *Id*.
[8] *Id*.

- Proportion of child abuse hotline workload, weighted as 15 percent of the total; and
- Proportion of children in care, weighted as 80 percent of the total.[9]
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Child Care Licensure

The department has responsibility for regulation of child care facilities, family day care homes, and large family child care homes, including those that are also School Readiness providers. Current law requires personnel of these providers to have good moral character based upon screening.[10] Additionally, some entities caring for children are not subject to regulation by the DCF's child care program but their personnel are subject to background screening.[11] Screening must be conducted as provided in ch. 435, F.S., using Level 2 standards.[12]

Child Care and Development Block Grant

The Office of Child Care (OCC) of the United States Department of Health and Human Services supports low-income working families by providing access to affordable, high-quality child care. OCC works with state, territory and tribal governments to provide support for children and their families to promote family economic self-sufficiency and to help children succeed in school and life through affordable, high-quality early care and afterschool programs.[13]

Florida's Office of Early Learning (OEL)[14] provides state-level administration for the School Readiness program. The School Readiness program is a state-federal partnership between OEL and the Office of Child Care of the United States Department of Health and Human Services.[15] The School Readiness program receives funding from a mix of state and federal sources, including the federal Child Care and Development Block Grant (CCDBG), the federal Temporary Assistance for Needy Families (TANF) block grant, general revenue and other state funds. The School Readiness program subsidizes for child care services and early childhood education for low-income families and for children in protective services who are at risk of abuse, neglect, or abandonment, and for children with disabilities.

The program uses a variety of providers, such as licensed and unlicensed child care providers and public and nonpublic schools.[16] The Department of Children and Families (DCF), Office of

[9] *Id*.
[10] Section 402.305, F.S.
[11] For example, a child care facility that is an integral part of a church or parochial schools meeting certain requirements. Section 402.316, F.S.
[12] *Id*.
[13] U.S. Department of Health and Human Services, Office of Child Care, *What We Do*, (August 19, 2016) http://www.acf.hhs.gov/programs/occ/about/what-we-do (last visited February 6, 2018).
[14] In 2013, the Legislature established the Office of Early Learning in the Office of Independent Education and Parental Choice within the Department of Education (DOE). The office is administered by an executive director and is fully accountable to the Commissioner of Education but shall independently exercise all powers, duties, and functions prescribed by law, as well as adopt rules for the establishment and operation of the School Readiness program and the Voluntary Prekindergarten Education Program. Section 1001.213, F.S.
[15] Part VI, ch. 1002, F.S.
[16] Section 1002.88(1)(a), F.S.

Child Care Regulation, as the agency responsible for the state's child care provider licensing program, regulates many, but not all, child care providers that provide early learning programs.[17]

On November 19, 2014, the Child Care and Development Block Grant (CCDBG) Act of 2014 was signed into law. The new law prescribed health and safety requirements that apply to school readiness program providers and required better information to parents and the general public about available child care choices.

Based on the new requirements of the block grant, to continue to receive federal funding, states must require that screening for child care staff include searches of the National Sex Offender Registry, as well as searches of state criminal records, sex offender registry and child abuse and neglect registry of any state in which the child care personnel resided during the preceding five years.[18] Additionally, a state must make ineligible for employment by school readiness providers any person who is registered, or is required to be registered, on a state sex offender registry or the National Sex Offender Registry[19] or has been convicted of:

- Murder;
- Child abuse or neglect;
- A crime against children, including child pornography;
- Spousal abuse;
- A crime involving rape or sexual assault;
- Kidnapping;
- Arson;
- Physical assault or battery;
- A drug-related offense committed during the preceding five years; or
- A violent misdemeanor committed as an adult against a child, including the following crimes: child abuse, child endangerment, sexual assault, or a misdemeanor involving child pornography.[20]

In 2016, the Legislature aligned the state's child care personnel screening standards with the CCDBG Act of 2014 requirements, specifying new screening requirements in ch. 402, F.S., and including these limitations on granting disqualifications in ch. 435, F.S.[21]

Parental Responsibilities and Terminations of Parental Rights

Parents involved in the child welfare system have a number of responsibilities they must carry out in order to be reunified with their children, if permanency is a goal. A primary responsibility is to comply with the case plan. Parental lack of compliance with a case plan constitutes grounds for termination of parental rights. Specifically, noncompliance is shown if a parent fails to substantially comply for 12 months after the child's adjudication of dependency or if a child has been in care for 12 of the last 22 months, or a parent materially breaches the case plan such that noncompliance is likely before the expiration of time to comply. However, generally if

[17] See ss. 402.301-319, F.S., and part VI, ch. 1002, F.S.
[18] Pub. Law No. 113-186, 128 Stat. 1971, Sec. 658H(b)
[19] 42 U.S.C. s. 9858f(c)(1)(C).
[20] 42 U.S.C. s. 9858f(c)(1).
[21] Chapter 2016-238, Laws of Fla.

noncompliance is due to the parent's lack of financial resources or the department's failure to make reasonable efforts, grounds for termination are not established.[22]

Section 39.6011, F.S., requires the case plan to contain a written notice that a parent's noncompliance with the case plan may lead to the termination of parental rights. This message is also delivered by the judge during the hearing on the child's placement in a shelter[23] and the adjudicatory hearing.[24]

The U.S. Department of Health and Human Services, through the Children's Bureau, conducts periodic Child and Family Services Reviews (CFSR) in each state. As authorized by federal law, these reviews assess state compliance with the federal requirements for child welfare systems in Title IV-B and Title IV-E of the Social Security Act. In particular, the Children's Bureau examines whether desired child outcomes are being achieved and whether the child welfare system is structured appropriately and operates effectively. Reviews are conducted every 4 years.

The report summarizing Florida's most recent results was issued in late 2016. The report indicated the following related to achieving permanency:

- Despite establishing timely and appropriate permanency goals, case review results found that agencies and courts struggle to make concerted efforts to achieve identified permanency goals in a timely manner.
- Delays in achieving reunification and guardianship goals are affected by case plans not being updated timely to reflect the current needs of the family, delays in referral for services, and any failure to engage parents.
- The agency and court do not make concerted efforts to achieve the goal of adoption timely in nearly half of applicable cases.
- Barriers affecting timely adoptions include the lack of concurrent planning when a parent's compliance level is minimal, and providing parents additional time to work on case plan goals.
- In over half of applicable cases, the agency failed to make concerted efforts to provide services, removed children without providing appropriate services, or did not monitor safety plans and engage the family in needed safety-related services.[25]

The report also concluded that there are concerns with gaps in key services, long waiting lists, insurance barriers, and an inability to tailor services to meet the cultural needs of the diverse population. Substance abuse and domestic violence are the main reasons for agency involvement. The review found that substance abuse, in particular, contributes to various safety concerns for children. Stakeholders noted that there are major gaps in services to address both substance abuse and domestic violence in the non-metro areas of the state.[26]

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[22] Section 39.806, F.S.
[23] Section 39.402(18), F.S.
[24] Section 39.507(7)(c), F.S.
[25] U.S. Department Of Health And Human Services, Children's Bureau, Child and Family Services Reviews, Florida Final Report, 2016, *available at*: http://centerforchildwelfare.org/qa/CFSRTools/2016%20CFSR%20Final%20Report.pdf. (last visited February 21, 2018.
[26] *Id*.

This indicates that while lack of case plan compliance by parents causes delays in permanency, inadequacies in the system are also contributing factors.

Sheriffs Conducting Child Protective Investigations

Child protective investigation units are responsible for receiving and responding to reports of child abuse and neglect, which involves whether the report meets the criteria to be accepted for a protective investigation, gathering information, and making a determination of whether child maltreatment occurred or the child is at risk of abuse or neglect.

The DCF has been authorized to enter into contracts with county sheriffs to provide child protective investigations since 1998.[27] Currently, the department is responsible for performing child protective investigations in 61 counties statewide. Sheriff's offices in six counties (Broward, Manatee, Pinellas, Seminole, Hillsborough, and Pasco) are responsible for performing child protective investigations.[28] Child protective investigations in Walton County are conducted by DCF staff.[29] The department currently employs 12 full-time equivalent (FTE) positions to provide these investigative services for the county.

The department is also required to enter into agreements with the jurisdictionally responsible county sheriffs' offices and local police departments that will assume the lead in conducting any potential criminal investigations arising from allegations of child abuse, abandonment, or neglect.[30] The following types of calls to the DCF Child Abuse Hotline are automatically transferred to the appropriate county sheriff's office:

- Reports of known or suspected child abuse by an adult other than a parent, legal custodian, caregiver, or other person responsible for the child's welfare, as defined in s. 39.01, F.S.;
- Reports involving juvenile sexual abuse or a child who has exhibited inappropriate sexual behavior; and
- Reports of an instance of known or suspected child abuse involving impregnation of a child under 16 years of age by a person 21 years of age or older solely under s. 827.04(3), F.S.[31]

All child protective investigations, regardless of the entity administering this function, must be done in accordance with state and federal laws, and regulations. The county sheriffs must conduct investigations, at a minimum, in accordance with the performance standards and outcome measures established by the Legislature for protective investigations conducted by the department. Each individual child protective investigator must complete, at a minimum, the training provided to and required of protective investigators employed by the department.[32]

Funds for providing child protective investigations must be identified in the annual appropriation made to the department, which shall award grants to the respective sheriffs' offices. Funds for child protective investigations may not be integrated into the sheriffs' regular budgets. Budgetary data and other data relating to the performance of child protective investigations must be

[27] Section 39.3065, F.S.
[28] Those county sheriffs are Broward, Hillsborough, Manatee, Pasco, Pinellas and Seminole.
[29] Staff in Walton County include 12 positions that are responsible for child protective investigative functions.
[30] Section 39.306, F.S.
[31] Section 39.201, F.S.
[32] Section 39.3065, F.S.

maintained separately from all other records of the sheriffs' offices and reported to the department as specified in the grant agreement.[33]

The grants funding from the DCF is from several sources, including state general revenue and federal funds from the Welfare Transition Trust Fund (Temporary Assistance for Needy Families Block Grant), Social Services Block Grant Trust Fund, Child Welfare Training Trust Fund, Federal Grants Trust Fund, and Title IV-E funds.

Performance and Cost

The DCF and the sheriff's offices generally use similar investigative processes and procedures, although the higher level of funding for the sheriffs results in their investigators having greater resources than typically available to DCF investigators. Due to their law enforcement affiliation, child abuse investigators working for sheriffs also generally have greater access to training and specialists, as well as enhanced cooperation and community respect not always afforded to DCF investigators.[34] The additional resources available to sheriffs' offices enhance their investigators' ability to perform their job duties and the office's ability to attract and retain experienced investigators. Sheriffs:

- Have slightly lower overall investigator caseloads;
- Tend to have more investigative aides and support staff positions;
- Provide vehicles for investigators;
- Provide investigator uniforms;
- Provide additional equipment to investigators;
- Provide supplies for children awaiting placement, including diapers, formula, food, and clothes;
- Have well-equipped visitation rooms with furniture, rugs, toys, television, games, kitchens, and bathrooms to provide children with a comfortable and safe environment after removal, further enabling investigators to perform their job more easily;
- Provide investigators with office space either in the sheriff's office or collocated with or near community-based care lead agencies, which facilitates communication between supervisors and investigators and enhances accountability; and
- Often provide higher salaries for investigators, which enhances morale and contributes to lower turnover. In addition to higher salaries, sheriffs' child protective investigators are normally awarded merit and cost-of-living raises.[35]

Child protective investigation units administered by sheriffs' offices also have advantages that are not entirely due to their higher state funding. Because sheriff's offices are law enforcement agencies, they can provide protective investigators with access to training and resource specialists, and a higher degree of cooperation with local law enforcement agencies and the community.[36]

[33] Id.
[34] The Florida Legislature, Office of Program Policy Analysis and Government Accountability, Research Memorandum, *Sheriff's Offices Have Advantages for Conducting Child Abuse Investigations, but Quality Cannot be Directly Compared to DCF*, February 26, 2010.
[35] *Id*.
[36] *Id*.

However, the higher funding and other advantages enjoyed by the sheriff's offices does not appear to result in better outcomes and the cost per investigation is higher.[37]

Vehicular Heat Stroke Deaths in Children

Hyperthermia or vehicular heat stroke deaths have become much more prevalent in children since federal law required that children ride in the backseat due to the danger of front passenger seat airbags.[38] The national average number of these deaths is 39 per year.[39] Thirty-one percent of hyperthermia deaths involve children under the age of one.[40] Between 1998 and 2015, Florida had the second highest number of child deaths from vehicular heat stroke.[41]

Licensing Standards for Child Care Facilities and Large Family Child Care Homes Relating to Vehicles

The department establishes licensing standards that each licensed child care facility in the state must meet.[42] A child care facility is defined in Florida law as "any child care center or child care arrangement which provides child care for more than five children unrelated to the operator and which receives a payment, fee, or grant for any of the children receiving care, wherever operated, and whether or not operated for profit."[43]

A large family child care home is defined as an occupied residence in which child care is regularly provided for children from at least two unrelated families, which receives a payment, fee, or grant for any of the children receiving care, whether or not operated for profit, and which has at least two full-time child care personnel on the premises during the hours of operation.[44]

The department currently oversees just over 6,000 licensed child care entities including child care facilities, large family child care homes and family day care homes.[45] In addition, there are homes that are only registered by the agency, facilities that are exempt from licensure due to a

[37] The Department of Children and Families, Florida Sheriffs Performing Child Protective Investigations, Annual Program Performance Evaluation Report, Fiscal Year 2015-2016, *available at*: http://centerforchildwelfare.fmhi.usf.edu/kb/LegislativeMandatedRpts/AnnualSheriffPerfRptFY15-16.pdf. (last visited February 21, 2018)
[38] See Kids and Cars.org, Fact Sheet, *available at*: http://www.kidsandcars.org/files/2013/06/National-Stats-Chart-2017.jpg (last visited February 7, 2018); see also Gene Weingarten, Fatal Distraction: Forgetting a Child in the Backseat of a Car is a Horrifying Mistake. Is it a Crime?, THE WASHINGTON POST, Mar. 8, 2009, *available at*: http://www.washingtonpost.com/wp-dyn/content/article/2009/02/27/AR2009022701549.html (last visited February 7, 2018).
[39] *Id.*
[40] *Id*.
[41] California Department of Meteorology and Climate Science, *Heatstroke Deaths of Children in Vehicles by State, available at*: http://noheatstroke.org/state.htm (last visited February 7, 2018.
[42] See s. 402.305, F.S.
[43] See s. 402.302(2), F.S.
[44] See s. 402.302(11), F.S.
[45] Florida Department of Children and Families, DCF Quick Facts, 7 (Quarter 1, Fiscal Year 2017-2018), *available at*: http://www.dcf.state.fl.us/general-information/quick-facts/cc / (last visited February 7, 2018).

religious affiliation,[46] and homes currently licensed by five counties in the state.[47] Of these homes, a total 1,490 child care facilities and large family child care homes regulated by the department reported that they transport children.[48]

Statutory licensing standards for child care facilities are extensive and reference transportation and vehicles, including the requirement that minimum standards include accountability for children being transported.[49] The Florida Administrative Code provides requirements for licensed child care facilities and large family child care homes to follow in relation to vehicles that are owned, operated, or regularly used by the facility or home, as well as vehicles that provide transportation through a contract or agreement with an outside entity.[50]

Providers are required to maintain a driver's log for all children being transported. This log must include the child's name, date, time of departure, time of arrival, signature of driver, and signature of second staff member to verify the driver's log and that all children have left the vehicle. Upon arrival at the destination, the driver of the vehicle must mark each child off the log as the child departs the vehicle, conduct a physical inspection and visual sweep of the vehicle, and sign, date, and record the driver's log immediately to verify all children were accounted for and that the sweep was conducted. Upon arrival at the destination, a second staff member must also conduct a physical inspection and visual sweep of the vehicle and sign, date, and record the driver's log to verify all children were accounted for and that the driver's log is complete.[51]

Current standards for child care facilities and large family child care homes do not address providing information to parents related to being distracted and leaving a child in a vehicle.

III. Effect of Proposed Changes:

Section 1 amends s. 39.01, relating to definitions, to provide that the definition of the term "abuse" includes birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home.

Section 2 amends s. 39.0138, F.S., relating to criminal history and other records checks and the limits on placing a child, to allow the department to grant an exemption from a fingerprinting requirement to a household member with a physical, developmental, or cognitive disability that prevents him or her from being fingerprinted. The department is granted rulemaking authority to administer the provision. The section requires that if a fingerprint exemption is granted, a Level 1 background screening pursuant to s. 435.03, F.S., must be completed on the person who is granted the exemption.

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[46] See s. 402.316, F.S.
[47] See s. 402.306, F.S. Those five counties are Broward, Hillsborough, Palm Beach, Pinellas and Sarasota.
[48] Florida Department of Children and Families, 2018 Agency Legislative Bill Analysis, SB 486. On file with the Senate Committee on Children, Families and Elder Affairs.
[49] See s. 402.305, F.S
[50] See 65C-22.001(6) and 65C-20.13(8), F.A.C.
[51] *Id*.

The section also clarifies that "resisting arrest with violence" is a disqualifier for placement of a child in the home if the offense occurred within the previous five years rather than if the offense was committed at any time.

Section 3 amends s. 39.3065, F.S., relating to sheriffs providing child protective investigations, to authorize the Walton County Sheriff to assume responsibility for the investigations beginning with the 2018-2019 fiscal year.

Section 4 amends s. 39.6012, F.S., relating to case plan tasks and services, to require parents to provide accurate contact information, including updates of contact information, to the department or the contracted case management agency. Parents must also proactively contact the department or the contracted case management agency at least every 14 calendar days to provide information on the status of case plan task completion, barriers to completion, and plans towards reunification.

Section 5 amends s. 39.6013, F.S., relating to case plan amendments, to require additional considerations by the court before determining whether to amend a case plan.

Section 6 amends s. 39.621, F.S., relating to permanency determinations by the court, to add as a factor for the court to consider in determining permanency at the permanency hearing, whether the frequency, duration, manner, and level of engagement of the parent or legal guardian meets the case plan requirements.

Section 7 amends s. 39.701, F.S., relating to judicial review, to provide that the court at the judicial review hearing must make written findings regarding the parent or legal guardian's compliance with the case plan and demonstrable change in parental capacity to achieve timely reunification.

Section 8 amends s. 63.092, F.S., relating to the requirements of preliminary home studies of intended adoptive parents, to:

- Require the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allow licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted. The bill exempts adoptive parents in private adoptions from the training requirements in s. 409.175(14), F.S.

Section 9 amends s. 402.305, F.S., relating to licensure standards for child care facilities, to add two federal Child Care and Development Block Grant Act requirements not previously addressed in state law, to align background screening requirements for child care personnel with federal requirements. The change allows the department to utilize results from out-of-state employment history checks, criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the person resided during the past five years, and requires fingerprint submissions for child care personnel to comply with s. 435.12, F.S.

The bill also requires each child care facility to provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is directed to develop a flyer or brochure and post it on the agency website.

Section 10 amends s. 402.30501, F.S., relating to modification of introductory child care course for community college credit, to conform references to changes made by the bill.

Section 11 amends s. 402.313, F.S., relating to family day care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

Section 12 amends s. 402.3231, F.S., relating to large family child care homes, to add a requirement that such homes provide parents of enrolled children information relating to the potential hazard of becoming distracted and leaving a child in a vehicle. The department is to develop a flyer or brochure and post in on the agency website.

Section 13 amends s. 409.175, F.S., relating to licensure of family foster homes, residential child-caring agencies, and child-placing agencies, to define the term "severe disability" when determining whether a person should be exempt from being fingerprinted because of a physical, developmental, or cognitive disability. If a person is exempt from being fingerprinted, the department would be able to license the family foster home without fingerprinting all individuals in the home.

Section 14 amends s. 409.991, F.S., relating to allocation of funds for community-based care lead agencies, to modify the definition of the term "children in care" and revise the formula for the allocation of new core services funding to CBCs. Children in care will now include only new entries of children into out-of-home care over the most recent 24 months, instead of all children in out-of-home over the most recent 12 months. The term will also include children whose families have received family support services over the most recent 12 months. Children receiving in-home services will continue to be included over the most recent 12 months. The bill modifies the weights of children in care as 15 percent for family support services, 55 percent for children in out-of-home care, and 30 percent for children in in-home care.

The bill directs the department to distribute new core services funding to CBCs pursuant to the following amended equity allocation model:

- Proportion of the child population, remaining as 5 percent of the total;
- Proportion of child abuse hotline workload, weighted as 35 percent of the total rather than 15 percent; and
- Proportion of children in care, weighted as 60 percent of the total, rather than 80 percent. The
- proportion of children in care is calculated based on 55 percent weight for children in out-of-home care (instead of 60 percent), 30 percent weight for children in in-home care (instead of 40 percent), and 15 percent weight based on children in family support services which is a new category.

Lastly, the bill changes the distribution of new core services funding as follows:

- 70 percent is allocated among all CBCs;

- 30 percent is allocated to CBCs that are currently funded below their equitable share. Funds are weighted based on each CBC's proportion of total funding below their equitable share.

- **Section 15** amends s. 435.07, F.S., relating to exemptions from disqualification, to add drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel.

  Section 16 amends s. 1002.55, F.S., relating to school-year prekindergarten programs delivered by private providers, to conform references to changes made by the bill.

  Section 17 amends s. 1002.57, F.S., relating to prekindergarten director credentials, to conform references to changes made by the bill.

  Section 18 amends s. 1002.59, F.S., relating to emergent literacy and performance standards, to conform references to changes made by the bill.

  Section 19 directs the Division of Law Revision and Information to prepare a reviser's bill for the 2019 session of the Legislature to capitalize the first letter of each word of the term "child protection team" wherever it occurs in the Florida Statutes.

  Section 20 provides an effective date of July 1, 2018.

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:

CS/CS/SB 1360 revises the equity allocation model used for distributing funds among the CBCs. The bill will have an indeterminate fiscal impact on the individual CBCs. In the event that new core services funding is made available for the CBCs, it is expected that some will receive more funding than they would have under the previous formula, while others would receive less. The equity allocation model only affects how new core

services funding will be distributed. As an example, if a new appropriation of $10 million was made for core services funding, the following chart shows the difference between the distribution under current law and under the bill. Conversely, if new core services funding was not appropriated, the distribution of core services funding to the CBCs would remain unchanged from the previous year.

CBC Funding Formula Changes with $10 million of New Core Services Funding

		A	B	C	C-B	A+C
			New Core Services Funding			
	Community Based Care Lead Agencies	Base Core Services Funding	Current Allocation Formula	Proposed Formula	Difference Increase/ (Decrease)	Total Core Services Funding as Proposed
1	Lakeview Center (Families First Network)	34,290,074	105,127	458,847	353,720	34,748,921
2	Big Bend CBC	25,580,295	66,731	261,282	194,551	25,841,577
3	Partnership for Strong Families	22,519,522	434,857	358,068	(76,789)	22,877,590
4	Kids First of Florida	6,469,036	19,266	72,118	52,852	6,541,154
5	Family Support Services of North Florida	35,803,739	111,134	729,823	618,689	36,533,562
6	St Johns Board of County Commissioners (Family Integrity Program)	4,340,311	87,724	111,670	23,946	4,451,981
7	Community Partnership for Children	24,518,476	76,392	541,351	464,959	25,059,827
8	Kids Central	38,069,464	581,653	666,357	84,704	38,735,821
9	CBC of Central Florida	54,790,601	162,962	603,066	440,104	55,393,667
10	Heartland for Children	32,972,143	102,914	342,961	240,047	33,315,104
11	CBC of Brevard (Brevard Family Partnerships)	18,724,431	785,596	893,866	108,270	19,618,297
12	Eckerd (Pasco-Pinellas)	45,099,623	1,681,385	1,005,370	(676,015)	46,104,993
13	Sarasota Family YMCA	21,335,346	1,090,033	684,784	(405,249)	22,020,130
14	Eckerd (Hillsborough)	53,515,735	1,868,890	642,722	(1,226,168)	54,158,457
15	Children's Network of Southwest Florida	32,319,498	2,343,016	987,470	(1,355,546)	33,306,968
16	Devereux CBC	22,167,758	68,521	229,813	161,292	22,397,571
17	Childnet (Palm Beach)	32,340,871	85,128	291,121	205,993	32,631,992
18	ChildNet (Broward)	56,635,267	173,298	602,311	429,013	57,237,578
19	Our Kids of Miami and Monroe	73,469,270	155,373	517,000	361,627	73,986,270
	New Core Services Funding Total	**634,961,460**	**10,000,000**	**10,000,000**	**-**	**644,961,460**

	Equity Formula Factors (weighted):	Current	Proposed
	Percentage of Hotline Workload	15%	35%
	Percentage of Children in Care	80%	60%
	Percentage of population	5%	5%
	Total	100%	100%
	Allocation of New Funding (weighted):		
	Percentage to All CBCs	20%	70%
	Percentage to Below Equity	80%	30%
	Total	100%	100%
	Child in Care (weighted):		
	In-Home	40%	30%
	Out-of-Home Care (*)	60%	55%
	Family Support Services	0%	15%
	Total	100%	100%

* Out-of-home care weighted formula is changing from the number of children in out-of-home care during the last 12-month period to the number of children who "enter" out-of-home care during the last 24-month period.

Collectively, CBC lead agencies were appropriated $878 million for the 2017-2018 fiscal year. Funds are provided for core services as well as for specific programs such as maintenance adoptions subsidies, independent living, and others. The amount of core

services funding for Fiscal Year 2017-2018 is included in the chart below, along with the projected expenditures for the year. Several CBCs are projected to have a funding deficit for the year. The change in the equity allocation model and its impact on the CBCs for Fiscal Year 2018-2019 may assist the CBCs if new core services funding were to be appropriated. At present, Senate Bill 2500, the Senate General Appropriations Bill, does not provide an increase for CBC core services funding.

CBC Funding and Projected Expenditures for Fiscal Year 2017-18:

	Lead Agency (CBC)	Core Services Funding, as Proposed	Carry Forward Balance at 7/1/2017	Total Available for Core Services	Projected Expenditures	Projected Surplus/ (Deficit)
1	Lakeview Center (Families First)	$ 34,748,921	$ (335,809)	$ 34,413,112	$ 34,354,262	$ 58,850
2	Big Bend CBC	25,841,577	475,457	26,317,034	26,948,787	(631,753)
3	Partnership for Strong Families	22,877,590	791,216	23,668,806	23,834,534	(165,728)
4	Kids First of Florida	6,541,154	2,211,230	8,752,384	6,359,075	2,393,309
5	Family Support Services of North Florida	36,533,562	3,245,015	39,778,577	38,607,796	1,170,781
6	St Johns Board of County Commissioners (Family Integrity)	4,451,981	47,667	4,499,648	4,599,449	(99,801)
7	Community Partnership for Children	25,059,827	(120,887)	24,938,940	25,924,237	(985,297)
8	Kids Central	38,735,821	525,144	39,260,965	41,201,380	(1,940,415)
9	CBC of Central Florida	55,393,667	(685,066)	54,708,601	56,331,476	(1,622,875)
10	Heartland for Children	33,315,104	2,621,067	35,936,171	33,985,259	1,950,912
11	CBC of Brevard (Brevard Family Partnerships)	19,618,297	(196,437)	19,421,860	19,662,875	(241,015)
12	Eckerd (Pasco-Pinellas)	46,104,993	(195,642)	45,909,351	49,168,798	(3,259,447)
13	Sarasota Family YMCA	22,020,130	21,398	22,041,528	25,489,660	(3,448,132)
14	Eckerd (Hillsborough)	54,158,457	(419,724)	53,738,733	57,342,155	(3,603,422)
15	Children's Network of Southwest Florida	33,306,968	2,652,269	35,959,237	36,419,221	(459,984)
16	Devereux CBC	22,397,571	974,362	23,371,933	22,234,210	1,137,723
17	Childnet (Palm Beach)	32,631,992	(1,612,908)	31,019,084	31,933,396	(914,312)
18	ChildNet (Broward)	57,237,578	(5,911,972)	51,325,606	58,039,744	(6,714,138)
19	Our Kids of Miami-Dade & Monroe	73,986,270	4,011,050	77,997,320	75,199,724	2,797,596
	Total	**$644,961,460**	**$ 8,097,430**	**$653,058,890**	**$667,636,038**	**$ (14,577,148)**

Source: FY 2017-18 budget projections provided by CBCs; Analysis by Department of Children and Families.

C. Government Sector Impact:

The bill authorizes the Walton County sheriff's office to assume responsibility for child protective investigations. The DCF currently conducts these investigations with 12 full-time equivalent (FTE) positions at a cost of $893,881 ($348,127 from the General Revenue Fund and $545,754 from various trust funds). By eliminating the FTE and the corresponding salary rate of 457,659, and transferring the recurring funding between appropriation categories, DCF has sufficient funding to pay the sheriff's office for the services.

The bill is not expected to have a fiscal impact on state government.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.01, 39.0138, 39.3065, 39.6012, 39.6013, 39.621, 39.701, 63.092, 402.305, 402.313, 402.3131, 409.175, 409.991, 435.07, 402.30501, 1002.55, 1002.57 and 1002.59.

IX. Additional Information:

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

CS/CS by Appropriations on February 27, 2018:
The committee substitute:

- Amends the definition of the term “abuse” to include the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective capacity to safely care for the children in the home and has not substantially complied with the case plan towards successful reunification or met the conditions for return of the children into the home;
- Requires parents to provide accurate contact information to the department, update the information as necessary and contact the DCF or the CBC lead agency at least every 14 days;
- Authorizes the Walton County Sheriff to assume responsibility for child protective investigations beginning with the 2018-2019 fiscal year;
- Requires child care facilities, family day care homes and large family child care homes to provide parents of enrolled children information related to distracted adults leaving children in vehicles;
- Requires the "records check of the department's Central Abuse Registry" be provided directly to the entity conducting the home study to ensure the integrity of the results and protect the best interest of children being placed for adoption; and
- Allows licensed adoption agencies to use their professional judgement to determine the appropriate counseling and education, dependent upon the type of adoption and the child being adopted.

CS by Children, Families, and Elder Affairs on February 6, 2018:
The CS:

- Clarifies that a Level 1 background screening is required when an exemption is approved for placement of a child;

- Adds two federal Child Care and Development Block Grant Act requirements, not previously addressed in state law, to align background screening requirements for child care personnel. The changes allow the department to use out-of-state criminal history records results for the past five years, and require fingerprint submissions for child care personnel to comply with s. 435.12, F.S;
- Adds drug offenses to the list of disqualifying offenses in Ch. 893, F.S., for child care personnel; and
- Adjusts the formula for the allocation of funding for the community-based care lead agencies.

B. Amendments:

None.

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

By the Committee on Children, Families, and Elder Affairs; and Senator Broxson

586-02910-18 20181360c1

A bill to be entitled

An act relating to child welfare; amending s. 39.0138, F.S.; requiring the Department of Children and Families to establish rules for granting exemptions from criminal history and certain other records checks required for persons being considered for placement of a child; requiring level 1 screening for persons granted such exemption; prohibiting placement of a child with persons convicted of a certain felony; amending s. 402.305, F.S.; revising minimum requirements for child care personnel related to screening and fingerprinting; amending s. 409.175, F.S.; defining the term "severe disability" and providing an exemption from fingerprint requirements for adult household members with severe disabilities; amending s. 409.991, F.S.; revising the equity allocation formula for community-based care lead agencies; amending s. 435.07, F.S.; revising the offenses that disqualify certain child care personnel from specified employment; amending ss. 402.30501, 1002.59, 1002.55, and 1002.57, F.S.; conforming cross-references; providing an effective date.

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

Section 1. Subsections (2) through (7) of section 39.0138, Florida Statutes, are redesignated as subsections (3) through (8), respectively, present subsections (2) and (3) are amended, and a new subsection (2) is added to that section, to read:

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

586-02910-18 20181360c1

39.0138 Criminal history and other records checks; limit on placement of a child.—

(2)(a) The department shall establish rules for granting an exemption from the fingerprinting requirements under subsection (1) for a household member who has a physical, developmental, or cognitive disability that prevents that person from safely submitting fingerprints.

(b) Before granting an exemption, the department or its designee shall assess and document the physical, developmental, or cognitive limitations that justified the exemption and the effect of such limitations on the safety and well-being of the child being placed in the home.

(c) If a fingerprint exemption is granted, a level 1 screening pursuant to s. 435.03 shall be completed on the person who is granted the exemption.

(3)~~(2)~~ The department may not place a child with a person other than a parent if the criminal history records check reveals that the person has been convicted of any felony that falls within any of the following categories:

(a) Child abuse, abandonment, or neglect;

(b) Domestic violence;

(c) Child pornography or other felony in which a child was a victim of the offense; or

(d) Homicide, sexual battery, or other felony involving violence, other than felony assault or felony battery when an adult was the victim of the assault or battery, or resisting arrest with violence.

(4)~~(3)~~ The department may not place a child with a person other than a parent if the criminal history records check

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

reveals that the person has, within the previous 5 years, been convicted of a felony that falls within any of the following categories:

(a) Assault;

(b) Battery; ~~or~~

(c) A drug-related offense; or

(d) Resisting arrest with violence.

Section 2. Paragraphs (b) through (f) of subsection (2) of section 402.305, Florida Statutes, are redesignated as paragraphs (c) through (g), respectively, paragraph (a) of that subsection is amended, and a new paragraph (b) is added to that subsection, to read:

402.305 Licensing standards; child care facilities.—

(2) PERSONNEL.—Minimum standards for child care personnel shall include minimum requirements as to:

(a) Good moral character based upon screening as defined in s. 402.302(15). This screening shall be conducted as provided in chapter 435, using the level 2 standards for screening set forth in that chapter, and shall include employment history checks, a search of criminal history records, sexual predator and sexual offender registries, and child abuse and neglect registry of any state in which the current or prospective child care personnel resided during the preceding 5 years.

(b) Fingerprint submission for child care personnel, which shall comply with s. 435.12.

Section 3. Paragraphs (l) and (m) of subsection (2) of section 409.175, Florida Statutes, are redesignated as paragraphs (m) and (n), respectively, a new paragraph (l) is added to that subsection, and paragraph (a) of subsection (6) of

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

that section is amended, to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(2) As used in this section, the term:

(l) "Severe disability" means a physical, developmental, or cognitive limitation affecting an individual's ability to safely submit fingerprints.

(6)(a) An application for a license shall be made on forms provided, and in the manner prescribed, by the department. The department shall make a determination as to the good moral character of the applicant based upon screening. The department may grant an exemption from fingerprinting requirements, pursuant to s. 39.0138, for an adult household member who has a severe disability.

Section 4. Paragraph (e) of subsection (1) and subsections (2) and (4) of section 409.991, Florida Statutes, are amended to read:

409.991 Allocation of funds for community-based care lead agencies.—

(1) As used in this section, the term:

(e) "Proportion of children in care" means the proportion of the number of children in care receiving in-home services over the most recent 12-month period, the number of children whose families are receiving family support services over the most recent 12-month period, and the number of children who have entered into ~~in~~ out-of-home care with a case management overlay during the most recent 24-month ~~12-month~~ period. This subcomponent shall be weighted as follows:

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

1. Fifteen percent shall be based on children whose families are receiving family support services.

2.~~1.~~ Fifty-five ~~Sixty~~ percent shall be based on children in out-of-home care.

3.~~2.~~ Thirty ~~Forty~~ percent shall be based on children in in-home care.

(2) The equity allocation of core services funds shall be calculated based on the following weights:

(a) Proportion of the child population shall be weighted as 5 percent of the total.~~;~~

(b) Proportion of child abuse hotline workload shall be weighted as 35 ~~15~~ percent of the total.~~; and~~

(c) Proportion of children in care shall be weighted as 60 ~~80~~ percent of the total.

(4) Unless otherwise specified in the General Appropriations Act, any new core services funds shall be allocated based on the equity allocation model as follows:

(a) Seventy ~~Twenty~~ percent of new funding shall be allocated among all community-based care lead agencies.

(b) Thirty ~~Eighty~~ percent of new funding shall be allocated among community-based care lead agencies that are funded below their equitable share. Funds allocated pursuant to this paragraph shall be weighted based on each community-based care lead agency's relative proportion of the total amount of funding below the equitable share.

Section 5. Subsection (4) of section 435.07, Florida Statutes, is amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to

exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(4)(a) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(b) Disqualification from employment under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;

2. Career offender pursuant to s. 775.261; or

3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

(c) Disqualification from employment under this chapter may not be removed from, and an exemption may not be granted to, any current or prospective child care personnel, as defined in s. 402.302(3), and such a person is disqualified from employment as child care personnel, regardless of any previous exemptions from disqualification, if the person has been registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C) or has been arrested for and is awaiting final disposition of, has been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, or has been adjudicated delinquent and the record has not been sealed or

expunged for, any offense prohibited under any of the following provisions of state law or a similar law of another jurisdiction:

1. A felony offense prohibited under any of the following statutes:

a. Chapter 741, relating to domestic violence.

b. Section 782.04, relating to murder.

c. Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

d. Section 784.021, relating to aggravated assault.

e. Section 784.045, relating to aggravated battery.

f. Section 787.01, relating to kidnapping.

g. Section 787.025, relating to luring or enticing a child.

h. Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

i. Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

j. Section 794.011, relating to sexual battery.

k. Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

l. Section 794.05, relating to unlawful sexual activity with certain minors.

m. Section 794.08, relating to female genital mutilation.

n. Section 806.01, relating to arson.

o. Section 826.04, relating to incest.

p. Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

q. Section 827.04, relating to contributing to the delinquency or dependency of a child.

r. Section 827.071, relating to sexual performance by a child.

s. Chapter 847, relating to child pornography.

t. Chapter 893, relating to drug abuse prevention and control.

u.~~t.~~ Section 985.701, relating to sexual misconduct in juvenile justice programs.

2. A misdemeanor offense prohibited under any of the following statutes:

a. Section 784.03, relating to battery, if the victim of the offense was a minor.

b. Section 787.025, relating to luring or enticing a child.

c. Chapter 847, relating to child pornography.

3. A criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subparagraph 1. or subparagraph 2.

Section 6. Section 402.30501, Florida Statutes, is amended to read:

402.30501 Modification of introductory child care course

for community college credit authorized.—The Department of Children and Families may modify the 40-clock-hour introductory course in child care under s. 402.305 or s. 402.3131 to meet the requirements of articulating the course to community college credit. Any modification must continue to provide that the course satisfies the requirements of s. 402.305(2)(e) ~~s. 402.305(2)(d)~~.

Section 7. Subsection (1) of section 1002.59, Florida Statutes, is amended to read:

1002.59 Emergent literacy and performance standards training courses.—

(1) The office shall adopt minimum standards for one or more training courses in emergent literacy for prekindergarten instructors. Each course must comprise 5 clock hours and provide instruction in strategies and techniques to address the age-appropriate progress of prekindergarten students in developing emergent literacy skills, including oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development. Each course must also provide resources containing strategies that allow students with disabilities and other special needs to derive maximum benefit from the Voluntary Prekindergarten Education Program. Successful completion of an emergent literacy training course approved under this section satisfies requirements for approved training in early literacy and language development under ss. 402.305(2)(e)5. ~~402.305(2)(d)5.~~, 402.313(6), and 402.3131(5).

Section 8. Paragraph (g) of subsection (3) of section 1002.55, Florida Statutes, is amended to read:

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

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(3) To be eligible to deliver the prekindergarten program, a private prekindergarten provider must meet each of the following requirements:

(g) The private prekindergarten provider must have a prekindergarten director who has a prekindergarten director credential that is approved by the office as meeting or exceeding the minimum standards adopted under s. 1002.57. Successful completion of a child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ before the establishment of the prekindergarten director credential under s. 1002.57 or July 1, 2006, whichever occurs later, satisfies the requirement for a prekindergarten director credential under this paragraph.

Section 9. Subsections (3) and (4) of section 1002.57, Florida Statutes, are amended to read:

1002.57 Prekindergarten director credential.—

(3) The prekindergarten director credential must meet or exceed the requirements of the Department of Children and Families for the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~, and successful completion of the prekindergarten director credential satisfies these requirements for the child care facility director credential.

(4) The department shall, to the maximum extent practicable, award credit to a person who successfully completes the child care facility director credential under s. 402.305(2)(g) ~~s. 402.305(2)(f)~~ for those requirements of the prekindergarten director credential which are duplicative of

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

requirements for the child care facility director credential.

Section 10. This act shall take effect July 1, 2018.

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

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

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

1360
Bill Number (if applicable)

Topic Adoption- homestudy

Amendment Barcode (if applicable)

Name Madonna Finney

Job Title Attorney

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Email MMFinney@aol.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Adoption Council

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1360
Bill Number (if applicable)

Topic CHILD PROTECTIVE INVESTIGATIONS

Amendment Barcode (if applicable)

Name SHERIFF MICHAEL ADKINSON, WALTON COUNTY

Job Title SHERIFF

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DEFUNIAK SPRINGS, FL 32433
City *State* *Zip*

Phone 850/951-4921

Email MADKINSON@WALTONSO.ORG

Speaking: ☑ For ☐ Against ☐ Information

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

Representing WALTON

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1392
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Criminal and Civil Justice); Criminal Justice Committee; and Senators Brandes and Perry
SUBJECT:	Prearrest Diversion Programs
DATE:	February 27, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Storch	Jones	CJ	**Fav/CS**
2.	Harkness	Sadberry	ACJ	**Recommend: Favorable**
3.	Harkness	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1392 requires the state attorney, the public defender, the clerk of the circuit court, and law enforcement agencies to establish a prearrest diversion program for adults and a civil citation or similar prearrest diversion program for juveniles in each judicial circuit.

Each judicial circuit's prearrest and civil citation or similar prearrest diversion program must specify:

- The misdemeanor offenses that qualify an offender for participation in the program;
- The eligibility criteria for the program;
- The program's implementation and operation;
- The program's requirements, including, but not limited to:
  - The completion of community service hours;
  - Payment of restitution, if applicable; and
  - Intervention services indicated by a needs assessment of the offender; and
- A program fee, if any, to be paid by a participant of the program.

The bill requires the Florida Department of Law Enforcement (FDLE) to adopt rules to provide for the expunction of a nonjudicial record of the arrest of a juvenile who has successfully completed a diversion program for a misdemeanor offense.

The bill requires the civil citation or similar prearrest diversion programs to submit certain information to the FDLE and the Department of Juvenile Justice (DJJ) regarding a juvenile's participation in the program. The bill also requires each law enforcement agency to submit to the DJJ certain information relating to each juvenile who is eligible for the diversion program but is instead referred to the DJJ, provided a notice to appear, or is arrested.

The bill requires the DJJ to compile such data relating to juvenile civil citation or similar prearrest diversion programs and publish it on the DJJ's website.

The bill's expunction and data collection provisions may have an impact on state expenditures. The creation of a prearrest diversion program could result in cost savings for local governments. See Section V. Fiscal Impact Statement.

The bill is effective October 1, 2018.

II. Present Situation:

The civil citation process is designed to provide an alternative to formal judicial handling for first time misdemeanant offenses.[1] The term "diversion" has been used broadly through the years to refer to programs that permit an individual to avoid incarceration, but still result in a criminal conviction. In recent years, the term diversion has also begun to refer to programs that address an individual's behavior but do not result in a conviction. An example of diversion is prearrest diversion.[2] One form of prearrest diversion is a civil citation program where a law enforcement officer has discretion to issue a civil citation to an individual who commits an eligible misdemeanor offense, meets other eligibility requirements, and agrees to participate in a diversion program. If the individual successfully completes the program, he or she does not have an arrest record.[3]

Adult prearrest diversion programs and juvenile civil citation programs are handled differently in Florida. Juvenile civil citation programs are encouraged by Florida law[4] and are in operation throughout the state. Florida law does not specifically address adult civil citation programs or other prearrest diversion programs for adults. However, sheriffs and counties across the state have implemented their own prearrest diversion programs for adults.

Adult Prearrest Diversion Programs

Leon County has established an adult civil citation program for first-time misdemeanants. Citations are issued by law enforcement based on the officer's discretion, the qualifying offense, and the individual's eligibility. The chief judge, state attorney, and public defender for the

[1] Civil Citation Network, *About Civil Citation*, available at http://civilcitationnetwork.com/home.html#about (last visited January 17, 2018).
[2] Center for Health and Justice at TASC, No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives, (December 2013), pg. 6 and 8, available at http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report_web.pdf (last visited January 18, 2018).
[3] Civil Citation Network, *Adult Civil Citation Program*, pg. 2, available at http://www.discvillage.com/DOCS/AdultCivilCitationBrochure.pdf (last visited January 17, 2018).
[4] Section 985.12, F.S.

Second Judicial Circuit cooperate in the program, along with the Leon County Commission and Sheriff's Office, and the City of Tallahassee Commission and Police Department.[5]

Pinellas County Sheriff's Office has also established a prearrest diversion program for adults. The Adult Pre-Arrest Diversion Program (APAD) is designed to help adults who commit low-level crimes avoid a criminal record. Rather than going to jail, the adults are required to complete community service, along with counseling or drug treatment.[6] The program was created as a way to prevent adults from getting a criminal record, while simultaneously lessening the burden on the Pinellas County court system. Since the APAD's launch in October 2016, there have been 1,851 adults who have participated in the program, resulting in the completion of nearly 25,000 community service hours and more than $17,000 paid in restitution.[7]

Juvenile Civil Citation

Section 985.12, F.S., encourages local entities to establish juvenile civil citation programs that provide law enforcement an alternative to arresting juveniles for nonserious delinquent acts. The DJJ is required to assist in the implementation of civil citation or other similar diversion programs. The DJJ must also develop guidelines for these programs that include intervention services based upon proven civil citation or similar diversion programs within the state.[8]

The civil citation process is designed to divert juveniles prior to arrest and prevent the juvenile's further involvement in the juvenile justice system.[9] A civil citation or similar diversion program has been implemented in 61 counties in Florida, with Taylor County in the process of implementation.[10] The following counties have not established a civil citation program: Bradford, Calhoun, Gulf, Hardee, and Washington.[11]

If established at the local level, the program must be created with the concurrence of the chief judge of the circuit, state attorney, public defender, and the head of each local law enforcement agency. The program may be operated by a law enforcement agency, the DJJ, a juvenile assessment center, the county or municipality, or another entity selected by the county or municipality.[12]

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[5] Civil Citation Network, *Adult Civil Citation Program*, pg. 2, available at http://www.discvillage.com/DOCS/AdultCivilCitationBrochure.pdf (last visited January 17, 2018).
[6] Laura C. Morel, *Pinellas sheriff leads effort for second chance program for low-level offenders*, TAMPA BAY TIMES, August 5, 2016, available at http://www.tampabay.com/news/publicsafety/pinellas-sheriff-leads-effort-for-second-chance-program-for-low-level/2288358 (last visited January 18, 2018).
[7] Laura C. Morel, *Pinellas sheriff calls pre-arrest diversion program a success amid challenges by St. Petersburg lawyer*, TBO, January 12, 2018, available at http://tbo.com/news/courts/criminal/Pinellas-Sheriff-calls-pre-arrest-diversion-program-a-success-amid-challenges-by-St-Petersburg-lawyer_164377717 (last visited January 18, 2018).
[8] Section 985.12(1) and (2), F.S.
[9] Florida Department of Juvenile Justice 2014-15, *Civil Citation*, http://www.djj.state.fl.us/docs/car-reports/(2014-15-car)-civil-citation-(12-21-2015)-mg-final.pdf?sfvrsn=2 (last visited January 18, 2018).
[10] Florida Department of Juvenile Justice, *Civil Citation Implementation by County as of July 21, 2017*, http://www.djj.state.fl.us/docs/probation-policy-memos/counties-with-cc-as-of-may-09-2016.pdf?Status=Master&sfvrsn=25 (last visited January 18, 2018).
[11] *Id.*
[12] Section 985.12(1), F.S.

Currently, a law enforcement officer who makes contact with a juvenile who admits to having committed a misdemeanor[13] has the discretion to:

- Issue a warning or inform the juvenile's parent or guardian of the child's infraction;
- Issue a civil citation or require participation in a similar diversion program; or
- Arrest the juvenile.[14]

A copy of each civil citation issued is provided to the DJJ, the county sheriff, state attorney, the appropriate intake office of the DJJ, or the community service performance monitor designated by the DJJ, the parent or guardian of the child, and the victim.[15]

From December 2016 to November 2017, there were 18,101 juveniles eligible to receive a civil citation. Of those eligible, 10,335 juveniles were issued a civil citation and the remaining 7,766 were arrested.[16]

A law enforcement officer can issue a civil citation to any juvenile who admits to committing a first-time, second-time, or third-time misdemeanor.[17] The officer must advise the juvenile of the option to refuse the civil citation and instead be referred to the DJJ. The juvenile may exercise that option at any time prior to completion of the program.[18] An officer who issues a civil citation or requires participation in a similar diversion program may also assess up to 50 hours of community service and require participation in intervention services.[19]

The juvenile must report to the community service performance monitor within seven business days after being issued the civil citation and complete at least five hours of work per week. The monitor must inform the DJJ intake office when the juvenile has reported to them and the expected date that the work assignment will be completed.[20]

The issuance of a civil citation is not considered a referral to the DJJ. However, the law enforcement officer must issue a report alleging the juvenile has committed a delinquent act, resulting in the juvenile probation officer processing the act as a referral to the DJJ, if:

- The child fails to report on time for a work assignment or fails to complete a work assignment;
- The child fails to comply with assigned intervention services within the prescribed time; or
- The child commits a subsequent misdemeanor.[21]

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[13] Misdemeanors involving sex or firearm offenses are currently ineligible for civil citations. Florida Department of Juvenile Justice, *Civil Citation Model Plan: A Guide to Implementation*, http://www.djj.state.fl.us/docs/probation-policy-memos/civil-citation-model-plan.pdf?Status=Master&sfvrsn=4 (last visited January, 2018).

[14] An officer who elects to arrest the juvenile must provide written documentation explaining why the arrest was warranted. Section 985.12(1), F.S.

[15] Section 985.12(1), F.S.

[16] Florida Department of Juvenile Justice, *Civil Citation & Other Similar Diversion Program Dashboard*, http://www.djj.state.fl.us/research/reports/reports-and-data/interactive-data-reports/civil-citation-dashboard/cc-dashboard (last visited January 18, 2018).

[17] Section 985.12(1), F.S.

[18] Section 985.12(6), F.S.

[19] Section 985.12(1), F.S.

[20] Section 985.12(4), F.S.

[21] Section 985.12(5), F.S.

Expunction of Juvenile Criminal History Record

Expunction is the physical destruction or obliteration of a record or portion of a record by any criminal justice agency having custody thereof, or as prescribed by the court issuing the order.[22] Section 943.0582(1), F.S., authorizes the FDLE to adopt rules to provide for the expunction of a nonjudicial arrest record of a juvenile who has successfully completed a prearrest or postarrest diversion program.[23]

The FDLE must expunge the nonjudicial arrest record of a juvenile who has successfully completed a prearrest or postarrest diversion program if that juvenile:

- Submits an application for prearrest or postarrest diversion expunction, on a form prescribed by the FDLE, signed by the juvenile's parent or legal guardian, or by the juvenile if he or she has reached the age of majority at the time of applying;
- Submits to the FDLE, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that:
  - He or she has successfully completed that county's prearrest or postarrest diversion program;
  - His or her participation in the program was based on an arrest for a nonviolent misdemeanor; and
  - He or she has not otherwise been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.
- Participated in a prearrest or postarrest diversion program that expressly authorizes or permits such expunction;
- Participated in a prearrest or postarrest diversion program based on an arrest for a nonviolent misdemeanor that would not qualify as an act of domestic violence;[24] and
- Has never been, before filing the application for expunction, charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.[25]

The FDLE is authorized to charge a $75 processing fee for each request received for prearrest or postarrest diversion program expunction. The fee may be waived by the executive director.[26]

Generally, a person who has his or her nonjudicial arrest record expunged by the FDLE may lawfully deny or fail to acknowledge the arrest and the charge covered by the expunged record.[27] However, the expunged nonjudicial arrest record will be made available to criminal justice agencies for the following purposes:

- Determining eligibility for prearrest, postarrest, or teen court diversion programs;
- When the record is sought as part of a criminal investigation; or

[22] Section 943.045(16), F.S.
[23] Section 943.0582(1), F.S.
[24] Section 741.287, F.S., defines domestic violence to mean any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
[25] Section 943.0582(3)(a)-(e), F.S.
[26] Section 943.0582(4), F.S.
[27] *Id.*

- When the subject of the record is a candidate for employment with a criminal justice agency.[28]

The nonjudicial arrest record eligible for expunction by the FDLE is not expunged by the local criminal justice agencies in the county in which the arrest occurred.[29] Section 943.0582(2)(a)2., F.S., requires that the records maintained by these local criminal justice agencies be sealed.[30]

Expunction or sealing granted pursuant to s. 943.0582, F.S., does not prevent a juvenile from petitioning for the expunction or sealing of a later criminal history record as provided for in other provisions of Florida law, if the juvenile is otherwise eligible.[31]

III. Effect of Proposed Changes:

Prearrest Diversion Programs (Adults and Juveniles)

The Legislature finds that the creation and implementation of a prearrest diversion program for adults and a civil citation or similar diversion program for juveniles (collectively referred to as prearrest diversion programs) at the judicial circuit level promotes public safety, aids interagency cooperation, and provides the greatest chance of success for prearrest diversion programs. Further, the Legislature finds that the widespread use of prearrest diversion programs has a positive effect on the criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state. The Legislature encourages counties, municipalities, and public or private educational institutions to participate in the prearrest diversion programs created by their judicial circuits.

The bill requires the establishment of two prearrest diversion programs in each judicial circuit in the state, one for adults and one for juveniles. The bill requires the programs to be created with the collaboration of the public defender, the state attorney, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit. The bill requires the DJJ to develop and provide guidelines for best practice models for civil citation or similar prearrest diversion programs to the judicial circuits to use as a resource in developing and refining the circuit-wide programs.

The bill provides that each judicial circuit's prearrest diversion program must specify:
- The misdemeanor offenses that qualify an adult or juvenile for participation in the program;
- The eligibility criteria for the program;
- The program's implementation and operation;
- The program's requirements, including, but not limited to:
  - The completion of community service hours;
  - Payment of restitution, if applicable; and
  - Intervention services indicated by a needs assessment of the adult or juvenile; and

[28] Section 943.0582(2)(a)1., F.S.
[29] Section 943.0582(2)(a)2., F.S.
[30] Sealing of a record means the preservation of a record under such circumstances that it is secure and inaccessible to any person not having a legal right of access to the record of the information contained and preserved therein. *See* s. 943.054(19), F.S.
[31] Section 943.0582(5), F.S. *See* ss. 943.0583, 943.0585, and 943.059, F.S.

- A program fee, if any, to be paid by an adult or juvenile participating in the program.[32]

The bill requires the state attorney of each circuit to operate both prearrest diversion programs. A sheriff, police department, county, municipality, or public or private educational institution may continue to operate an independent prearrest diversion program if it is in operation as of October 1, 2018, and is determined by the state attorney of that circuit to be substantially similar to the prearrest diversion program developed by the circuit. If the independent program is not substantially similar to the program developed by the circuit, the operator of the independent program may revise the program and the state attorney may conduct an additional review of the independent program.

The bill provides that a judicial circuit may look to model the circuit's programs after an existing sheriff, police department, county, municipality or public or private educational institution's prearrest diversion program.

The bill provides that if an adult or juvenile does not successfully complete the prearrest diversion program, the arresting law enforcement officer must determine if there is good cause to arrest the adult or juvenile for the original misdemeanor offense and refer the case to the state attorney to determine if prosecution is appropriate or rather, allow the adult or juvenile to continue in the prearrest diversion program.

The bill handles an adult participant's personal identifying information differently than that of a juvenile participant. Upon intake of an adult participating in the program, the state attorney or the person operating the independent program must electronically provide the adult's personal identifying information to the clerk of the court for the county in which the adult is participating in the program. This personal identifying information is not considered a court record and the confidentiality of the information must be maintained. The bill requires the clerk of the court to maintain this information in the Comprehensive Case Information System, which provides a single point of access for all such statewide information.

Whereas, when a juvenile participates in a prearrest diversion program, the DJJ receives a copy of the civil citation or similar diversion program notice and enters the appropriate information into the juvenile offender information system. The notice of a juvenile's civil citation or similar diversion program is also sent to the juvenile's parent or guardian and the victim. At the conclusion of a juvenile's participation in a civil citation or similar diversion program, the state attorney operating the program must report the outcome to the DJJ.

Expunction of Juvenile Criminal History Record

The bill amends s. 943.0582, F.S., to require the FDLE to adopt rules to provide for the expunction of a nonjudicial record of the arrest of a juvenile who has successfully completed a diversion program for a misdemeanor offense. The bill specifies that an expunction under this section is limited to misdemeanor offenses.

[32] If the program imposes a fee, the clerk of the court of the applicable county must receive a reasonable portion of the fee.

The bill defines "diversion program" as a program under s. 985.12, F.S. (civil citation), s. 985.125, F.S. (prearrest or postarrest diversion programs), s. 985.155, F.S. (neighborhood restorative justice), or s. 985.16, F.S. (community arbitration), or a program to which a referral is made by a state attorney under s. 985.15(1)(g), F.S.

The bill requires the FDLE to expunge the nonjudicial arrest record of a juvenile if the juvenile has never previously received an expunction under s. 943.0582, F.S. The bill also requires the diversion program to submit a certification for expunction to the FDLE as a prerequisite to expunging the juvenile's nonjudicial arrest record under this section.

The bill removes the requirements for the juvenile to submit an application and official written statement from the state attorney to the FDLE prior to obtaining an expunction of his or her nonjudicial arrest record. The bill also removes the authority granted to the FDLE to charge a $75 processing fee for seeking an expunction under this section.

The bill maintains that "expunction" has the same meaning and effect as in s. 943.0585, F.S., providing that a person who has his or her nonjudicial arrest record expunged may lawfully deny or fail to acknowledge the arrest and the charge covered by the expunged record. However, the bill limits the purposes in which an expunged nonjudicial arrest record will be made available to criminal justice agencies to the following:

- Determining eligibility for diversion programs;
- A criminal investigation; or
- Making a prosecutorial decision under s. 985.15, F.S.

Thus, the bill provides that the nonjudicial arrest record of a person whose record is expunged under this section will no longer be made available when the subject of the record is a candidate for employment with a criminal justice agency.

Diversion Program Data Collection

The bill provides that the term "diversion program" has the same meaning as provided in s. 943.0582, F.S.[33]

The bill requires each diversion program to submit the following:

- A certification for expunction to the FDLE of the juvenile's nonjudicial arrest record under s. 943.0582, F.S., if the juvenile:
  - Successfully completes the diversion program for a first-time misdemeanor offense; and
  - Has not otherwise been charged by the state attorney with, or been found to have committed, a criminal offense or comparable ordinance violation.
- Data to the DJJ in a form prescribed by the DJJ which identifies the following for each juvenile who participates in the diversion program:
  - The race, ethnicity, gender, and age of the juvenile;
  - The offense committed, with citation to the specific law establishing the offense; and

[33] The bill defines "diversion program" as a program under s. 985.12, F.S. (civil citation), s. 985.125, F.S. (prearrest or postarrest diversion programs), s. 985.155, F.S. (neighborhood restorative justice), or s. 985.16, F.S. (community arbitration), or a program to which a referral is made by a state attorney under s. 985.15(1)(g), F.S.

- The judicial circuit and county in which the offense was committed and the law enforcement agency that had contact with the juvenile for the offense.[34]

Additionally, each law enforcement agency must submit the following data to the DJJ for each juvenile who is eligible for the diversion program, but who is instead referred to the DJJ, provided a notice to appear, or arrested:

- Whether the juvenile was offered the opportunity to participate in the diversion program. If the juvenile was:
  - Not offered such opportunity, the reason such offer was not made.
  - Offered such opportunity, whether juvenile or his or her parent or legal guardian declined to participate in the diversion program.

The DJJ must compile the data listed above and publish it on the DJJ's website in a format that is, at a minimum, sortable by:

- Judicial circuit;
- County;
- Law enforcement agency;
- Race or ethnicity;
- Gender;
- Age; and
- Offense committed.

The bill takes effect October 1, 2018.

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.

[34] Each law enforcement agency is also required to collect and submit this data to the DJJ for each juvenile who was eligible for a diversion program, but was instead referred to the DJJ, provided a notice to appear, or arrested.

B. Private Sector Impact:

Adults and juveniles who wish to participate in a prearrest diversion program may have to pay a fee, depending on the guidelines established by each individual judicial circuit. The participant may also have to pay restitution as part of the prearrest diversion program, depending on what is indicated by the assessment of the adult or juvenile.

C. Government Sector Impact:

The bill provides that if there is a fee imposed, a reasonable portion of the fee must be given to the clerk of the court of the applicable county. The amount of fee revenue the clerks will collect from this provision is indeterminate.

The Florida Department of Law Enforcement will experience an increase in workload related to the implementation of the expunction processing. The magnitude of the costs associated with this additional workload, along with costs for computer programming, are indeterminate. The department will also experience a reduction in revenue associated with the removal of its authority to charge a $75 processing fee for those seeking a prearrest or postarrest diversion program expunction. The magnitude of the revenue loss is indeterminate.

In addition, the Department of Juvenile Justice will experience an increase in workload relating to data collection and website publishing requirements. The costs associated with this workload is indeterminate.

Creation of a prearrest diversion program for adults may result in cost savings for local government (reduced booking/arrest-processing costs), depending on the number of eligible offenses, other eligibility criteria chosen, the pool of eligible adults, the number of participating law enforcement agencies, the use of the prearrest diversion program, and any impact the program may have in reducing arrests.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 943.0582, 985.12, and 985.125.

This bill creates the following sections of the Florida Statutes: 901.40 and 985.126.

IX. Additional Information:

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

CS/CS by Appropriations on February 27, 2018:
The committee substitute clarifies that juvenile diversion programs are prearrest programs.

CS by Criminal Justice on January 22, 2018:
The Committee Substitute:

- Requires the DJJ to develop and provide guidelines for best practice models for civil citation or similar diversion programs to the judicial circuits as a resource;
- Clarifies that the state attorney will be required to operate the prearrest diversion programs for the circuit;
- Clarifies that an independent prearrest diversion program may continue to operate in addition to the circuit-wide program;
- Specifies that the clerk of the court will store an adult's personal identifying information in the Comprehensive Case Information System; and
- Requires each law enforcement agency to submit certain information to the DJJ relating to a juvenile who is eligible to participate in a civil citation or similar diversion program, but was instead referred to the DJJ, provided a notice to appear, or arrested.

B. Amendments:

None.

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

868962

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/27/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 249 - 396.

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

And the title is amended as follows:

Delete lines 38 - 70

and insert:

the expunction;

381400

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/27/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment (with title amendment)

Delete lines 249 - 396

and insert:

Section 3. Section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the creation and implementation of civil citation or

similar prearrest diversion programs at the judicial circuit level promotes public safety, aids interagency cooperation, and provides the greatest chance of success for civil citation and similar prearrest diversion programs. The Legislature further finds that the widespread use of civil citation and similar prearrest diversion programs has a positive effect on the criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state. The Legislature encourages but does not mandate that counties, municipalities, and public or private educational institutions participate in a civil citation or similar prearrest diversion program created by their judicial circuit under this section. ~~There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice for children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The department shall encourage and assist in the implementation and improvement of civil citation programs or other similar diversion programs around the state.~~

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PREARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION AND OPERATION.—

(a) A ~~The~~ civil citation or similar prearrest diversion program shall be established in each judicial circuit in the state. The ~~at the local level with the concurrence of the chief judge of the circuit,~~ state attorney and~~,~~ public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a civil citation or similar prearrest diversion program and develop its policies and

procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. The department shall annually develop and provide guidelines on best practice models for civil citation or similar prearrest diversion programs to the judicial circuits as a resource.

(b) Each judicial circuit's civil citation or similar prearrest diversion program must specify:

1. The misdemeanor offenses that qualify a juvenile for participation in the program;

2. The eligibility criteria for the program;

3. The program's implementation and operation;

4. The program's requirements, including, but not limited to, the completion of community service hours, payment of restitution, if applicable, and intervention services indicated by a needs assessment of the juvenile, approved by the department, such as family counseling, urinalysis monitoring, and substance abuse and mental health treatment services; and

5. A program fee, if any, to be paid by a juvenile participating in the program. If the program imposes a fee, the clerk of the court of the applicable county must receive a reasonable portion of the fee.

(c) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program in each circuit. A sheriff, police department, county, municipality, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent

program is substantially similar to the civil citation or similar prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program.

(d) A judicial circuit may model an existing sheriff, police department, county, municipality, or public or private educational institution's independent civil citation or similar prearrest diversion program in developing the civil citation or similar prearrest diversion program for the circuit.

(e) If a juvenile does not successfully complete the civil citation or similar prearrest diversion program, the arresting law enforcement officer shall determine if there is good cause to arrest the juvenile for the original misdemeanor offense and refer the case to the state attorney to determine if prosecution is appropriate or allow the juvenile to continue in the program ~~and the head of each local law enforcement agency involved~~. ~~The program may be operated by an entity such as a law enforcement agency, the department, a juvenile assessment center, the county or municipality, or another entity selected by the county or municipality. An entity operating the civil citation or similar diversion program must do so in consultation and agreement with the state attorney and local law enforcement agencies. Under such a juvenile civil citation or similar diversion program, a law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may choose to issue a~~

~~simple warning or inform the child's guardian or parent of the child's infraction, or may issue a civil citation or require participation in a similar diversion program, and assess up to 50 community service hours, and require participation in intervention services as indicated by an assessment of the needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.~~

(f) A copy of each civil citation or similar prearrest diversion program notice issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system. ~~Use of the civil citation or similar diversion program is not limited to first-time misdemeanors and may be used in up to two subsequent misdemeanors. If an arrest is made, a law enforcement officer must provide written documentation as to why an arrest was warranted.~~

(g) At the conclusion of a juvenile's civil citation ~~program~~ or similar prearrest diversion program, the state attorney or operator of the independent program ~~agency operating the program~~ shall report the outcome to the department. The issuance of a civil citation or similar prearrest diversion program notice is not considered a referral to the department.

~~(2) The department shall develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within the state.~~

(h) ~~(3)~~ Upon issuing ~~such~~ a civil citation or similar prearrest diversion program notice, the law enforcement officer

shall send a copy of ~~to~~ the civil citation or similar prearrest diversion program notice to ~~county sheriff, state attorney, the appropriate intake office of the department, or the community service performance monitor designated by the department,~~ the parent or guardian of the child~~,~~ and to the victim.

~~(4) The child shall report to the community service performance monitor within 7 working days after the date of issuance of the citation. The work assignment shall be accomplished at a rate of not less than 5 hours per week. The monitor shall advise the intake office immediately upon reporting by the child to the monitor, that the child has in fact reported and the expected date upon which completion of the work assignment will be accomplished.~~

~~(5) If the child fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer shall process the original delinquent act as a referral to the department and refer the report to the state attorney for review.~~

~~(6) At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time before completion of the work assignment.~~

381400

========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Delete lines 41 - 70
and insert:
certain purpose; establishing a civil citation or similar prearrest diversion program in each judicial circuit, rather than at the local level with the concurrence of specified persons; requiring that the state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies create a civil citation or similar prearrest diversion program and develop its policies and procedures; authorizing such entities to solicit stakeholders for input in developing the program's policies and procedures; requiring the Department of Juvenile Justice to annually develop and provide guidelines on civil citation or similar prearrest diversion programs to the judicial circuits; providing requirements for the civil citation or similar prearrest diversion program; requiring the state attorney of each judicial circuit to operate the civil citation or similar prearrest diversion program; providing an exception; providing construction; requiring the arresting law enforcement officer to make a determination if a juvenile does not successfully complete the civil citation or similar prearrest diversion program; deleting provisions relating to the operation of and requirements for a

381400

civil citation or similar prearrest diversion program; requiring that a copy of each civil citation or similar prearrest diversion program notice be provided to the Department of Juvenile Justice; conforming provisions to changes made by the act; deleting provisions relating to requirements for a civil citation or similar prearrest diversion program;

By the Committee on Criminal Justice; and Senator Brandes

591-02326-18 20181392c1

A bill to be entitled

An act relating to prearrest diversion programs; creating s. 901.40, F.S.; providing legislative findings and intent; encouraging counties, municipalities, and public or private educational institutions to implement prearrest diversion programs; requiring that in each judicial circuit the public defender, the state attorney, the clerks of the court, and representatives of participating law enforcement agencies create a prearrest diversion program and develop its policies and procedures; authorizing such entities to solicit stakeholders for input in developing the program's policies and procedures; providing requirements for the prearrest diversion program; requiring the state attorney of each circuit to operate the prearrest diversion program; providing an exception; providing construction; requiring the arresting law enforcement officer to make a determination if an adult does not successfully complete the prearrest diversion program; requiring the state attorney or the person operating an independent prearrest diversion program to electronically provide certain information to the clerk of the court; requiring the clerk of the court to maintain the confidentiality of such information; requiring the clerk of the court to maintain that information in a statewide database; amending s. 943.0582, F.S.; requiring, rather than authorizing, the Department of Law Enforcement to adopt rules for

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591-02326-18 20181392c1

the expunction of certain nonjudicial records of the arrest of a minor upon his or her successful completion of a certain diversion program; authorizing such expunctions for certain first-time misdemeanor offenses; defining and revising terms; revising the circumstances under which the department must expunge certain nonjudicial arrest records; deleting the department's authority to charge a processing fee for the expunction; amending s. 985.12, F.S.; providing legislative findings and intent; deleting provisions establishing a juvenile civil citation process with a certain purpose; establishing a civil citation or similar diversion program in each judicial circuit, rather than at the local level with the concurrence of specified persons; requiring that the state attorney and public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies create a civil citation or similar diversion program and develop its policies and procedures; authorizing such entities to solicit stakeholders for input in developing the program's policies and procedures; requiring the Department of Juvenile Justice to annually develop and provide guidelines on civil citation or similar diversion programs to the judicial circuits; providing requirements for the civil citation or similar diversion program; requiring the state attorney of each judicial circuit to operate the civil citation or similar diversion program;

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providing an exception; providing construction; requiring the arresting law enforcement officer to make a determination if a juvenile does not successfully complete the civil citation or similar diversion program; deleting provisions relating to the operation of and requirements for a civil citation or similar diversion program; requiring that a copy of each civil citation or similar diversion program notice be provided to the Department of Juvenile Justice; conforming provisions to changes made by the act; deleting provisions relating to requirements for a civil citation or similar diversion program; amending s. 985.125, F.S.; conforming a provision to changes made by the act; creating s. 985.126, F.S.; defining the term "diversion program"; requiring a diversion program to submit to the Department of Law Enforcement a certification for expunction of the nonjudicial arrest record of a juvenile under specified circumstances; requiring a diversion program to submit to the Department of Juvenile Justice specified data relating to diversion programs; requiring each law enforcement agency to submit to the Department of Juvenile Justice specified data about juveniles eligible to participate in diversion programs; requiring the Department of Juvenile Justice to compile and publish the data in a specified manner; authorizing a juvenile under certain circumstances to deny or fail to acknowledge his or her participation in a diversion program or the expunction of a certain

nonjudicial arrest record unless an exception applies; providing an effective date.

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

Section 1. Section 901.40, Florida Statutes, is created to read:

901.40 Prearrest diversion programs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the creation and implementation of prearrest diversion programs at the judicial circuit level promotes public safety, aids interagency cooperation, and provides the greatest chance of success for prearrest diversion programs. The Legislature further finds that the widespread use of prearrest diversion programs has a positive effect on the criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state. The Legislature encourages but does not mandate that counties, municipalities, and public or private educational institutions participate in a prearrest diversion program created by their judicial circuit under this section.

(2) JUDICIAL CIRCUIT PREARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, OPERATION.—

(a) In each judicial circuit in the state, the public defender, the state attorney, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a prearrest diversion program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited.

(b) Each judicial circuit's prearrest diversion program must specify:

1. The misdemeanor offenses that qualify an adult for participation in the program;

2. The eligibility criteria for the program;

3. The program's implementation and operation;

4. The program's requirements, including, but not limited to, the completion of community service hours, payment of restitution, if applicable, and intervention services indicated by a needs assessment of the adult, such as urinalysis monitoring and substance abuse and mental health treatment services; and

5. A program fee, if any, to be paid by an adult participating in the program. If the program imposes a fee, the clerk of the court of the applicable county must receive a reasonable portion of the fee.

(c) The state attorney of each circuit shall operate a prearrest diversion program in each circuit. A sheriff, police department, county, municipality, or public or private educational institution may continue to operate an independent prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney

may conduct an additional review of the independent program.

(d) A judicial circuit may model an existing sheriff, police department, county, municipality, or public or private educational institution's independent prearrest diversion program in developing the prearrest diversion program for the circuit.

(e) If an adult does not successfully complete the prearrest diversion program, the arresting law enforcement officer shall determine if there is good cause to arrest the adult for the original misdemeanor offense and refer the case to the state attorney to determine if prosecution is appropriate or allow the adult to continue in the program.

(f) Upon intake of an adult participating in the prearrest diversion program, the state attorney or the person operating the independent prearrest diversion program shall electronically provide the adult's personal identifying information to the clerk of the court for the county in which the adult is participating in the prearrest diversion program. Such information is not a court record, and the clerk of the court shall maintain the confidentiality of the adult's personal identifying information as provided in subsection (3). The clerk of the court shall maintain such information as a separate component of the Comprehensive Case Information System created and operated pursuant to s. 28.24, which must provide a single point of access for all such statewide information.

Section 2. Section 943.0582, Florida Statutes, is amended to read:

943.0582 Prearrest, postarrest, or teen court diversion program expunction.—

(1) Notwithstanding any law dealing generally with the preservation and destruction of public records, the department shall adopt rules to ~~may~~ provide~~, by rule adopted pursuant to chapter 120,~~ for the expunction of a ~~any~~ nonjudicial record of the arrest of a minor who has successfully completed a ~~prearrest or postarrest~~ diversion program for a misdemeanor offense ~~minors as authorized by s. 985.125~~.

(2)~~(a)~~ As used in this section, the term:

(a) "Diversion program" means a program under s. 985.12, s. 985.125, s. 985.155, or s. 985.16 or a program to which a referral is made by a state attorney under s. 985.15(1)(g).

(b) "Expunction" has the same meaning ascribed in and has the same effect as in s. 943.0585, except that:

1. Section ~~The provisions of s.~~ 943.0585(4)(a) does ~~do~~ not apply, except that the criminal history record of a person whose record is expunged pursuant to this section shall be made available only to criminal justice agencies for the purpose of:

a. Determining eligibility for ~~prearrest, postarrest, or teen court~~ diversion programs;

b. ~~when the record is sought as part of~~ A criminal investigation; or

c. Making a prosecutorial decision under s. 985.15~~; or when the subject of the record is a candidate for employment with a criminal justice agency. For all other purposes, a person whose record is expunged under this section may lawfully deny or fail to acknowledge the arrest and the charge covered by the expunged record~~.

2. Records maintained by local criminal justice agencies in the county in which the arrest occurred that are eligible for

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expunction pursuant to this section shall be sealed as the term is used in s. 943.059.

~~(b) As used in this section, the term "nonviolent misdemeanor" includes simple assault or battery when prearrest or postarrest diversion expunction is approved in writing by the state attorney for the county in which the arrest occurred.~~

(3) The department shall expunge the nonjudicial arrest record of a minor ~~who has successfully completed a prearrest or postarrest diversion program~~ if the minor has never previously received an expunction under this section and the diversion program submits a certification for expunction ~~that minor:~~

~~(a) Submits an application for prearrest or postarrest diversion expunction,~~ on a form prescribed by the department~~,~~ ~~signed by the minor's parent or legal guardian, or by the minor if he or she has reached the age of majority at the time of applying~~.

~~(b) Submits to the department, with the application, an official written statement from the state attorney for the county in which the arrest occurred certifying that he or she has successfully completed that county's prearrest or postarrest diversion program, that his or her participation in the program was based on an arrest for a nonviolent misdemeanor, and that he or she has not otherwise been charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.~~

~~(c) Participated in a prearrest or postarrest diversion program that expressly authorizes or permits such expunction.~~

~~(d) Participated in a prearrest or postarrest diversion program based on an arrest for a nonviolent misdemeanor that~~

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~~would not qualify as an act of domestic violence as that term is defined in s. 741.28.~~

~~(c) Has never been, before filing the application for expunction, charged by the state attorney with, or found to have committed, any criminal offense or comparable ordinance violation.~~

(4) ~~The department is authorized to charge a $75 processing fee for each request received for prearrest or postarrest diversion program expunction, for placement in the Department of Law Enforcement Operating Trust Fund, unless such fee is waived by the executive director.~~

~~(5)~~ Expunction or sealing granted under this section does not prevent the minor who receives such relief from petitioning for the expunction or sealing of a later criminal history record as provided for in ss. 943.0583, 943.0585, and 943.059, if the minor is otherwise eligible under those sections.

Section 3. Section 985.12, Florida Statutes, is amended to read:

985.12 Civil citation or similar diversion programs.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that the creation and implementation of civil citation or similar diversion programs at the judicial circuit level promotes public safety, aids interagency cooperation, and provides the greatest chance of success for civil citation and similar diversion programs. The Legislature further finds that the widespread use of civil citation and similar diversion programs has a positive effect on the criminal justice system and contributes to an overall reduction in the crime rate and recidivism in the state. The Legislature encourages but does not

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mandate that counties, municipalities, and public or private educational institutions participate in a civil citation or similar diversion program created by their judicial circuit under this section. ~~There is established a juvenile civil citation process for the purpose of providing an efficient and innovative alternative to custody by the Department of Juvenile Justice for children who commit nonserious delinquent acts and to ensure swift and appropriate consequences. The department shall encourage and assist in the implementation and improvement of civil citation programs or other similar diversion programs around the state.~~

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION AND OPERATION.—

(a) A ~~The~~ civil citation or similar diversion program shall be established in each judicial circuit in the state. The ~~at the local level with the concurrence of the chief judge of the circuit,~~ state attorney and~~,~~ public defender of each circuit, the clerk of the court for each county in the circuit, and representatives of participating law enforcement agencies in the circuit shall create a civil citation or similar diversion program and develop its policies and procedures. In developing the program's policies and procedures, input from other interested stakeholders may be solicited. The department shall annually develop and provide guidelines on best practice models for civil citation or similar diversion programs to the judicial circuits as a resource.

(b) Each judicial circuit's civil citation or similar diversion program must specify:

1. The misdemeanor offenses that qualify a juvenile for

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

participation in the program;

2. The eligibility criteria for the program;

3. The program's implementation and operation;

4. The program's requirements, including, but not limited to, the completion of community service hours, payment of restitution, if applicable, and intervention services indicated by a needs assessment of the juvenile, approved by the department, such as family counseling, urinalysis monitoring, and substance abuse and mental health treatment services; and

5. A program fee, if any, to be paid by a juvenile participating in the program. If the program imposes a fee, the clerk of the court of the applicable county must receive a reasonable portion of the fee.

(c) The state attorney of each circuit shall operate a civil citation or similar diversion program in each circuit. A sheriff, police department, county, municipality, or public or private educational institution may continue to operate an independent civil citation or similar diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the civil citation or similar diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program.

(d) A judicial circuit may model an existing sheriff,

police department, county, municipality, or public or private educational institution's independent civil citation or similar diversion program in developing the civil citation or similar diversion program for the circuit.

(e) If a juvenile does not successfully complete the civil citation or similar diversion program, the arresting law enforcement officer shall determine if there is good cause to arrest the juvenile for the original misdemeanor offense and refer the case to the state attorney to determine if prosecution is appropriate or allow the juvenile to continue in the program ~~and the head of each local law enforcement agency involved~~. ~~The program may be operated by an entity such as a law enforcement agency, the department, a juvenile assessment center, the county or municipality, or another entity selected by the county or municipality. An entity operating the civil citation or similar diversion program must do so in consultation and agreement with the state attorney and local law enforcement agencies. Under such a juvenile civil citation or similar diversion program, a law enforcement officer, upon making contact with a juvenile who admits having committed a misdemeanor, may choose to issue a simple warning or inform the child's guardian or parent of the child's infraction, or may issue a civil citation or require participation in a similar diversion program, and assess up to 50 community service hours, and require participation in intervention services as indicated by an assessment of the needs of the juvenile, including family counseling, urinalysis monitoring, and substance abuse and mental health treatment services.~~

(f) A copy of each civil citation or similar diversion

program notice issued under this section shall be provided to the department, and the department shall enter appropriate information into the juvenile offender information system. ~~Use of the civil citation or similar diversion program is not limited to first-time misdemeanors and may be used in up to two subsequent misdemeanors. If an arrest is made, a law enforcement officer must provide written documentation as to why an arrest was warranted.~~

(g) At the conclusion of a juvenile's civil citation ~~program~~ or similar diversion program, the state attorney or operator of the independent program ~~agency operating the program~~ shall report the outcome to the department. The issuance of a civil citation or similar diversion program notice is not considered a referral to the department.

~~(2) The department shall develop guidelines for the civil citation program which include intervention services that are based upon proven civil citation or similar diversion programs within the state.~~

(h) ~~(3)~~ Upon issuing ~~such~~ a civil citation or similar diversion program notice, the law enforcement officer shall send a copy of ~~to~~ the civil citation or similar diversion program notice to ~~county sheriff, state attorney, the appropriate intake office of the department, or the community service performance monitor designated by the department,~~ the parent or guardian of the child~~,~~ and to the victim.

~~(4) The child shall report to the community service performance monitor within 7 working days after the date of issuance of the citation. The work assignment shall be accomplished at a rate of not less than 5 hours per week. The~~

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~~monitor shall advise the intake office immediately upon reporting by the child to the monitor, that the child has in fact reported and the expected date upon which completion of the work assignment will be accomplished.~~

~~(5) If the child fails to report timely for a work assignment, complete a work assignment, or comply with assigned intervention services within the prescribed time, or if the juvenile commits a subsequent misdemeanor, the law enforcement officer shall issue a report alleging the child has committed a delinquent act, at which point a juvenile probation officer shall process the original delinquent act as a referral to the department and refer the report to the state attorney for review.~~

~~(6) At the time of issuance of the citation by the law enforcement officer, such officer shall advise the child that the child has the option to refuse the citation and to be referred to the intake office of the department. That option may be exercised at any time before completion of the work assignment.~~

Section 4. Subsection (3) of section 985.125, Florida Statutes, is amended to read:

985.125 Prearrest or postarrest diversion programs.—

~~(3) The prearrest or postarrest diversion program may, upon agreement of the agencies that establish the program, provide for the expunction of the nonjudicial arrest record of a minor who successfully completes such a program pursuant to s. 943.0582.~~

Section 5. Section 985.126, Florida Statutes, is created to read:

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985.126 Diversion programs; data collection; denial of participation or expunged record.—

(1) As used in this section, the term "diversion program" has the same meaning as in s. 943.0582.

(2) Each diversion program shall submit:

(a) A certification for expunction to the Department of Law Enforcement of the juvenile's nonjudicial arrest record under s. 943.0582 if the juvenile:

1. Successfully completes the diversion program for a first-time misdemeanor offense; and

2. Has not otherwise been charged by the state attorney with, or been found to have committed, a criminal offense or comparable ordinance violation.

(b) Data to the department in a form prescribed by the department which identifies for each juvenile who participates in the diversion program:

1. The race, ethnicity, gender, and age of the juvenile;

2. The offense committed, with citation to the specific law establishing the offense; and

3. The judicial circuit and county in which the offense was committed and the law enforcement agency that had contact with the juvenile for the offense.

(3) Each law enforcement agency shall submit to the department data that identifies for each juvenile who was eligible for a diversion program, but was instead referred to the department, provided a notice to appear, or arrested:

(a) The data required under paragraph (2)(b).

(b) Whether the juvenile was offered the opportunity to participate in the diversion program. If the juvenile was:

1. Not offered such opportunity, the reason such offer was not made.

2. Offered such opportunity, whether the juvenile or his or her parent or legal guardian declined to participate in the diversion program.

(4) The department shall compile the data required under subsections (2) and (3) and publish it on the department's website in a format that is, at a minimum, sortable by judicial circuit, county, law enforcement agency, race or ethnicity, gender, age, and offense committed.

(5) A juvenile who successfully completes a diversion program for a first-time misdemeanor offense may lawfully deny or fail to acknowledge his or her participation in the program and an expunction of a nonjudicial arrest record under s. 943.0582, unless the inquiry is made by a criminal justice agency, as defined in s. 943.045, for a purpose described in s. 943.0582(2)(a)1.

Section 6. This act shall take effect October 1, 2018.

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 15, 2018

I respectfully request that **Senate Bill #1392**, relating to **Prearrest Diversion Programs**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1392
Bill Number (if applicable)

381400
Amendment Barcode (if applicable)

Topic Prearrest Diversion Programs

Name Daphnee Sainvil

Job Title Policy Advisor

Address 115 S. Andrews Ave.
Street

Ft. Lauderdale FL 33301
City *State* *Zip*

Phone 954-253-7320

Email dsainvil@broward.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Broward County Bd. of County Cmsrs

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

1392
Bill Number (if applicable)

Topic Pre Arrest Diversion

Amendment Barcode (if applicable)

Name Mike Harrison

Job Title Harrison Bail Bonds

Address 2626 W. Tennessee St.
Street

Phone 850-926-2299

Tallahassee FL 32304
City *State* *Zip*

Email harrisonbailbonds@aol.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing FL Bail Agent 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

1392
Bill Number (if applicable)

Topic Pre Arrest Diversion Programs

Amendment Barcode (if applicable)

Name Matthew Jones

Job Title President

Address 312 Main St
Street

Phone

Ponte Gorda FL 33950
City *State* *Zip*

Email matt@awayatbailbonds.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing Florida Bail Agents Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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APPEARANCE RECORD

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

2/27/18
Meeting Date

1392
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Diversion Programs

Name Christopher Blaine

Job Title Student

Address 7748 Belah Drive
Street
New Port Richey FL 34653
City *State* *Zip*

Phone 727-698-8513

Email Cblaine1001@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) SB 1392

Meeting Date *Bill Number (if applicable)*

Topic CIVIL CITATIONS-JUVENILE *Amendment Barcode (if applicable)*

Name BILL OBERDICK

Job Title REPRESENTATIVE of D.A.R.T.

Address 11300 CARAVEL CIR # 107 Phone 216-392-7024
Street

FORT MEYERS FL 33908 Email BILL2016OBER@GMAIL.COM
City *State* *Zip*

Speaking: ☐ For ☐ Against ☒ Information

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

Representing D.A.R.T AND L.I.F.E.

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)

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

1392
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Civil Citation

Name Rev. Ty Bradley

Job Title Minister / Pastor

Address 1480 SW 9th Ave
Street

Ft Lauderdale FL 33315
City *State* *Zip*

Phone 949 200 2065

Email ty@sunshinecathedral.org

Speaking: ☐ For ☐ Against ☒ Information

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

Representing D.A.R.T. Affiliate BOLD Justice

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)

2/27/18
Meeting Date

1392
Bill Number (if applicable)

Topic Adult Civil Citation

Amendment Barcode (if applicable)

Name Jeff Kottkamp

Job Title

Address
Street

Phone

Tallahassee FL
City *State* *Zip*

Email

Speaking: ☐ For ☑ Against ☐ Information

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

Representing Financial Casualty & Surety

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-14
Meeting Date

SB 1392
Bill Number (if applicable)

Topic Juvenile Justice - Civil Citation

Amendment Barcode (if applicable)

Name Terry Bucher

Job Title Retired

Address 157 Audubon Ct
Street

Phone 863 258-0912

Winter Haven FL. 33884
City *State* *Zip*

Email tbucher157@hotmail.com

Speaking: ☐ For ☐ Against ☑ Information

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

Representing DART Affiliate - PERCE

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)

2/27
Meeting Date

1392
Bill Number (if applicable)

Topic Professional Regulation

Amendment Barcode (if applicable)

Name Sal Nuzzo

Job Title VP Policy

Address 100 N Duval Street
Street

Phone 850-322-9941

Tallahassee FL 32301
City *State* *Zip*

Email snuzzo@jamesmadison.org

Speaking: ☑ For ☐ Against ☐ Information

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

Representing The James Madison Institute

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

SB 1392
Bill Number (if applicable)

Topic Criminal Justice Reform

Amendment Barcode (if applicable)

Name Alexander Smither

Job Title

Address 9851 SR 54
Street

New Port Richey FL 34655
City *State* *Zip*

Phone 813-315-0513

Email Alex@libertyfirstnetwork.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Liberty First Network

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)

2.27.18
Meeting Date

1392
Bill Number (if applicable)

Topic Prearrest Diversion Programs

Amendment Barcode (if applicable)

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
City *State* *Zip*

Email Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Florida Smart Justice Alliance

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)

2-27-18
Meeting Date

1392
Bill Number (if applicable)

Topic Prearrest Diversion Programs
Amendment Barcode (if applicable)

Name Kurt Wenner

Job Title Vice President

Address 106 N. Bronough
Street

Tallhassee FL 32301
City *State* *Zip*

Phone 850-222-5052

Email kwenner@floridataxwatch.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida TaxWatch

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)

2/27/18
Meeting Date

1392
Bill Number (if applicable)

Topic Prearrest Diversion Programs

Amendment Barcode (if applicable)

Name Daphnee Sainvil

Job Title Policy Advisor

Address 115 S. Andrews Ave. *Street*

Phone 954-253-7320

Ft. Lauderdale *City* FL *State* 33301 *Zip*

Email dsainvil@broward.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Broward County Bd. of County Cmsrs.

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1486
INTRODUCER:	Appropriations Committee; Health Policy Committee; and Senator Grimsley
SUBJECT:	Department of Health
DATE:	March 5, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	**Fav/CS**
2.	Loe	Hansen	AP	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1486 provides rulemaking authority to the Department of Health (DOH) to implement the Conrad 30 Waiver Program.

The bill has no impact on state revenues or expenditures.

The effective date of the bill is July 1, 2018.

II. Present Situation:

The Conrad 30 Program

The Conrad 30 Waiver Program, authorized by the United States Department of State (USDOS), and the United States Citizenship and Immigration Services (USCIS), addresses the shortage of qualified doctors in medically underserved areas. The program allow a medical doctor holding a J-1 Visa to apply for a waiver of the two-year residence requirement upon completion of the J-1Visa exchange visitor program under s. 214(1) of the Immigration and Nationality Act (INA).

State public health agencies are authorized to sponsor up to 30 physicians annually to serve in a designated U.S. Department of Health and Human Services (HHS) Health Professional Shortage Area (HPSA), Medically Underserved Area (MUA), or Medically Underserved Population

(MUP). The program requires a medical doctor holding a J-1 Visa who wishes to participate in a Conrad 30 Waiver Program to:

- Agree to be employed full-time in H-1B nonimmigrant status at a health care facility located in an area designated by the HHS as a HPSA, MUA, or MUP;
- Obtain a contract from the health care facility located in an area designated by HHS as an HPSA, MUA, or MUP;
- Obtain a "no objection" letter from his or her home country if the home government funded his or her exchange program; and
- Agree to begin employment at the health care facility within 90 days of receipt of the waiver, not the date his or her J-1 visa expires.

The DOH has administered the Conrad 30 Waiver Program since 1994. In recent years, the number of applicants has exceeded the maximum number of 30 slots allowed by the program. The DOH does not have rulemaking authority to establish additional criteria for selecting Conrad 30 Waiver Program applicants for sponsorship, thereby limiting the DOH's ability to place qualified physicians in areas of highest need.[1]

III. Effect of Proposed Changes:

Section 1 amends s. 381.4018, F.S., to require the DOH to adopt rules, following federal requirements, to implement the Conrad 30 Program to further encourage qualified physicians to relocate to Florida and practice in underserved areas. This rulemaking authority allows the DOH to establish criteria beyond the federal minimum requirements and prioritize applications, thereby placing physicians in areas of highest need.

Section 2 provides that the bill takes effect July 1, 2018.

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.

[1] Florida Department of Health, *House Bill 1047 Analysis* (December 19, 2017) (on file with the Senate Committee on Health Policy).

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no impact on state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 381.4018 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/CS by Appropriations on March 2, 2018:
The committee substitute changes the bill title to, "an act relating to workforce development;" and deletes provisions of the bill related to:

- Requiring dates of birth on health care professional licensure applications;
- Expediting licensure for dentistry for spouses of active duty military;
- Repealing the requirement for the Board of Medicine (BOM) to conduct a review of organizations that board certify physicians in dermatology;
- Defining a contact classroom hour for chiropractic continuing education (CE) and authorizing 10 hours of online general chiropractic CE credit;
- Deregulating registered chiropractic assistants;
- Granting rulemaking authority to the Board of Nursing (BON) to establish standards of care, including discipline and standards of care for certified nursing assistants (CNA);
- Recognizing CNA certification in a territory of the United States or the District of Columbia for certification in Florida and eliminating the element of intent for violations of practice laws for CNAs;
- Requiring an institutional, nuclear, special, or internet pharmacy to pass a DOH onsite inspection before licensure;
- Establishing the licensure of in-state sterile compounding pharmacies;
- Deleting the requirement for Florida dentists and dental hygienists to grade dental and dental hygienist licensure examinations;
- Requiring dentists and dental hygienists to report adverse incidents;

- Expanding the definition of dental laboratory to include a person who provides onsite consultation during dental procedures;
- Requiring dental laboratories to be inspected at least biennially, rather than annually;
- Restricting an athletic trainer to working within his or her scope of practice;
- Requiring athletic trainers to maintain certification in good standing without lapse;
- Requiring supervision of athletic training students to be in accordance with board rules rather than an external entity's standards;
- Authorizing a joint registration for orthotics and prosthetics residency and providing a licensure pathway for a joint educational program;
- Eliminating the massage therapy apprenticeship program, except for the study of colonic irrigation; clarifying that the massage therapist licensure examination is a national examination approved by the board; and expanding circumstances for the revocation, or denial, of initial licensure of a massage establishment license;
- Eliminating outdated language, clarifying education accreditation requirements, and streamlining licensure by endorsement requirements for psychology licensure;
- Clarifying, streamlining, and correcting inconsistencies in provisions regulating the licensure of marriage and family therapy, mental health counseling, and clinical social work; and
- Requiring applicants for licensure as a mental health counselor to have a master's degree that is accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), beginning July 1, 2024.

CS by Health Policy January 30, 2018:
The committee substitute:

- Repeals the requirement that the BOM conduct a review of organizations that board certify physicians in dermatology;
- Defines "contact classroom hour" for ch. 460, F.S.; authorizes chiropractic physicians to take up to 10 hours of general CE online; and deregulates registered chiropractic assistants;
- Removes provisions that sought to create regulatory and rulemaking authority to the BOM and the BOOM to oversee all office surgery centers (OSCs);
- Removes provisions that sought to deregulate laboratory personnel; and
- Removes provisions relating to the timing for submission of an application for examination for licensure as an optometrist; and provisions creating a pathway for licensure by endorsement.

B. Amendments:

None.

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

485676

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete lines 145 - 1408.

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

And the title is amended as follows:

Delete lines 2 - 114

and insert:

An act relating to physician workforce development; amending s. 381.4018, F.S.; requiring the Department

485676

of Health to adopt any rules necessary to implement a specified federal program to further encourage qualified physicians to relocate to and practice in underserved areas;

By the Committee on Health Policy; and Senator Grimsley

588-02622-18 20181486c1

A bill to be entitled

An act relating to the Department of Health; amending s. 381.4018, F.S.; requiring the department to adopt any rules necessary to implement a specified federal program to further encourage qualified physicians to relocate to and practice in underserved areas; amending s. 456.013, F.S.; revising health care practitioner licensure application requirements; amending s. 456.024, F.S.; revising health care practitioner licensure eligibility for certain members of the armed forces and their spouses to include licensed dentists; removing a provision requiring a certain applicant issued a temporary professional license to practice as a dentist to practice under supervision; amending s. 458.3312, F.S.; removing a provision prohibiting a physician from holding himself or herself out as a board-certified specialist in dermatology unless the recognizing agency is reviewed and reauthorized on a specified basis by the Board of Medicine; amending s. 460.408, F.S.; defining the term "contact classroom hour"; revising provisions relating to continuing chiropractic education requirements; repealing s. 460.4166, F.S., relating to registered chiropractic assistants; amending s. 464.006, F.S.; authorizing the Board of Nursing to establish certain standards of care; amending s. 464.202, F.S.; requiring the board to adopt by rule discipline and standards of care for certified nursing assistants; amending s. 464.203, F.S.; revising certification

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

588-02622-18 20181486c1

requirements for nursing assistants; amending s. 464.204, F.S.; revising grounds for board-imposed disciplinary sanctions; amending s. 465.019, F.S.; requiring an institutional pharmacy to pass an onsite inspection by the department within a specified time before the issuance of an initial permit or a permit for change of location; amending s. 465.0193, F.S.; requiring a nuclear pharmacy to pass an onsite inspection by the department within a specified time before issuance of an initial permit or a permit for change of location; creating s. 465.0195, F.S.; requiring certain pharmacies and outsourcing facilities located in this state to obtain a permit in order to create, ship, mail, deliver, or dispense compounded sterile products; providing application requirements; providing inspection requirements; providing permit requirements; authorizing the Board of Pharmacy to adopt certain rules; providing applicability; amending s. 465.0196, F.S.; requiring a special pharmacy to pass an onsite inspection by the department within a specified time before the issuance of an initial permit or a permit for change of location; amending s. 465.0197, F.S.; requiring an Internet pharmacy to pass an onsite inspection by the department within a specified time before the issuance of an initial permit or a permit for change of location; amending s. 466.006, F.S.; revising certain requirements for examinations to be completed by applicants seeking dental licensure; amending s.

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

466.007, F.S.; revising requirements for examinations of dental hygienists; amending s. 466.017, F.S.; providing adverse incident reporting requirements; defining the term "adverse incident"; providing for disciplinary action by the Board of Dentistry; authorizing the board to adopt rules; amending s. 466.031, F.S.; expanding the definition of the term "dental laboratory" to include any person who performs an onsite consultation during dental procedures; amending s. 466.036, F.S.; requiring the periodic inspection of dental laboratories at least once during a specified period; amending s. 468.701, F.S.; revising a definition; amending s. 468.707, F.S.; revising athletic trainer licensure requirements; amending s. 468.711, F.S.; revising requirements for the renewal of a license relating to continuing education; amending s. 468.723, F.S.; revising a definition; amending s. 468.803, F.S.; revising orthotic, prosthetic, and pedorthic licensure, registration, and examination requirements; amending s. 480.033, F.S.; revising a definition; amending s. 480.041, F.S.; revising qualifications for licensure as a massage therapist; specifying that a massage apprentice who was licensed before a specified date may continue to perform massage therapy as authorized under his or her license; authorizing a massage apprentice to apply for full licensure upon completion of the apprenticeship under certain conditions; repealing s. 480.042, F.S., relating to examinations;

amending s. 480.046, F.S.; revising instances under which disciplinary action may be taken against massage establishments; prohibiting a certain disciplined massage establishment from applying for relicensure; providing an exception; amending s. 490.003, F.S.; revising definitions; amending s. 490.005, F.S.; revising examination requirements for licensure of a psychologist; amending s. 490.006, F.S.; revising requirements for licensure by endorsement of certain psychologists; amending s. 491.0045, F.S.; providing an exemption for intern registration requirements under certain circumstances; amending s. 491.005, F.S.; revising education requirements for the licensure of marriage and family therapists; revising examination requirements for the licensure of mental health counselors; amending s. 491.006, F.S.; revising requirements for licensure or certification by endorsement for certain professions; amending s. 491.007, F.S.; removing a biennial intern registration fee; amending s. 491.009, F.S.; authorizing the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, or the department under certain circumstances, to enter an order denying licensure or imposing penalties against an applicant for licensure under certain circumstances; providing penalties; amending ss. 491.0046 and 945.42, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Paragraph (f) of subsection (3) of section 381.4018, Florida Statutes, is amended to read:

381.4018 Physician workforce assessment and development.—

(3) GENERAL FUNCTIONS.—The department shall maximize the use of existing programs under the jurisdiction of the department and other state agencies and coordinate governmental and nongovernmental stakeholders and resources in order to develop a state strategic plan and assess the implementation of such strategic plan. In developing the state strategic plan, the department shall:

(f) Develop strategies to maximize federal and state programs that provide for the use of incentives to attract physicians to this state or retain physicians within the state. Such strategies should explore and maximize federal-state partnerships that provide incentives for physicians to practice in federally designated shortage areas. Strategies shall also consider the use of state programs, such as the Medical Education Reimbursement and Loan Repayment Program pursuant to s. 1009.65, which provide for education loan repayment or loan forgiveness and provide monetary incentives for physicians to relocate to underserved areas of the state. To further encourage qualified physicians to relocate to and practice in underserved areas, the department, following federal requirements, shall adopt any rules necessary for the implementation of the Conrad 30 Waiver Program established under s. 214(1) of the Immigration and Nationality Act.

Section 2. Paragraph (a) of subsection (1) of section

456.013, Florida Statutes, is amended to read:

456.013 Department; general licensing provisions.—

(1)(a) Any person desiring to be licensed in a profession within the jurisdiction of the department shall apply to the department in writing ~~to take the licensure examination~~. The application shall be made on a form prepared and furnished by the department. The application form must be available on the World Wide Web and the department may accept electronically submitted applications beginning July 1, 2001. The application shall require the social security number and date of birth of the applicant, except as provided in paragraphs (b) and (c). The form shall be supplemented as needed to reflect any material change in any circumstance or condition stated in the application which takes place between the initial filing of the application and the final grant or denial of the license and which might affect the decision of the department. If an application is submitted electronically, the department may require supplemental materials, including an original signature of the applicant and verification of credentials, to be submitted in a nonelectronic format. An incomplete application shall expire 1 year after initial filing. In order to further the economic development goals of the state, and notwithstanding any law to the contrary, the department may enter into an agreement with the county tax collector for the purpose of appointing the county tax collector as the department's agent to accept applications for licenses and applications for renewals of licenses. The agreement must specify the time within which the tax collector must forward any applications and accompanying application fees to the department.

Section 3. Paragraphs (a) and (b) of subsection (3) and paragraph (j) of subsection (4) of section 456.024, Florida Statutes, are amended to read:

456.024 Members of Armed Forces in good standing with administrative boards or the department; spouses; licensure.—

(3)(a) A person is eligible for licensure as a health care practitioner in this state if he or she:

1. Serves or has served as a health care practitioner in the United States Armed Forces, the United States Reserve Forces, or the National Guard;

2. Serves or has served on active duty with the United States Armed Forces as a health care practitioner in the United States Public Health Service; or

3. Is a health care practitioner~~, other than a dentist,~~ in another state, the District of Columbia, or a possession or territory of the United States and is the spouse of a person serving on active duty with the United States Armed Forces.

The department shall develop an application form, and each board, or the department if there is no board, shall waive the application fee, licensure fee, and unlicensed activity fee for such applicants. For purposes of this subsection, "health care practitioner" means a health care practitioner as defined in s. 456.001 and a person licensed under part III of chapter 401 or part IV of chapter 468.

(b) The board, or the department if there is no board, shall issue a license to practice in this state to a person who:

1. Submits a complete application.

2. If he or she is a member of the United States Armed

Forces, the United States Reserve Forces, or the National Guard, submits proof that he or she has received an honorable discharge within 6 months before, or will receive an honorable discharge within 6 months after, the date of submission of the application.

3.a. Holds an active, unencumbered license issued by another state, the District of Columbia, or a possession or territory of the United States and who has not had disciplinary action taken against him or her in the 5 years preceding the date of submission of the application;

b. Is a military health care practitioner in a profession for which licensure in a state or jurisdiction is not required to practice in the United States Armed Forces, if he or she submits to the department evidence of military training or experience substantially equivalent to the requirements for licensure in this state in that profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state; or

c. Is the spouse of a person serving on active duty in the United States Armed Forces and is a health care practitioner in a profession~~, excluding dentistry,~~ for which licensure in another state or jurisdiction is not required, if he or she submits to the department evidence of training or experience substantially equivalent to the requirements for licensure in this state in that profession and evidence that he or she has obtained a passing score on the appropriate examination of a national or regional standards organization if required for licensure in this state.

4. Attests that he or she is not, at the time of submission of the application, the subject of a disciplinary proceeding in a jurisdiction in which he or she holds a license or by the United States Department of Defense for reasons related to the practice of the profession for which he or she is applying.

5. Actively practiced the profession for which he or she is applying for the 3 years preceding the date of submission of the application.

6. Submits a set of fingerprints for a background screening pursuant to s. 456.0135, if required for the profession for which he or she is applying.

The department shall verify information submitted by the applicant under this subsection using the National Practitioner Data Bank.

(4)

~~(j) An applicant who is issued a temporary professional license to practice as a dentist pursuant to this section must practice under the indirect supervision, as defined in s. 466.003, of a dentist licensed pursuant to chapter 466.~~

Section 4. Section 458.3312, Florida Statutes, is amended to read:

458.3312 Specialties.—A physician licensed under this chapter may not hold himself or herself out as a board-certified specialist unless the physician has received formal recognition as a specialist from a specialty board of the American Board of Medical Specialties or other recognizing agency that has been approved by the board. However, a physician may indicate the services offered and may state that his or her practice is

limited to one or more types of services when this accurately reflects the scope of practice of the physician. ~~A physician may not hold himself or herself out as a board-certified specialist in dermatology unless the recognizing agency, whether authorized in statute or by rule, is triennially reviewed and reauthorized by the Board of Medicine.~~

Section 5. Subsection (1) of section 460.408, Florida Statutes, is amended to read:

460.408 Continuing chiropractic education.—

(1) The board shall require licensees to periodically demonstrate their professional competence as a condition of renewal of a license by completing up to 40 contact classroom hours of continuing education. For purposes of this subsection, term "contact classroom hour" means a presentation in which the persons presenting and the persons attending the course are present on site. Up to 10 general credit continuing education hours may be completed online in place of contact classroom hours, as determined by board rule. Online continuing education courses must be competency based and must use the Sharable Content Objective Reference Model standard or more stringent standards, as determined by the board.

(a) Continuing education courses sponsored by chiropractic colleges whose graduates are eligible for examination under any provision of this chapter may be approved upon review by the board if all other requirements of board rules setting forth criteria for course approval are met.

(b) The board shall approve those courses that build upon the basic courses required for the practice of chiropractic medicine, and the board may also approve courses in adjunctive

modalities. Courses that consist of instruction in the use, application, prescription, recommendation, or administration of a specific company's brand of products or services are not eligible for approval.

Section 6. Section 460.4166, Florida Statutes, is repealed.

Section 7. Section 464.006, Florida Statutes, is amended to read:

464.006 Rulemaking authority.—The board may ~~has authority to~~ adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part conferring duties upon it and establish standards of care.

Section 8. Section 464.202, Florida Statutes, is amended to read:

464.202 Duties and powers of the board.—The board shall maintain, or contract with or approve another entity to maintain, a state registry of certified nursing assistants. The registry must consist of the name of each certified nursing assistant in this state; other identifying information defined by board rule; certification status; the effective date of certification; other information required by state or federal law; information regarding any crime or any abuse, neglect, or exploitation as provided under chapter 435; and any disciplinary action taken against the certified nursing assistant. The registry shall be accessible to the public, the certificateholder, employers, and other state agencies. The board shall adopt by rule testing procedures for use in certifying nursing assistants and shall adopt rules regulating the practice of certified nursing assistants, including discipline and establishing standards of care, and specifying

the scope of practice authorized and the level of supervision required for the practice of certified nursing assistants. The board may contract with or approve another entity or organization to provide the examination services, including the development and administration of examinations. The board shall require that the contract provider offer certified nursing assistant applications via the Internet, and may require the contract provider to accept certified nursing assistant applications for processing via the Internet. The board shall require the contract provider to provide the preliminary results of the certified nursing examination on the date the test is administered. The provider shall pay all reasonable costs and expenses incurred by the board in evaluating the provider's application and performance during the delivery of services, including examination services and procedures for maintaining the certified nursing assistant registry.

Section 9. Paragraph (c) of subsection (1) of section 464.203, Florida Statutes, is amended to read:

464.203 Certified nursing assistants; certification requirement.—

(1) The board shall issue a certificate to practice as a certified nursing assistant to any person who demonstrates a minimum competency to read and write and successfully passes the required background screening pursuant to s. 400.215. If the person has successfully passed the required background screening pursuant to s. 400.215 or s. 408.809 within 90 days before applying for a certificate to practice and the person's background screening results are not retained in the clearinghouse created under s. 435.12, the board shall waive the

requirement that the applicant successfully pass an additional background screening pursuant to s. 400.215. The person must also meet one of the following requirements:

(c) Is currently certified in another state or territory or the District of Columbia; is listed on that state's certified nursing assistant registry; and has not been found to have committed abuse, neglect, or exploitation in that state.

Section 10. Subsection (1) of section 464.204, Florida Statutes, is amended to read:

464.204 Denial, suspension, or revocation of certification; disciplinary actions.—

(1) The following acts constitute grounds for which the board may impose disciplinary sanctions as specified in subsection (2):

(a) Obtaining or attempting to obtain certification or an exemption, or possessing or attempting to possess certification or a letter of exemption, by bribery, misrepresentation, deceit, or through an error of the board.

(b) ~~Intentionally~~ Violating any provision of this chapter, chapter 456, or the rules adopted by the board.

Section 11. Subsection (7) is added to section 465.019, Florida Statutes, to read:

465.019 Institutional pharmacies; permits.—

(7) An institutional pharmacy must pass an onsite inspection by the department as a prerequisite to the issuance of an initial permit or a permit for a change of location. The inspection must be completed within 90 days before the issuance of the permit.

Section 12. Section 465.0193, Florida Statutes, is amended

to read:

465.0193 Nuclear pharmacy permits.—Any person desiring a permit to operate a nuclear pharmacy shall apply to the department. If the board certifies that the application complies with applicable law, the department shall issue the permit. No permit shall be issued unless a duly licensed and qualified nuclear pharmacist is designated as being responsible for activities described in s. 465.0126. A nuclear pharmacy must pass an onsite inspection by the department as a prerequisite to the issuance of an initial permit or a permit for a change of location. The inspection must be completed within 90 days before the issuance of the permit. The permittee shall notify the department within 10 days of any change of the licensed pharmacist responsible for the compounding and dispensing of nuclear pharmaceuticals.

Section 13. Section 465.0195, Florida Statutes, is created to read:

465.0195 Pharmacy or outsourcing facility; sterile compounding permit.—Before a pharmacy or outsourcing facility located in this state dispenses, creates, delivers, ships, or mails, in any manner, a compounded sterile product, the pharmacy or outsourcing facility must hold a sterile compounding permit.

(1) An application for a sterile compounding permit shall be submitted on a form furnished by the board. The board may require such information as it deems reasonably necessary to carry out the purposes of this section.

(2) If the board certifies that the application complies with applicable laws and rules of the board governing pharmacies, the department shall issue the permit.

(3) A pharmacy or outsourcing facility must pass an onsite inspection by the department as a prerequisite to the issuance of an initial permit or a permit for a change of location. The inspection must be completed within 90 days before the issuance of the permit. The board may adopt by rule standards for conducting an onsite inspection for issuance of a sterile compounding permit.

(4) A permit may not be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the permittee.

(5) A permittee must notify the department within 10 days after any change of the licensed pharmacist under subsection (4). Each permittee that employs or otherwise uses registered pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions that a registered pharmacy technician is authorized to perform.

(6) The board may adopt by rule standards of practice for sterile compounding. In adopting such rules, the board shall give due consideration to the standards and requirements provided in chapter 797 of the United States Pharmacopeia, or other professionally accepted standards deemed authoritative by the board. In adopting such rules for an outsourcing facility, the board shall consider the standards and requirements of current good manufacturing practices as set forth by federal law and any other professionally accepted standards deemed authoritative by the board.

(7) All provisions relating to pharmacy permits found in ss. 465.022 and 465.023 apply to permits issued pursuant to this

section.

Section 14. Section 465.0196, Florida Statutes, is amended to read:

465.0196 Special pharmacy permits.—Any person desiring a permit to operate a special pharmacy shall apply to the department for a special pharmacy permit. If the board certifies that the application complies with the applicable laws and rules of the board governing the practice of the profession of pharmacy, the department shall issue the permit. A special pharmacy must pass an onsite inspection by the department as a prerequisite to the issuance of an initial permit or a permit for a change of location. The inspection must be completed within 90 days before the issuance of the permit. A permit may not be issued unless a licensed pharmacist is designated to undertake the professional supervision of the compounding and dispensing of all drugs dispensed by the pharmacy. The licensed pharmacist shall be responsible for maintaining all drug records and for providing for the security of the area in the facility in which the compounding, storing, and dispensing of medicinal drugs occurs. The permittee shall notify the department within 10 days after any change of the licensed pharmacist responsible for such duties. Each permittee that employs or otherwise uses registered pharmacy technicians shall have a written policy and procedures manual specifying those duties, tasks, and functions that a registered pharmacy technician is allowed to perform.

Section 15. Subsection (2) of section 465.0197, Florida Statutes, is amended to read:

465.0197 Internet pharmacy permits.—

(2) An Internet pharmacy must obtain a permit under this

section to sell medicinal drugs to persons in this state. An Internet pharmacy must pass an onsite inspection by the department as a prerequisite to the issuance of an initial permit or a permit for a change of location. The inspection must be completed within 90 days before the issuance of the permit.

Section 16. Subsection (4) of section 466.006, Florida Statutes, is amended to read:

466.006 Examination of dentists.—

(4) Notwithstanding any other provision of law in chapter 456 pertaining to the clinical dental licensure examination or national examinations, to be licensed as a dentist in this state, an applicant must successfully complete the following:

(a) A written examination on the laws and rules of the state regulating the practice of dentistry;

(b)1. A practical or clinical examination, which shall be the American Dental Licensing Examination produced by the American Board of Dental Examiners, Inc., or its successor entity, if any, that is administered in this state ~~and graded by dentists licensed in this state and employed by the department for just such purpose~~, provided that the board has attained, and continues to maintain thereafter, representation on the board of directors of the American Board of Dental Examiners, the examination development committee of the American Board of Dental Examiners, and such other committees of the American Board of Dental Examiners as the board deems appropriate by rule to assure that the standards established herein are maintained organizationally. A passing score on the American Dental Licensing Examination administered in this state ~~and graded by dentists who are licensed in this state~~ is valid for 365 days

after the date the official examination results are published.

2.a. As an alternative to the requirements of subparagraph 1., an applicant may submit scores from an American Dental Licensing Examination previously administered in a jurisdiction other than this state after October 1, 2011, and such examination results shall be recognized as valid for the purpose of licensure in this state. A passing score on the American Dental Licensing Examination administered out-of-state shall be the same as the passing score for the American Dental Licensing Examination administered in this state ~~and graded by dentists who are licensed in this state~~. The examination results are valid for 365 days after the date the official examination results are published. The applicant must have completed the examination after October 1, 2011.

b. This subparagraph may not be given retroactive application.

3. If the date of an applicant's passing American Dental Licensing Examination scores from an examination previously administered in a jurisdiction other than this state under subparagraph 2. is older than 365 days, then such scores shall nevertheless be recognized as valid for the purpose of licensure in this state, but only if the applicant demonstrates that all of the following additional standards have been met:

a.(I) The applicant completed the American Dental Licensing Examination after October 1, 2011.

(II) This sub-subparagraph may not be given retroactive application;

b. The applicant graduated from a dental school accredited by the American Dental Association Commission on Dental

Accreditation or its successor entity, if any, or any other dental accrediting organization recognized by the United States Department of Education. Provided, however, if the applicant did not graduate from such a dental school, the applicant may submit proof of having successfully completed a full-time supplemental general dentistry program accredited by the American Dental Association Commission on Dental Accreditation of at least 2 consecutive academic years at such accredited sponsoring institution. Such program must provide didactic and clinical education at the level of a D.D.S. or D.M.D. program accredited by the American Dental Association Commission on Dental Accreditation;

c. The applicant currently possesses a valid and active dental license in good standing, with no restriction, which has never been revoked, suspended, restricted, or otherwise disciplined, from another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;

d. The applicant submits proof that he or she has never been reported to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, or the American Association of Dental Boards Clearinghouse. This sub-subparagraph does not apply if the applicant successfully appealed to have his or her name removed from the data banks of these agencies;

e.(I) In the 5 years immediately preceding the date of application for licensure in this state, the applicant must submit proof of having been consecutively engaged in the full-time practice of dentistry in another state or territory of the

United States, the District of Columbia, or the Commonwealth of Puerto Rico, or, if the applicant has been licensed in another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico for less than 5 years, the applicant must submit proof of having been engaged in the full-time practice of dentistry since the date of his or her initial licensure.

(II) As used in this section, "full-time practice" is defined as a minimum of 1,200 hours per year for each and every year in the consecutive 5-year period or, where applicable, the period since initial licensure, and must include any combination of the following:

(A) Active clinical practice of dentistry providing direct patient care.

(B) Full-time practice as a faculty member employed by a dental or dental hygiene school approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(C) Full-time practice as a student at a postgraduate dental education program approved by the board or accredited by the American Dental Association Commission on Dental Accreditation.

(III) The board shall develop rules to determine what type of proof of full-time practice is required and to recoup the cost to the board of verifying full-time practice under this section. Such proof must, at a minimum, be:

(A) Admissible as evidence in an administrative proceeding;

(B) Submitted in writing;

(C) Submitted by the applicant under oath with penalties of

perjury attached;

(D) Further documented by an affidavit of someone unrelated to the applicant who is familiar with the applicant's practice and testifies with particularity that the applicant has been engaged in full-time practice; and

(E) Specifically found by the board to be both credible and admissible.

(IV) An affidavit of only the applicant is not acceptable proof of full-time practice unless it is further attested to by someone unrelated to the applicant who has personal knowledge of the applicant's practice. If the board deems it necessary to assess credibility or accuracy, the board may require the applicant or the applicant's witnesses to appear before the board and give oral testimony under oath;

f. The applicant must submit documentation that he or she has completed, or will complete, prior to licensure in this state, continuing education equivalent to this state's requirements for the last full reporting biennium;

g. The applicant must prove that he or she has never been convicted of, or pled nolo contendere to, regardless of adjudication, any felony or misdemeanor related to the practice of a health care profession in any jurisdiction;

h. The applicant must successfully pass a written examination on the laws and rules of this state regulating the practice of dentistry and must successfully pass the computer-based diagnostic skills examination; and

i. The applicant must submit documentation that he or she has successfully completed the National Board of Dental Examiners dental examination.

Section 17. Paragraph (b) of subsection (4) and paragraph (a) of subsection (6) of section 466.007, Florida Statutes, are amended to read:

466.007 Examination of dental hygienists.—

(4) Effective July 1, 2012, to be licensed as a dental hygienist in this state, an applicant must successfully complete the following:

(b) A practical or clinical examination approved by the board. The examination shall be the Dental Hygiene Examination produced by the American Board of Dental Examiners, Inc. (ADEX) or its successor entity, if any, if the board finds that the successor entity's clinical examination meets or exceeds the provisions of this section. The board shall approve the ADEX Dental Hygiene Examination if the board has attained and continues to maintain representation on the ADEX House of Representatives, the ADEX Dental Hygiene Examination Development Committee, and such other ADEX Dental Hygiene committees as the board deems appropriate through rulemaking to ensure that the standards established in this section are maintained organizationally. The ADEX Dental Hygiene Examination or the examination produced by its successor entity is a comprehensive examination in which an applicant must demonstrate skills within the dental hygiene scope of practice on a live patient and any other components that the board deems necessary for the applicant to successfully demonstrate competency for the purpose of licensure. ~~The ADEX Dental Hygiene Examination or the examination by the successor entity administered in this state shall be graded by dentists and dental hygienists licensed in this state who are employed by the department for this purpose.~~

(6)(a) A passing score on the ADEX Dental Hygiene Examination administered out of state shall be considered the same as a passing score for the ADEX Dental Hygiene Examination administered in this state ~~and graded by licensed dentists and dental hygienists~~.

Section 18. Subsections (9) through (15) are added to section 466.017, Florida Statutes, to read:

466.017 Prescription of drugs; anesthesia.—

(9) Any adverse incident that occurs in an office maintained by a dentist must be reported to the department. The required notification to the department must be submitted in writing by certified mail and postmarked within 48 hours after the incident occurs.

(10) A dentist practicing in this state must notify the board in writing by certified mail within 48 hours of any mortality or other adverse incident that occurs in the dentist's outpatient facility. A complete written report must be filed with the board within 30 days after the mortality or other adverse incident.

(11) For purposes of notification to the department pursuant to this section, the term "adverse incident" means any mortality that occurs during or as the result of a dental procedure, or an incident that results in a temporary or permanent physical or mental injury that requires hospitalization or emergency room treatment of a dental patient which occurred during or as a direct result of the use of anesthesia, deep sedation, moderate sedation, pediatric moderate sedation, oral sedation, minimal sedation(anxiolysis), nitrous oxide, or local anesthesia.

(12) Any certified registered dental hygienist administering local anesthesia must notify the board, in writing by registered mail within 48 hours of any adverse incident that was related to or the result of the administration of local anesthesia. A complete written report must be filed with the board within 30 days after the mortality or other adverse incident.

(13) A failure by the dentist or dental hygienist to timely and completely comply with all the reporting requirements in this section is the basis for disciplinary action by the board pursuant to s. 466.028(1).

(14) The department shall review each incident and determine whether it involved conduct by a health care professional subject to disciplinary action, in which case s. 456.073 applies. Disciplinary action, if any, shall be taken by the board under which the health care professional is licensed.

(15) The board may adopt rules to administer this section.

Section 19. Subsection (1) of section 466.031, Florida Statutes, is amended to read:

466.031 "Dental laboratory" defined.—The term "dental laboratory" as used in this chapter:

(1) Includes any person, firm, or corporation who performs for a fee of any kind, gratuitously, or otherwise, directly or through an agent or employee, by any means or method, or who in any way supplies or manufactures artificial substitutes for the natural teeth, or who furnishes, supplies, constructs, or reproduces or repairs any prosthetic denture, bridge, or appliance to be worn in the human mouth, or who provides onsite consultation during dental procedures, or who in any way holds

itself out as a dental laboratory.

Section 20. Section 466.036, Florida Statutes, is amended to read:

466.036 Information; periodic inspections; equipment and supplies.—The department may require from the applicant for a registration certificate to operate a dental laboratory any information necessary to carry out the purpose of this chapter, including proof that the applicant has the equipment and supplies necessary to operate as determined by rule of the department, and shall require periodic inspection of all dental laboratories operating in this state at least once each biennial registration period. Such inspections shall include, but not be limited to, inspection of sanitary conditions, equipment, supplies, and facilities on the premises. The department shall specify dental equipment and supplies that are not permitted in a registered dental laboratory.

Section 21. Subsection (1) of section 468.701, Florida Statutes, is amended to read:

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

(1) "Athletic trainer" means a person licensed under this part who has met the requirements under this part, including education requirements as set forth by the Commission on Accreditation of Athletic Training Education or its successor and necessary credentials from the Board of Certification. An athletic trainer must work within his or her scope of practice as established in the rules adopted by the board under s. 468.705. An individual who is licensed as an athletic trainer may not otherwise provide, offer to provide, or represent that he or she is qualified to provide any care or services beyond

his or her scope of practice, or that he or she lacks the education, training, or experience to provide, or that he or she is otherwise prohibited by law from providing.

Section 22. Section 468.707, Florida Statutes, is amended to read:

468.707 Licensure requirements.—Any person desiring to be licensed as an athletic trainer shall apply to the department on a form approved by the department. An applicant shall also provide records or other evidence, as determined by the board, to prove he or she has met the requirements of this section. The department shall license each applicant who:

(1) Has completed the application form and remitted the required fees.

(2) ~~For a person who applies on or after July 1, 2016,~~ Has submitted to background screening pursuant to s. 456.0135. The board may require a background screening for an applicant whose license has expired or who is undergoing disciplinary action.

(3)(a) Has obtained a baccalaureate or higher degree from a college or university professional athletic training degree program accredited by the Commission on Accreditation of Athletic Training Education or its successor recognized and approved by the United States Department of Education or the Commission on Recognition of Postsecondary Accreditation, approved by the board, or recognized by the Board of Certification, and has passed the national examination to be certified by the Board of Certification; or~~.~~

(b) ~~(4)~~ Has obtained, at a minimum, a bachelor's degree and has completed the Board of Certification internship requirements and ~~If graduated before 2004,~~ has a current certification from

the Board of Certification.

(4) ~~(5)~~ Has current certification in both cardiopulmonary resuscitation and the use of an automated external defibrillator set forth in the continuing education requirements as determined by the board pursuant to s. 468.711.

(5) ~~(6)~~ Has completed any other requirements as determined by the department and approved by the board.

Section 23. Subsection (3) of section 468.711, Florida Statutes, is amended to read:

468.711 Renewal of license; continuing education.—

(3) If initially licensed after January 1, 1998, the licensee must be currently certified by the Board of Certification or its successor agency and maintain that certification in good standing without lapse.

Section 24. Subsection (2) of section 468.723, Florida Statutes, is amended to read:

468.723 Exemptions.—This part does not prevent or restrict:

(2) An athletic training student acting under the direct supervision of a licensed athletic trainer. For purposes of this subsection, "direct supervision" means the physical presence of an athletic trainer so that the athletic trainer is immediately available to the athletic training student and able to intervene on behalf of the athletic training student. The supervision must be in accordance with rules adopted by the board ~~the standards set forth by the Commission on Accreditation of Athletic Training Education or its successor~~.

Section 25. Subsections (1), (3), and (4) of section 468.803, Florida Statutes, are amended to read:

468.803 License, registration, and examination

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

requirements.—

(1) The department shall issue a license to practice orthotics, prosthetics, or pedorthics, or a registration for a resident to practice orthotics or prosthetics, to qualified applicants. Licenses shall be granted independently in orthotics, prosthetics, or pedorthics, but a person may be licensed in more than one such discipline, and a prosthetist-orthotist license may be granted to persons meeting the requirements for both a prosthetist and an orthotist license. Registrations shall be granted independently in orthotics or prosthetics, and a person may be registered in both fields at the same time or jointly in orthotics and prosthetics as a dual registration.

(3) A person seeking to attain the required orthotics or prosthetics experience in this state must be approved by the board and registered as a resident by the department. Although a registration may be held in both practice fields, for independent registrations, the board shall not approve a second registration until at least 1 year after the issuance of the first registration. Notwithstanding subsection (2), an applicant for independent registrations who has been approved by the board and registered by the department in one practice field may apply for registration in the second practice field without an additional state or national criminal history check during the period in which the first registration is valid. Each independent registration or dual registration is valid for 2 years from the date of issuance unless otherwise revoked by the department upon recommendation of the board. The board shall set a registration fee not to exceed $500 to be paid by the

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

applicant. A registration may be renewed once by the department upon recommendation of the board for a period no longer than 1 year, as such renewal is defined by the board by rule. The registration renewal fee shall not exceed one-half the current registration fee. To be considered by the board for approval of registration as a resident, the applicant must have:

(a) A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from a regionally accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from a regionally accredited college or university and a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; ~~or~~

(b) A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from a regionally accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from a regionally accredited college or university and a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; or

(c) A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from a regionally accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from a regionally accredited

college or university and a dual certificate in both orthotics and prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board.

(4) The department may develop and administer a state examination for an orthotist or a prosthetist license, or the board may approve the existing examination of a national standards organization. The examination must be predicated on a minimum of a baccalaureate-level education and formalized specialized training in the appropriate field. Each examination must demonstrate a minimum level of competence in basic scientific knowledge, written problem solving, and practical clinical patient management. The board shall require an examination fee not to exceed the actual cost to the board in developing, administering, and approving the examination, which fee must be paid by the applicant. To be considered by the board for examination, the applicant must have:

(a) For an examination in orthotics:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from a regionally accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from a regionally accredited college or university and a certificate in orthotics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved orthotics internship of 1 year of qualified experience, as determined by the board, or an orthotic residency

program or a dual residency program recognized by the board.

(b) For an examination in prosthetics:

1. A Bachelor of Science or higher-level postgraduate degree in Orthotics and Prosthetics from a regionally accredited college or university recognized by the Commission on Accreditation of Allied Health Education Programs or, at a minimum, a bachelor's degree from a regionally accredited college or university and a certificate in prosthetics from a program recognized by the Commission on Accreditation of Allied Health Education Programs, or its equivalent, as determined by the board; and

2. An approved prosthetics internship of 1 year of qualified experience, as determined by the board, or a prosthetic residency program or dual residency program recognized by the board.

Section 26. Subsection (5) of section 480.033, Florida Statutes, is amended to read:

480.033 Definitions.—As used in this act:

(5) "Apprentice" means a person approved by the board to study colonic irrigation ~~massage~~ under the instruction of a licensed massage therapist practicing colonic irrigation.

Section 27. Subsections (1) and (2) of section 480.041, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

(1) Any person is qualified for licensure as a massage therapist under this act who:

(a) Is at least 18 years of age or has received a high

school diploma or high school equivalency diploma;

(b) Has completed a course of study at a board-approved massage school ~~or has completed an apprenticeship program~~ that meets standards adopted by the board; and

(c) Has received a passing grade on a national ~~an~~ examination designated ~~administered~~ by the board ~~department~~.

(2) Every person desiring to be examined for licensure as a massage therapist shall apply to the department in writing upon forms prepared and furnished by the department. Such applicants shall be subject to the provisions of s. 480.046(1). ~~Applicants may take an examination administered by the department only upon meeting the requirements of this section as determined by the board.~~

(8) A person issued a license as a massage apprentice before July 1, 2018, may continue that apprenticeship and perform massage therapy as authorized under that license until its expiration. Upon completion of the apprenticeship, before July 1, 2021, a massage apprentice may apply to the board for full licensure and be granted a license if all other applicable licensure requirements are met.

Section 28. Section 480.042, Florida Statutes, is repealed.

Section 29. Subsection (3) of section 480.046, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

480.046 Grounds for disciplinary action by the board.—

(3) The board may ~~shall have the power to~~ revoke or suspend the license of a massage establishment licensed under this act, or ~~to~~ deny subsequent licensure of such an establishment, if the establishment is owned by an individual or entity who has had a

prior establishment license revoked, in any ~~either~~ of the following cases:

(a) Upon proof that a license has been obtained by fraud or misrepresentation.

(b) Upon proof that the holder of a license is guilty of fraud or deceit or of gross negligence, incompetency, or misconduct in the operation of the establishment so licensed.

(c) Upon proof that the owner of the massage establishment or any individual or individuals providing massage therapy services within the establishment, in the aggregate or individually, have had three convictions of, or pleas of guilty or nolo contendere to, or dismissals of a criminal action after a successful completion of a pretrial intervention, diversion, or substance abuse program for any misdemeanor or felony, regardless of adjudication, a crime in any jurisdiction related to prostitution and related acts as defined in s. 796.07, which occurred at or within the establishment.

(5) An establishment may not apply for relicensure if disciplined under this section unless there is a change in ownership.

Section 30. Subsection (3) of section 490.003, Florida Statutes, is amended to read:

490.003 Definitions.—As used in this chapter:

(3)~~(a) Prior to July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:~~

~~1. An educational institution which, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the~~

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~~United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and~~

~~2. A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from an accrediting agency recognized and approved by the United States Department of Education or was comparable to such programs.~~

~~(b)~~ Effective July 1, 1999, "doctoral-level psychological education" and "doctoral degree in psychology" mean a Psy.D., an Ed.D. in psychology, or a Ph.D. in psychology from:

(a)~~1.~~ An educational institution that ~~which~~, at the time the applicant was enrolled and graduated, had institutional accreditation from an agency recognized and approved by the United States Department of Education or was recognized as a member in good standing with the Association of Universities and Colleges of Canada; and

(b)~~2.~~ A psychology program within that educational institution which, at the time the applicant was enrolled and graduated, had programmatic accreditation from the American Psychological Association ~~an agency recognized and approved by the United States Department of Education~~.

Section 31. Paragraph (b) of subsection (1) and paragraph (b) of subsection (2) of section 490.005, Florida Statutes, are amended to read:

490.005 Licensure by examination.—

(1) Any person desiring to be licensed as a psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the board

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certifies has:

(b) Submitted proof satisfactory to the board that the applicant has:

1. Received doctoral-level psychological education, as defined in s. 490.003(3); or

2. Received the equivalent of a doctoral-level psychological education, as defined in s. 490.003(3), from a program at a school or university located outside the United States of America ~~and Canada~~, which was officially recognized by the government of the country in which it is located as an institution or program to train students to practice professional psychology. The burden of establishing that the requirements of this provision have been met shall be upon the applicant~~:~~

~~3. Received and submitted to the board, prior to July 1, 1999, certification of an augmented doctoral-level psychological education from the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States Department of Education; or~~

~~4. Received and submitted to the board, prior to August 31, 2001, certification of a doctoral-level program that at the time the applicant was enrolled and graduated maintained a standard of education and training comparable to the standard of training of programs accredited by a programmatic agency recognized and approved by the United States Department of Education. Such certification of comparability shall be provided by the program director of a doctoral-level psychology program accredited by a programmatic agency recognized and approved by the United States~~

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~~Department of Education~~.

(2) Any person desiring to be licensed as a school psychologist shall apply to the department to take the licensure examination. The department shall license each applicant who the department certifies has:

(b) Submitted satisfactory proof to the department that the applicant:

1. Has received a doctorate, specialist, or equivalent degree from a program primarily psychological in nature and has completed 60 semester hours or 90 quarter hours of graduate study, in areas related to school psychology as defined by rule of the department, from a college or university which at the time the applicant was enrolled and graduated was accredited by an accrediting agency recognized and approved by the Council for Higher Education Accreditation, its successor, ~~Commission on Recognition of Postsecondary Accreditation~~ or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada.

2. Has had a minimum of 3 years of experience in school psychology, 2 years of which must be supervised by an individual who is a licensed school psychologist or who has otherwise qualified as a school psychologist supervisor, by education and experience, as set forth by rule of the department. A doctoral internship may be applied toward the supervision requirement.

3. Has passed an examination provided by the department.

Section 32. Subsection (1) of section 490.006, Florida Statutes, is amended to read:

490.006 Licensure by endorsement.—

(1) The department shall license a person as a psychologist

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or school psychologist who, upon applying to the department and remitting the appropriate fee, demonstrates to the department or, in the case of psychologists, to the board that the applicant:

~~(a) Holds a valid license or certificate in another state to practice psychology or school psychology, as applicable, provided that, when the applicant secured such license or certificate, the requirements were substantially equivalent to or more stringent than those set forth in this chapter at that time; and, if no Florida law existed at that time, then the requirements in the other state must have been substantially equivalent to or more stringent than those set forth in this chapter at the present time;~~

(a) ~~(b)~~ Is a diplomate in good standing with the American Board of Professional Psychology, Inc.; or

(b) ~~(c)~~ Possesses a doctoral degree in psychology as described in s. 490.003 and has at least 10 ~~20~~ years of experience as a licensed psychologist in any jurisdiction or territory of the United States within 25 years preceding the date of application.

Section 33. Subsection (6) of section 491.0045, Florida Statutes, as amended by chapter 2016-80 and chapter 2016-241, Laws of Florida, is amended to read:

491.0045 Intern registration; requirements.—

(6) A registration issued on or before March 31, 2017, expires March 31, 2022, and may not be renewed or reissued. Any registration issued after March 31, 2017, expires 60 months after the date it is issued. The board may make a one-time exception from the requirements of this section in emergency or

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hardship cases, as defined by board rule, if ~~A subsequent intern registration may not be issued unless~~ the candidate has passed the theory and practice examination described in s. 491.005(1)(d), (3)(d), and (4)(d).

Section 34. Subsections (3) and (4) of section 491.005, Florida Statutes, are amended to read:

491.005 Licensure by examination.—

(3) MARRIAGE AND FAMILY THERAPY.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual cost ~~to the department~~ for the purchase of the examination from the Association of Marital and Family Therapy Regulatory Board, or similar national organization, the department shall issue a license as a marriage and family therapist to an applicant who the board certifies:

(a) Has submitted an application and paid the appropriate fee.

(b)1. Has a minimum of a master's degree with major emphasis in marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs, or a closely related field, and has completed graduate courses approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling. ~~has completed all of the following requirements:~~

~~a. Thirty-six semester hours or 48 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level course credits in each of the following nine areas: dynamics of marriage and~~

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~~family systems; marriage therapy and counseling theory and techniques; family therapy and counseling theory and techniques; individual human development theories throughout the life cycle; personality theory or general counseling theory and techniques; psychopathology; human sexuality theory and counseling techniques; psychosocial theory; and substance abuse theory and counseling techniques. Courses in research, evaluation, appraisal, assessment, or testing theories and procedures; thesis or dissertation work; or practicums, internships, or fieldwork may not be applied toward this requirement.~~

~~b. A minimum of one graduate-level course of 3 semester hours or 4 quarter hours in legal, ethical, and professional standards issues in the practice of marriage and family therapy or a course determined by the board to be equivalent.~~

~~c. A minimum of one graduate-level course of 3 semester hours or 4 quarter hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction; and a minimum of one 3-semester-hour or 4-quarter-hour graduate-level course in behavioral research which focuses on the interpretation and application of research data as it applies to clinical practice. Credit for thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.~~

~~d. A minimum of one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the student provided 180 direct client contact hours of marriage and family therapy services under the supervision of an individual who met the requirements for supervision under paragraph (c). This requirement may be met~~

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~~by a supervised practice experience which took place outside the academic arena, but which is certified as equivalent to a graduate-level practicum or internship program which required a minimum of 180 direct client contact hours of marriage and family therapy services currently offered within an academic program of a college or university accredited by an accrediting agency approved by the United States Department of Education, or an institution which is publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada or a training institution accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education. Certification shall be required from an official of such college, university, or training institution.~~

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

The required master's degree must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of

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training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. An applicant with a master's degree from a program which did not emphasize marriage and family therapy may complete the coursework requirement in a training institution fully accredited by the Commission on Accreditation for Marriage and Family Therapy Education recognized by the United States Department of Education.

(c) Has had at least 2 years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services, which must be at the post-master's level under the supervision of a licensed marriage and family therapist with at least 5 years of experience, or the equivalent, who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register

pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field that did not include all the coursework required under subparagraph (b)1. ~~sub-subparagraphs (b)1.a.-c.~~, credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of 10 of the courses required under subparagraph (b)1. ~~sub-subparagraphs (b)1.a.-c.~~, as determined by the board, and at least 6 semester hours or 9 quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques. Within the 2 ~~3~~ years of required experience, the applicant shall provide direct individual, group, or family therapy and counseling, to include the following categories of cases: unmarried dyads, married couples, separating and divorcing couples, and family groups including children. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) Has passed a theory and practice examination provided by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

(f) For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057. Fees for dual licensure

shall not exceed those stated in this subsection.

(4) MENTAL HEALTH COUNSELING.—Upon verification of documentation and payment of a fee not to exceed $200, as set by board rule, plus the actual per applicant cost to the department for purchase of the examination from the National Board for Certified Counselors or its successor ~~Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors or a similar national organization~~, the department shall issue a license as a mental health counselor to an applicant who the board certifies:

(a) Has submitted an application and paid the appropriate fee.

(b)1. Has a minimum of an earned master's degree from a mental health counseling program accredited by the Council for the Accreditation of Counseling and Related Educational Programs that consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse. If the master's degree is earned from a program related to the practice of mental health counseling that is not accredited by the Council for the Accreditation of Counseling and Related Educational Programs, then the coursework and practicum, internship, or fieldwork must consist of at least 60 semester hours or 80 quarter hours and meet the following requirements:

a. Thirty-three semester hours or 44 quarter hours of graduate coursework, which must include a minimum of 3 semester hours or 4 quarter hours of graduate-level coursework in each of the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment

of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; ~~counseling in community settings; and~~ substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

b. A minimum of 3 semester hours or 4 quarter hours of graduate-level coursework addressing diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders. The graduate program must have emphasized the common core curricular experience ~~in legal, ethical, and professional standards issues in the practice of mental health counseling, which includes goals, objectives, and practices of professional counseling organizations, codes of ethics, legal considerations, standards of preparation, certifications and licensing, and the role identity and professional obligations of mental health counselors. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement~~.

c. The equivalent, as determined by the board, of at least 700 ~~1,000~~ hours of university-sponsored supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the Council for Accreditation of Counseling and Related Educational Programs for mental health

counseling programs. This experience may not be used to satisfy the post-master's clinical experience requirement.

2. If the course title which appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant shall be required to provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

Education and training in mental health counseling must have been received in an institution of higher education which at the time the applicant graduated was: fully accredited by a regional accrediting body recognized by the Council for Higher Education or its successor ~~Commission on Recognition of Postsecondary Accreditation~~; publicly recognized as a member in good standing with the Association of Universities and Colleges of Canada; or an institution of higher education located outside the United States and Canada, which at the time the applicant was enrolled and at the time the applicant graduated maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the Council for Higher Education or its successor ~~Commission on Recognition of Postsecondary Accreditation~~. Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as mental health counselors. The burden of establishing that the requirements of this provision have been met shall be upon the applicant, and the board shall require

documentation, such as, but not limited to, an evaluation by a foreign equivalency determination service, as evidence that the applicant's graduate degree program and education were equivalent to an accredited program in this country. Beginning July 1, 2024, an applicant must have a master's degree that is accredited by the Council for Accreditation of Counseling and Related Educational Programs which consists of at least 60 semester hours or 80 quarter hours to apply for licensure under this paragraph.

(c) Has had at least 2 years of clinical experience in mental health counseling, which must be at the post-master's level under the supervision of a licensed mental health counselor or the equivalent who is a qualified supervisor as determined by the board. An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045 before commencing practice. If a graduate has a master's degree with a major related to the practice of mental health counseling that did not include all the coursework required under sub-subparagraphs (b)1.a.-b., credit for the post-master's level clinical experience shall not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a.-b., as determined by the board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement. A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.

(d) Has passed a theory and practice examination provided

by the department for this purpose.

(e) Has demonstrated, in a manner designated by rule of the board, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Section 35. Paragraph (b) of subsection (1) of section 491.006, Florida Statutes, is amended to read:

491.006 Licensure or certification by endorsement.—

(1) The department shall license or grant a certificate to a person in a profession regulated by this chapter who, upon applying to the department and remitting the appropriate fee, demonstrates to the board that he or she:

(b)1. Holds an active valid license to practice and has actively practiced the profession for which licensure is applied in another state for 3 of the last 5 years immediately preceding licensure.

~~2. Meets the education requirements of this chapter for the profession for which licensure is applied.~~

2.~~3.~~ Has passed a substantially equivalent licensing examination in another state or has passed the licensure examination in this state in the profession for which the applicant seeks licensure.

3.~~4.~~ Holds a license in good standing, is not under investigation for an act that would constitute a violation of this chapter, and has not been found to have committed any act that would constitute a violation of this chapter. The fees paid by any applicant for certification as a master social worker under this section are nonrefundable.

Section 36. Subsection (3) of section 491.007, Florida

Statutes, is amended to read:

491.007 Renewal of license, registration, or certificate.—

~~(3) The board or department shall prescribe by rule a method for the biennial renewal of an intern registration at a fee set by rule, not to exceed $100.~~

Section 37. Subsection (2) of section 491.009, Florida Statutes, is amended to read:

491.009 Discipline.—

(2) The board ~~department~~, or, in the case of certified master social workers ~~psychologists~~, the department ~~board~~, may enter an order denying licensure or imposing any of the penalties in s. 456.072(2) against any applicant for licensure or licensee who is found guilty of violating any provision of subsection (1) of this section or who is found guilty of violating any provision of s. 456.072(1).

Section 38. Paragraph (c) of subsection (2) of section 491.0046, Florida Statutes, is amended to read:

491.0046 Provisional license; requirements.—

(2) The department shall issue a provisional clinical social worker license, provisional marriage and family therapist license, or provisional mental health counselor license to each applicant who the board certifies has:

(c) Has met the following minimum coursework requirements:

1. For clinical social work, a minimum of 15 semester hours or 22 quarter hours of the coursework required by s. 491.005(1)(b)2.b.

2. For marriage and family therapy, 10 of the courses required by s. 491.005(3)(b)1. ~~s. 491.005(3)(b)1.a.-c.~~, as determined by the board, and at least 6 semester hours or 9

quarter hours of the course credits must have been completed in the area of marriage and family systems, theories, or techniques.

3. For mental health counseling, a minimum of seven of the courses required under s. 491.005(4)(b)1.a.-c.

Section 39. Subsection (11) of section 945.42, Florida Statutes, is amended to read:

945.42 Definitions; ss. 945.40-945.49.—As used in ss. 945.40-945.49, the following terms shall have the meanings ascribed to them, unless the context shall clearly indicate otherwise:

(11) "Psychological professional" means a behavioral practitioner who has an approved doctoral degree in psychology as defined in s. 490.003(3) ~~s. 490.003(3)(b)~~ and is employed by the department or who is licensed as a psychologist pursuant to chapter 490.

Section 40. This act shall take effect July 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: February 2, 2018

I respectfully request that **CS/Senate Bill #1486**, relating to Department of Health, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

Senator Denise Grimsley
Florida Senate, District 26

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/CS/SB 1494
INTRODUCER:	Appropriations Committee; Banking and Insurance Committee; Health Policy Committee; and Senator Montford and others
SUBJECT:	Prescription Drug Pricing Transparency
DATE:	March 5, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Lloyd	Stovall	HP	**Fav/CS**
2.	Johnson	Knudson	BI	**Fav/CS**
3.	Sanders	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1494 requires a pharmacist or his or her authorized employee to inform customers of potential lower cost generically equivalent alternatives for their prescriptions and whether a prescription's cost sharing amount exceeds the retail price in the absence of insurance coverage. The bill also requires pharmacy benefit managers (PBMs) to register with the Office of Insurance Regulation (OIR) and pay a biennial registration fee not to exceed $500. A PBM is a person or entity doing business in this state, which contracts to administer or manage prescription drug benefits on behalf of a health insurer or a health maintenance organization (HMO) to residents of this state.

Further, the bill requires that contracts of PBMs with insurers or HMOs must require the PBM to update the maximum allowable cost (MAC) information every seven calendar days and include specific terms to prohibit PBMs from limiting a pharmacist's ability to disclose to customers when cost sharing may exceed the retail price of a drug or the availability of a more affordable alternative drug. The bill also prohibits any contract between a PBM and a health insurer or HMO from requiring a customer to pay an amount that exceeds the applicable cost-sharing amount or the retail price of the drug in the absence of prescription drug coverage.

The bill appropriates $74,141 for one full time equivalent (FTE) position, with associated salary rate of 45,043, and $5,000 for technology upgrades to the Office of Insurance Regulation.

The effective date of the act is July 1, 2018.

II. Present Situation:

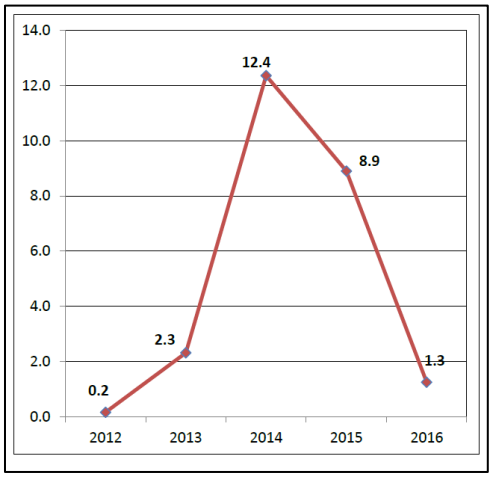
Prescription Drugs Costs

In 2016, total health care expenditures in the United States reached $3.3 trillion or $10,348 per person, which is a 4.3 percent increase over the 2015 level.[1,2] Of that amount, prescription drug coverage accounted for $328.6 billion, up from $324.5 billion, which was only a year-to-year growth rate of 1.3 percent.[3] In the prior year, 2014 to 2015, the annual growth trend in prescription drugs had been 8.9 percent and then 12.4 percent in the annual period of 2013 to 2014.[4] The significant growth rates of these periods are attributed largely to new medicines for hepatitis C and higher use rates for brand-names medications due to losses in certain patent protections.[5]

The graph below from the Centers for Medicare and Medicaid Services, Office of the Actuary, shows the Annual Growth in Retail Prescription Drug Spending from 2012 through 2016 highlighting the moderate increase in spending from 2015 to 2016 of 1.3 percent.[6] The 2016 decline in spending is linked to the approval of fewer new drugs, slower growth in brand name drugs, and a drop in spending in hepatitis C drugs.[7]

[1] Micah Hartman, Anne B. Martin, Nathan Espinosa, et al, *National Health Care Spending in 2016: Spending and Enrollment Growth Slow After Initial Coverage Expansions*, Health Affairs – January 2018 (Dec. 6, 2017), p. 152, available at https://www.healthaffairs.org/doi/full/10.1377/hlthaff.2017.1299 (last viewed Feb. 15, 2018).
[2] Centers for Medicare and Medicaid Services, https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical.html (last visited February 22, 2018).
[3] Micah Hartman, Anne B. Martin, Nathan Espinosa, et al, *National Health Care Spending in 2016: Spending and Enrollment Growth Slow After Initial Coverage Expansions*, Health Affairs – January 2018 (Dec. 6, 2017), p. 153.
[4] *Id.*
[5] *Id at 155.*
[6] Centers for Medicare and Medicaid Services, Office of the Actuary, National Health Statistics Group, *Annual Growth in Retail Prescription Drug Spending, 2012-2016*, Slide 12, available at https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/NHE-Presentation-Slides.pdf (last viewed Feb. 9, 2018).
[7] *Id.*

Graph 1 - Annual Growth in Retail Prescription Drug Spending - 2012 - 2016



SOURCE: Centers for Medicare & Medicaid Services, Office of the Actuary, National Health Statistics

As shown in *Table 1* below, the largest payer for prescription drugs is private health insurance coverage at 43 percent.[8]

Utilization data shows an increase in 2016 in the number of prescriptions dispensed, especially for drugs that treat high blood pressure, high cholesterol, and mental health.[9]

Table 1: Retail Prescription Growth Rates, 2015-2016[10,11] (in percent)			
Payer	**Percentage of Market**	**Percent Growth**	
		2015	**2016**
Overall – All Payers	100	8.9	1.3
Private Health Insurance	43	10.4	0.8
Medicare	29	9.3	2.8
Medicaid	10	13.4	5.5
Out-of-pocket spending	14	1.6	(1.0)

The United States Department of Health and Human Services (USDHHS), in a brief issued on March 8, 2016, found the rise in prescription drug costs can be attributed to:

- Population growth (10 percent);
- Increase in the number of prescriptions dispensed per person (30 percent);
- Economy-wide inflation (30 percent); and,

[8] *Supra* note 5, at 155.
[9] *Supra* note 1, at 156.
[10] *Id.*
[11] Centers for Medicare and Medicaid Services, National Health Expenditure Data – Historical, *2016 - Table 16 – Retail Prescription Expenditures (Average Annual Percent Change from Previous Year Shown)* (Jan. 8, 2018) available at https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/NationalHealthAccountsHistorical.html (last viewed Feb. 22, 2018).

- Changes in the composition of drugs prescribed toward higher priced products or price increases for drugs that drove average price increases in excess of general inflation (30 percent).[12]

An increase in the use of specialty drugs may have also played a part in the increased costs. Expenditures on specialty drugs are rising more rapidly than expenditures on other drugs; however, there is no clear definition of what is considered a "specialty drug."[13] The estimates do not include non-retail drug spending.[14] The USDHHS estimates the 2015 non-retail drug spending at $128 billion. These estimates are based on data from the National Health Expenditure Accounts (NHEA) and account for 28 percent of all drug spending.[15]

Pharmacy Benefits Managers (PBMs)

Health insurers, HMOs, and other purchasers of health benefits coverage increasingly utilize pharmacy benefits managers (PBMs) to provide a range of services related to the acquisition and management of prescription drugs. The PBMs negotiate with retail pharmacies to obtain various discounts on prescription drug prices. The PBMs also provide the following services to its customers:

- Pharmacy claims processing;
- Mail-order pharmacy services;
- Rebate negotiations with drug manufacturers;
- Development of pharmacy networks;
- Formulary management;[16]
- Prospective and retrospective drug utilization reviews;
- Offer incentives to plan participations to use generic drug substitutions; and
- Disease management programs.

The decision of plan sponsors to use PBMs to control pharmacy benefit costs, however, can shift business away from retail pharmacies. A PBM can often use aggregate volume to offer its clients savings with discounts from pharmaceutical manufacturers and pharmacies.[17] An estimated 266 million Americans have their pharmacy benefits managed by a PBM.[18] An industry advocacy group estimates that PBMs have saved an average of $941 per person per year

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[12] Department of Health and Human Services USA, Office of the Assistant Secretary for Planning and Evaluation (ASPE), ASPE Issue Brief, *Observations on Trends in Prescription Drug Spending* (March 8, 2016), https://aspe.hhs.gov/system/files/pdf/187586/Drugspending.pdf (last visited February 22, 2018)
[13] Id.
[14] Non-retail drug spending is spending by medical providers for drugs they provide directly to patients. *Id* at page 2.
[15] Id at page 2. *See* footnote 2 and 3.
[16] A list of drugs that a health plan uses to make reimbursement decisions.
[17] Bill Alpert, *Pharmacy Benefit Managers Under Pressure*, Barrons (July 23, 2016) *available at* https://www.barrons.com/articles/pharmacy-benefit-managers-under-fire-1469247082 (last visited Feb. 22, 2018).
[18] Visante, Prepared for the Pharmaceutical Care Management Association, *The Return on Investment on PBM Services* (November 2016), Slide 2, *available at* https://www.pcmanet.org/wp-content/uploads/2016/11/ROI-on-PBM-Services-FINAL.pdf (last visited Feb. 1, 2018).

compared to unmanaged expenditures,[19] including a total of $43.4 billion across all payors[20] in Florida.[21]

Approximately 60 PBMs are operational nationally[22], and the three largest – Express Scripts, CVS/Caremark, and OptumRx – report filling or managing a combined 5.1 billion prescriptions annually.[23,24, 25] PBMs use different tools and methods to reduce costs and find savings for payors through:

- Reductions in the unit costs of drugs;
- The mix of drugs that are prescribed; and,
- The modification of patient behavior through either reduction of inappropriate use of certain prescriptions or improvements in patient adherence to drug regimens.[26]

Examples of unit cost reductions may be in discounts to pharmacy network participants, use of manufacturer rebates, or the increased use of mail order pharmacies. PBMs may also encourage a greater use of generic drugs over certain brand name drugs, require step therapy, or implement tiered copayment levels for different types of prescriptions to achieve desired savings. Reducing or eliminating certain types of patient behaviors through quantity limits, prior authorization requirements, or other patient management programs are also tools that may be used.[27] Each PBM may generate savings from these actions, which may also translate into savings for the patient and the payor.

Most patients assume that their share of cost of that prescription will be less than the actual retail cost of the prescription (or the non-insured cash price) of the drug. However, this may not always be the case. In cases where the retail price of the drug is less than a patient's applicable cost share, a patient could pay the regular cost sharing, regardless of the retail price; pay the lower retail price; or, some other amount based on the contract terms between the PBM and the pharmacy. If a pharmacist is obligated to charge this higher price, the PBM may collect as revenue the difference between a patient's cost share and the lower retail price.[28] One recent *New York Times* article cited a statistic that for up to 10 percent of drug transactions, the patient could

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[19] *Id.*
[20] Payors in this instance include: commercial or private insurance, MediCare Part D, and Medicaid.
[21] Pharmaceutical Care Management Association, *How Much PBMs are Saving: State by State* http://drugbenefitsolutions.com/prescription-costs/ (last visited Feb. 1, 2018).
[22] Joanna Shepherd, Associate Professor of Law, Emory University School of Law, *Is More Information Always Better? Mandatory Disclosure Regulations in the Prescription Drug Market*, (2014) *See* footnote 11 at p. 5. https://www.ftc.gov/system/files/documents/public_comments/2014/02/00006-88685.pdf (last visited February 22, 2018).
[23] Express Scripts, *Corporate Overview* https://lab.express-scripts.com/about/ (last visited Feb. 1, 2018).
[24] CVS Health, *Investor Fact Sheet* (November 2017) *available at* http://investors.cvshealth.com/~/media/Files/C/CVS-IR-v3/documents/cvs-factsheet-111017.pdf (last visited Feb. 1, 2018).
[25] OptumRx, *About Optum* https://www.optum.com/about.html (last visited Feb. 1, 2018).
[26] *Supra* note 15, at 4.
[27] *Id.*
[28] National Community Pharmacists Association. *Statement for the Record: National Community Pharmacists Association*, U.S. House Committee on Oversight and Government Reform, (Feb. 4, 2016), *available at* http://www.ncpa.co/pdf/ncpa-ogr-statement.pdf (last visited Feb. 1, 2018).

have gotten a better price without an insurance card for a prescription than with his or her coverage.[29]

Maximum Allowable Cost Pricing List

Contracts between a PBM and health plan sponsors, insurers, or health maintenance organizations (HMOs) specify how much such entities will pay the PBMs for brand name and generic drugs. These prices are typically set as a discount off the average wholesale price[30] for brand-name drugs and at a maximum allowable cost (MAC)[31] for generic drugs, plus a dispensing fee. The MAC represents the upper limit price that a payor, such as a state or a plan sponsor has through its PBM, will pay or reimburse for generic and brand drugs that have generic versions available.[32] A national survey represents that 92 percent of large employers have such a list in place through their PBM.[33]

A MAC pricing list creates a standard reimbursement amount for identical products, and is a common cost management tool developed from a proprietary survey of wholesale prices in the marketplace, taking into account market share, inventory, reasonable profits margins, and other factors. The purpose of the MAC pricing list is to ensure that the pharmacy is motivated to seek and purchase generic drugs at the lowest price in the marketplace. The federal Medicare Part D program and 44 state Medicaid programs use some type of MAC price lists to reduce costs.[34]

Regulation of Pharmacies and Pharmacy Benefit Management Companies

In Florida, PBMs are not regulated or licensed. However, the Board of Pharmacy under ch. 465, F.S., regulates pharmacies, adopts rules to implement the provisions of the Pharmacy Act, and takes other actions according to duties conferred upon it.[35] Each pharmacy is subject to inspection by the Department of Health (DOH) and may be disciplined for violations of applicable laws and rules relating to a pharmacy.[36]

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[29] Charles Orsnstein, *When Buying Prescription Drugs, Some Pay More With Insurance Than Without It,* The New York Times, (December 9, 2017), *available at* https://www.nytimes.com/2017/12/09/health/drug-prices-generics-insurance.html (last visited Feb. 1, 2018).
[30] Average wholesale price is the retail list price (sticker price) or the average price that manufacturers recommend wholesalers sell to physicians, pharmacies, and others, such as hospitals.
[31] Maximum allowable cost is a price set for generic drugs and is the maximum amount that the plan sponsor will pay for a specific drug.
[32] Brent J. Eberle, RPh, Alan Van Amber, *Your PBM's MAC List Impacts Your Bottom Line,* Managed Healthcare Executive, (December 1, 2008), available at http://managedhealthcareexecutive.modernmedicine.com/managed-healthcare-executive/content/your-pbms-mac-list-impacts-your-bottom-line (last visited Feb. 15, 2018).
[33] *Id.*
[34] Medicaid.gov, *Medicaid Covered Outpatient Prescription Drug Reimbursement Information by State (Quarter Ending September 2017),* available at https://www.medicaid.gov/medicaid/prescription-drugs/state-prescription-drug-resources/drug-reimbursement-information/index.html (last viewed Feb. 15, 2018).
[35] Sections 465.005 and 465.022, F.S.
[36] Sections 465.015 and 465.016, F.S.

A PBM administers the prescription drug part of a health plan on behalf of plan sponsors, insurers, and HMOs. Some states require PBMs to either register with state insurance regulators or be licensed as third-party administrators.[37] Types of state regulation of PBMs include: [38]

Licensure/Registration of PBMs		Patient Protections and Pricing Transparency	Both Licensure and Patient Protections
Iowa (2007) Kansas (2006) Kentucky (2016) Maryland (2003) New Mexico (2016)	North Dakota (2005) Rhode Island (2004) South Dakota (2004) Wyoming (2016)	Georgia (2017) Louisiana (2016) North Carolina (2017) Tennessee (2009) Texas (2017)	Arkansas (2015) Connecticut (2007, 2017) Washington (2014)

A PBM may obtain accreditation from various accrediting bodies that determine if certain national standards are met. Accreditation is an evaluative, rigorous, transparent, and comprehensive process in which a health care organization undergoes an examination of its systems, processes, and performance by an accrediting body to ensure that it is conducting business in a manner that meets predetermined criteria and is consistent with national standards. Current law provides that a contract between a PBM and a pharmacy must include requirements that the PBM:

- Update the MAC pricing at least every seven calendar days; and
- Maintains a process to eliminate drugs in a timely manner from the MAC lists or drug price lists, and to remain consistent with changes in pricing data that is used in formulating the MAC prices and product availability.[39]

However, no state agency is responsible for enforcing these provisions.

III. Effect of Proposed Changes:

Section 1 amends s. 465.0244, F.S., to require a pharmacist or his or her authorized employee to notify customers:

- If a less expensive, generically equivalent drug product is available for his or her prescription; and
- If the customer's cost sharing obligation for his or her prescription exceeds the retail price of the customer's prescription in the absence of prescription drug coverage.

Section 2 repeals s. 465.1862, F.S., relating to contracts between pharmacy benefit managers (PBM) and pharmacies.

Section 3 creates s. 624.490, F.S., to require the Office of Insurance Regulation (OIR) to implement a PBM registration and biennial registration renewal process beginning January 1,

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[37] Joanne Wojcik, *States Try to Regulate Pharmacy Benefit Managers*, Business Insurance (August 22, 2010), available at http://www.businessinsurance.com/article/20100822/ISSUE07/308229997 (last visited Feb. 15, 2018).

[38] *See also* Pharmacists United for Truth and Transparency, *State Regulations in Pharmacy Benefit Management*, available at https://www.marleydrug.com/wp-content/uploads/2016/05/PUTT_State-Regulations_061713a.pdf (last viewed Feb. 15, 2018), and National Association of Community Pharmacists, *State Laws Reforming the Practices of Pharmacy Benefit Managers (PBMs)*, available at http://www.ncpanet.org/pdf/leg/nov12/pbm_enacted_legislation.pdf (last viewed Feb. 15, 2018).

[39] Section 465.1862(2), F.S.

2019. The bill also defines a PBM to mean a person or entity who is doing business in this state, which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization to residents of this state.

To register, a PBM is required to submit a completed registration on a form, which contains the name and address of the registrant and the directors and officers of the registrant. Upon receipt of a completed registration form, the registration fee, and required documents, the OIR must issue a registration certification to the PBM. The registration certificate is valid for two years. The certificate is nontransferable.

The PBM must report to the OIR any changes in the information required for registration within 60 days of the change. The Financial Services Commission must adopt by rule an initial registration fee not to exceed $500 and a registration renewal fee not to exceed $500. The commission must adopt rules to implement the registration process.

Sections 4, 5 and 6 create ss. 627.64741, 627.6572, and 641.314, F.S., respectively, to require a contract between a PBM and a health insurer, or a PBM and a health maintenance organization (HMO), mandate that the PBM:

- Update its maximum allowable cost (MAC) information at least every seven calendar days. The term "MAC" is defined as the per unit amount that a PBM reimburses a pharmacist for a prescription drug, excluding dispensing fees.
- Maintain a process that will, in a timely manner, eliminate drugs from the MAC lists or modify drug prices to remain consistent with changes in pricing data used in formulating MAC and product availability.
- May not limit a pharmacist's ability to disclose to the consumer whether the consumer's cost sharing obligation exceeds the retail price for a covered prescription drug and disclosure of the availability of a more affordable alternative drug.

These provisions would apply to individual and group policies and contracts of insurers and HMOs, respectively. Further, these sections prohibit a PBM from requiring a consumer to pay for a prescription in an amount that exceeds the lesser of the applicable cost sharing amount or the retail price in the absence of prescription drug coverage. The changes in these sections are effective for contracts entered into or renewed on or after July 1, 2018.

Section 7 provides an effective date for the act of July 1, 2018.

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:

The bill creates a registration program within the Office of Insurance Regulation (OIR) for pharmacy benefit managers (PBMs). The Financial Services Commission must adopt by rule an initial registration fee that may not exceed $500 and a renewal fee that may not exceed $500.

B. Private Sector Impact:

Each pharmacy benefit manager seeking to do business in the state will be required to complete the new registration process with the OIR and will be required to pay a biennial registration fee and renewal fee. The PBM will incur administrative costs to complete the registration process and to maintain updated information with the OIR.

The bill prohibits a PBM from limiting a pharmacist from notifying a patient if the patient's cost sharing obligation exceeds the retail price for a covered drug and of the availability of a more affordable alternative drug. This could reduce the out-of-pocket costs of some consumers. However, some insurers suggest that this practice may increase the costs of health care.

C. Government Sector Impact:

The bill requires the OIR to implement and maintain a registration process for PBMs. The initial registration fee and the biennial registration certificate fees are capped at $500 each, and the Financial Services Commission must adopt by rule such fees. This will result in revenues deposited into the Insurance Regulatory Trust Fund.

The bill appropriates $74,141 for one full time equivalent position and $5,000 for technology upgrades and provides 45,043 in associated salary rate to the OIR.

VI. Technical Deficiencies:

None.

VII. Related Issues:

PBM Registration Process

The Office of Insurance Regulation (OIR) notes that the bill does not include any guidelines by which the OIR could evaluate, approve, or disapprove the registration application or renewal of a

pharmacy benefits manager (PBM) other than the completeness of a form.[40] This may result in the approval of an individual with a criminal background, for example.

OIR Oversight and Enforcement Authority

The OIR requests the statutory authority to conduct market examinations on the registered PBMs and to require the PBMs to pay for the costs of those exams under s. 624.3161, F.S., as is done for all other market conduct examinations. The bill does not provide the OIR with statutory authority to determine or enforce a PBM's compliance with the provisions of this bill.

VIII. Statutes Affected:

This bill substantially amends section 465.0244 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 624.490, 627.64741, 627.6572, and 641.314.

This bill repeals section 465.1862 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/CS/CS by Appropriations on March 2, 2018:
The committee substitute appropriates the following to the Office of Insurance Regulation:

- $74,141 in recurring funds for one full time equivalent position from the Insurance Regulatory Trust Fund;
- $5,000 in nonrecurring funds for technology upgrades from the Insurance Regulatory Trust Fund; and
- Associated salary rate of 45,034.

CS/CS by Banking and Insurance on February 20, 2018:
The CS/CS revises the Office of Insurance Regulation (OIR) registration process for pharmacy benefit managers (PBMs) in the following manner:

- Requires PBMs to register with the OIR beginning January 1, 2019.
- Caps the initial registration fee at $500 and renewal fee at $500.
- Clarifies that the PBM must submit all required registration information prior to the issuance of the registration certificate by the OIR.
- Provides technical conforming changes.

CS by Health Policy on February 6, 2018:
The CS adds the ability for a pharmacist's authorized employee, in addition to the requirement for a pharmacist, to inform a customer of the availability of less expensive, generically equivalent drug product for his or her prescription and as to whether a

[40] *Id.*

customer's cost-sharing obligation exceeds the retail price of the prescription drug in the absence of prescription drug coverage.

The CS repeals s. 465.1862, F.S., relating to pharmacy benefits manager contracts; however, these provisions are moved to the insurance code under the jurisdiction of the OIR.

Additionally, the CS modifies the PBM registration process by:

- Eliminating requirements for an individual's social security number;
- Removing the requirement that PBM's submit the names of those individuals or entities with 10 percent or greater controlling ownership interest with the registration or biennial renewal;
- Deleting the definition of controlling interest;
- Extending the notice period for information changes to 60 days from 30 days; and
- Capping the maximum fees that may be charged by the OIR for administering the process at $500.

The CS deletes the requirement that the contracts between PBMs and insurers and HMOs include a prohibition against limiting the ability of the pharmacy or PBM to substitute a less expensive, generically equivalent drug product for a brand name drug.

For contracts between health insurers and HMOs and the PBMs, the CS amends the comparison points relating to the consumer's out of pocket cost for prescription drugs from three to two, so the consumer pays the lesser of the applicable cost-sharing amount or the retail price of the drug in the absence of prescription drug coverage. The third reference point, the allowable claim amount for the prescription drug, is deleted.
The CS also creates s. 627.6572, F.S, making the provisions relating to PBM contract reporting on MAC cost information and contract provision requirements applicable to group health insurance policies.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/03/2018	.	
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	.	
	.	

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment

Delete lines 116 - 192
and insert:
(5) This section applies to contracts entered into, modified, amended, altered, or renewed on or after July 1, 2018.
Section 5. Section 627.6572, Florida Statutes, is created to read:
627.6572 Pharmacy benefit manager contracts.—
(1) As used in this section, the term:

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(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and any other cost-sharing charges.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health insurer to residents of this state.

(2) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

722650

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) This section applies to contracts entered into, modified, amended, altered, or renewed on or after July 1, 2018.

Section 6. Section 641.314, Florida Statutes, is created to read:

641.314 Pharmacy benefit manager contracts.—

(1) As used in this section, the term:

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and any other cost-sharing charges.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health maintenance organization to residents of this state.

(2) A contract between a health maintenance organization and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy

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benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring a subscriber to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) This section applies to contracts entered into, modified, amended, altered, or

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/03/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Between lines 193 and 194
insert:

Section 7. The sums of $74,141 in recurring funds and $5,000 in nonrecurring funds from the Insurance Regulatory Trust Fund are appropriated to the Office of Insurance Regulation, and one full-time equivalent position with associated salary rate of 45,043 is authorized, for the purpose of implementing this act.

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========== T I T L E A M E N D M E N T ==========
And the title is amended as follows:
Between lines 26 and 27
insert:
providing an appropriation;

By the Committees on Banking and Insurance; and Health Policy; and Senators Montford, Grimsley, and Powell

597-03453-18 20181494c2

A bill to be entitled

An act relating to prescription drug pricing transparency; amending s. 465.0244, F.S.; requiring pharmacists to inform customers of less expensive, generically equivalent drugs for their prescriptions and as to whether customers' cost-sharing obligations exceed the retail price of their prescriptions; repealing s. 465.1862, F.S., relating to pharmacy benefit manager contracts; creating s. 624.490, F.S.; defining the term "pharmacy benefit manager"; requiring a pharmacy benefit manager to register with the Office of Insurance Regulation beginning on a specified date; providing requirements and terms of registration, including the payment of a nonrefundable fee; requiring the office to issue certificates of registration; specifying that certificates are nontransferable; requiring the Financial Services Commission to set an initial registration fee and a renewal fee which are nonrefundable and may not exceed a specified amount; requiring the commission to adopt rules; creating ss. 627.64741, 627.6572, and 641.314, F.S.; defining the terms "maximum allowable cost" and "pharmacy benefit manager"; requiring that certain terms be included in a contract between a health insurer or a health maintenance organization and a pharmacy benefit manager; providing applicability; providing an effective date.

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

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

597-03453-18 20181494c2

Section 1. Section 465.0244, Florida Statutes, is amended to read:

465.0244 Information disclosure.—

(1) Every pharmacy shall make available on its website a hyperlink to the health information that is disseminated by the Agency for Health Care Administration pursuant to s. 408.05(3) and shall place in the area where customers receive filled prescriptions notice that such information is available electronically and the address of its Internet website.

(2) In addition to the requirements of s. 465.025, a pharmacist or her or his authorized employee must inform a customer of a less expensive, generically equivalent drug product for her or his prescription and as to whether the customer's cost-sharing obligation exceeds the retail price of the prescription in the absence of prescription drug coverage.

Section 2. Section 465.1862, Florida Statutes, is repealed.

Section 3. Section 624.490, Florida Statutes, is created to read:

624.490 Registration of pharmacy benefit managers.—

(1) As used in this section, the term "pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer prescription drug benefits on behalf of a health insurer or a health maintenance organization to residents of this state.

(2) Beginning January 1, 2019, a pharmacy benefit manager must register with the office to conduct business in this state. To initially register or renew a registration, a pharmacy benefit manager must submit:

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

(a) A nonrefundable fee;

(b) A copy of the registrant's corporate charter, articles of incorporation, or other charter document; and

(c) A completed registration on a form adopted by the commission which contains:

1. The name and address of the registrant; and

2. The name, address, and official position of each officer and director of the registrant.

(3) The registrant shall report any change in information required by subsection (2) to the office in writing within 60 days after the change occurs.

(4) Upon receipt of a completed registration form, required documents, and the registration fee, the office shall issue a registration certificate. The certificate may be in paper or electronic form, and must indicate the expiration date of the registration. Registration certificates are nontransferable.

(5) A registration certificate is valid for 2 years from its date of issue. The commission shall adopt by rule an initial registration fee not to exceed $500 and a registration renewal fee not to exceed $500, both of which are nonrefundable.

(6) The commission shall adopt rules necessary to implement this section.

Section 4. Section 627.64741, Florida Statutes, is created to read:

627.64741 Pharmacy benefit manager contracts.—

(1) As used in this section, the term:

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the

application of copayments, coinsurance, and other cost-sharing charges, if any.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health insurer to residents of this state.

(2) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) This section applies to contracts entered into or

renewed on or after July 1, 2018.

Section 5. Section 627.6572, Florida Statutes, is created to read:

627.6572 Pharmacy benefit manager contracts.—

(1) As used in this section, the term:

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and any other cost-sharing charges.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health insurer to residents of this state.

(2) A contract between a health insurer and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

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

(4) A contract between a health insurer and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring an insured to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) This section applies to contracts entered into or renewed on or after July 1, 2018.

Section 6. Section 641.314, Florida Statutes, is created to read:

641.314 Pharmacy benefit manager contracts.—

(1) As used in this section, the term:

(a) "Maximum allowable cost" means the per-unit amount that a pharmacy benefit manager reimburses a pharmacist for a prescription drug, excluding dispensing fees, prior to the application of copayments, coinsurance, and any other cost-sharing charges.

(b) "Pharmacy benefit manager" means a person or entity doing business in this state which contracts to administer or manage prescription drug benefits on behalf of a health maintenance organization to residents of this state.

(2) A contract between a health maintenance organization and a pharmacy benefit manager must require that the pharmacy benefit manager:

(a) Update maximum allowable cost pricing information at least every 7 calendar days.

(b) Maintain a process that will, in a timely manner, eliminate drugs from maximum allowable cost lists or modify drug

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

prices to remain consistent with changes in pricing data used in formulating maximum allowable cost prices and product availability.

(3) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy benefit manager from limiting a pharmacist's ability to disclose whether the cost-sharing obligation exceeds the retail price for a covered prescription drug, and the availability of a more affordable alternative drug, pursuant to s. 465.0244.

(4) A contract between a health maintenance organization and a pharmacy benefit manager must prohibit the pharmacy benefit manager from requiring a subscriber to make a payment for a prescription drug at the point of sale in an amount that exceeds the lesser of:

(a) The applicable cost-sharing amount; or

(b) The retail price of the drug in the absence of prescription drug coverage.

(5) This section applies to contracts entered into or renewed on or after July 1, 2018.

Section 7. This act shall take effect July 1, 2018.

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

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 1508
INTRODUCER:	Senator Young
SUBJECT:	Use of Stem Cells in a Clinic Setting
DATE:	February 26, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	**Favorable**
2.	Loe	Hansen	AP	**Favorable**
3.			RC	

I. Summary:

SB 1508 creates a regulatory framework for the use of stem cells by doctors in a clinic setting. The bill:

- Requires clinics that do not meet specific requirements to register with the Department of Health (DOH) when stem cells are used in performing certain medical acts or procedures.
- Provides responsibilities for physicians in the performance of any procedure using, or purporting to use, stem cells or products containing stem cells.
- Authorizes the DOH to render disciplinary sanctions for clinics or physicians that are non-compliant with the requirements under the bill.
- Provides rulemaking authority for the DOH and its applicable health care professional regulatory boards.

The bill will increase expenditures in the DOH by an indeterminate, yet significant amount; however, the regulatory fees authorized under the bill and collected by the DOH will offset the increase in expenditures.

The effective date of the bill is July 1, 2018.

II. Present Situation:

Stem Cells

Stem cells are unspecialized cells that have the ability to divide for indefinite periods of time in culture median, and to give rise to specialized cells.[1] Stem cells have the potential to develop into

[1] National Institutes of Health, Stem Cell Information, Glossary, *Stem Cell* https://stemcells.nih.gov/glossary.htm#stemcells (last visited Feb. 4, 2018).

many different types of cells during early life and growth. In addition, in many tissues, stem cells serve as an internal repair system, dividing essentially without limit, to replenish other cells as long as the person is still alive. When a stem cell divides, each new cell has the potential to either remain an undifferentiated stem cell, or become a cell with a specialized function such as a muscle, red blood, or brain cell.[2]

Stem cells are distinguished from other cells by two important characteristics:

- Unspecialized cells capable of renewing themselves through cell division; and
- Can be induced to become tissue-specific or organ-specific cells under certain physiologic or experimental conditions.[3]

In some organs – such as the alimentary canal (gut) – and bone marrow, stem cells regularly divide to repair and replace worn out or damaged tissues. In other organs, such as the pancreas and the heart, stem cells only divide under special conditions.[4]

Until recently, scientists primarily worked with two kinds of stem cells from animals and humans: embryonic stem cells[5] and non-embryonic "somatic," or "adult," stem cells.[6] Stem cells offer new potentials for treating diseases such as diabetes and heart disease given their unique regenerative abilities. More research is needed to understand how to use these cells for cell-based therapies to treat disease. This practice is referred to as regenerative or reparative medicine.[7]

Federal Regulation of Stem Cells

Under 21 C.F.R. 1271, certain stem cells are labeled as a drug[8] and subject to FDA regulation if the stem cell has been derived from structural tissue or non-structural tissue in a manufacturing process involving more than minimal manipulation.[9]

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[2]National Institutes of Health, *Stem Cell Basics I.*, https://stemcells.nih.gov/info/basics/1.htm (last visited Jan. 10, 2018).
[3] *Id.*
[4] *Id.*
[5] Embryonic stem cells are primitive undifferentiated cells that are derived from preimplantation-stage embryos. They are capable of dividing without differentiating for a prolonged period in culture; and are known to develop into cells and tissues of the three primary germ layers. The three germ layers are the ectoderm, the mesoderm, and the endoderm. *See* National Institutes of Health, *Stem Cell Information, Glossary, Embryonic Stem Cells,* https://stemcells.nih.gov/glossary.htm#stemcells (last visited Jan. 10, 2018).
[6] Somatic (adult) stem cells are relatively rare undifferentiated cells found in many organs and differentiated tissues with a limited capacity for both self-renewal (in the laboratory) and differentiation. Such cells vary in their differentiation capacity, but it is usually limited to cell types in the organ of origin. *See* National Institutes of Health, *Stem Cell Information, Glossary, Somatic (adult) Stem Cells,* https://stemcells.nih.gov/glossary.htm#stemcells (last visited Jan. 10, 2018).
[7] National Institutes of Health, *Stem Cell Basics I.*, https://stemcells.nih.gov/info/basics/1.htm (last visited Jan. 10, 2018).
[8] See 21 U.S.C. s. 321(g). The FDA defines a "drug" as an article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease and "articles (other than food) intended to affect the structure or function of the body."
[9] U.S Department of Health and Human Services, Food and Drug Administration, Center for Evaluation and Research, Center for Devices and Radiological Health, Office of Combination Products, (Nov. 2017, corrected Dec. 2017), *Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use, Guidance for Industry and Food and Drug Administration Staff,* https://www.fda.gov/downloads/biologicsbloodvaccines/guidancecomplianceregulatoryinformation/guidances/cellularandgenetherapy/ucm585403.pdf (last visited Jan. 19, 2018). Section 1271.10(a)(1) provides that one of the criteria for an HCT/P to be regulated solely under s. 361 of the PHSA and the regulations in Part 1271, is that the HCT/P is only "minimally manipulated." As defined in 21 CFR 1271.3(f), "minimal manipulation" means: 1) For *structural tissue*, processing that *does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or*

The FDA regulates articles containing or consisting of human cells or tissues that are intended for implantation, transplantation, infusion or transfer into a human recipient as human cells, tissues, or cellular or tissue-based products (HCT/Ps) which are known as stem cells.[10]

The U.S. Center for Biologics Evaluation and Research (CBER) regulates HCT/Ps.[11] The CBER does not regulate the transplantation of vascularized human organ transplants such as the kidney, liver, heart, lung, or pancreas. The Health Resources and Services Administration (HRSA) of the United States Department of Health and Human Services oversees the transplantation of vascularized human organs.[12]

Minimally manipulated bone marrow is also used in stem cell treatments, but not considered by the FDA to be an HCT/Ps,[13] and thus is not regulated by the FDA.[14] The HRSA regulates minimally manipulated bone marrow stem cells used for transplant.[15]

Due to the unique nature of HCT/Ps, the FDA uses a tiered, risk-based approach to the regulation of HCT/Ps, rather than the Federal Food, Drug and Cosmetic Act (FDCA), for products that meet the definition of a drug, biologic, or device.[16] The tiered, risk-based approach includes recommendations on how the transmission of communicable diseases can be prevented; what process controls are necessary to prevent contamination and preserve the integrity and function of the products; and how clinical safety and effectiveness can be assured.[17]

The tiered, risk-based approach is contained in regulations referred to as the "tissue rules" issued by the FDA under the communicable disease authority of s. 361 of the Public Health Service Act (PHSA).[18]

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replacement (emphasis added); or 2) For *cells or nonstructural tissues,* processing *does not alter the relevant biological characteristics of cells or tissues*. Note: the FDA considers the processing of an HCT/P to be, "more than minimal manipulation," if information does not exist to show that the HCT/P qualifies for regulation solely under s. 361 of the PHSA. *See* 21 C.F.R. 1271.21 and 1271.10.

[10] 21 C.F.R. 1271.3(d).

[11] See 21 C.F.R., 1270 and 1271. The CBER is a part of the Food and Drug Administration.

[12] U.S. Food and Drug Administration, *Tissue and Tissue Products, available at* https://www.fda.gov/BiologicsBloodVaccines/TissueTissueProducts/default.htm (last visited Jan. 10, 2018).

[13] *See* 21 C.F.R. 1271.3(d)(4).

[14] U.S. Food and Drug Administration, Food and Drug Administration, *FDA Warms About Stem Cell Therapies,* https://www.fda.gov/ForConsumers/ConsumerUpdates/ucm286155.htm (last visited Jan. 17, 2018).

[15] U.S. Department of health and Human Services, Health Resources and Services Administration, *Healthcare Systems, available at* https://www.hrsa.gov/sites/default/files/ourstories/organdonation/factsheet.pdf (last visited Jan. 19, 2018).

[16] Although the FDA is authorized to apply the requirements in the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to those products that meet the definition of drug, biologic, or device, under this tiered, risk-based approach, those HCT/Ps that meet specific criteria or fall within detailed exceptions do not require premarket review or approval. *See* U.S Department of Health and Human Services, Food and Drug Administration, Center for Evaluation and Research, Center for Devices and Radiological Health, Office of Combination Products, Nov. 2017, corrected Dec. 2017, *Regulatory Considerations for Human Cells, Tissues, and Cellular and Tissue-Based Products: Minimal Manipulation and Homologous Use, Guidance for Industry and Food and Drug Administration Staff,* https://www.fda.gov/downloads/biologicsbloodvaccines/guidancecomplianceregulatoryinformation/guidances/cellularandgenetherapy/ucm585403.pdf (last visited Jan. 19, 2018).

[17] *Id.*

[18] 42 U.S.C. s. 264.

For an HCT/P to be regulated solely under the requirements of s. 361 of the PHSA and 21 C.F.R. 1271 it must meet all of the following criteria:[19]

- The HCT/P is minimally manipulated;[20]
- The HCT/P is intended for homologous use only;[21]
- The HCT/P is not combined with any other article, except water, crystalloids, or a sterilizing, preserving, or storage agent; and
- The HCT/P either:
  - Does not have a systemic effect, and is not dependent upon the metabolic activity of living cells, for its primary function; or
  - Has a systemic effect, or is dependent upon the metabolic activity of living cells for its primary function, and:
    - Is for autologous use;[22]
    - Is for allogeneic use;[23] or
    - Is for reproductive use.[24]

To apply the minimally manipulated criteria, the FDA first determines if the HCT/P to be transplanted was derived from structural tissue or cellular/nonstructural tissue. This determination is made based on the characteristics of the HCT/P in the donor, prior to recovery, and before any processing takes place.[25]

In applying the minimally manipulated analysis, the FDA acknowledges that HCT/Ps perform multiple functions and that structural tissues contain cells. The FDA also acknowledges that some manufacturers assert that an HCT/P has both a structural and cellular/nonstructural function. However, under FDA regulations, HCT/Ps are considered either structural tissues or cells/nonstructural tissues. HCT/Ps that physically support or serve as a barrier or conduit, or connect, cover, or cushion are generally considered structural tissues for the purpose of applying the HCT/P regulatory framework. The FDA gives the following examples of what it considers

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[19] 21 C.F.R. 1271.10.

[20] 21 C.F.R. 1271.10(a)(1) provides that one of the criteria for an HCT/P to be regulated solely under s. 361 of the PHSA and the regulations in 1271, is that the HCT/P is only "minimally manipulated". As defined in 21 C.F.R. 1271.3(f), "minimal manipulation" means: 1) For *structural tissue*, processing that *does not alter the original relevant characteristics of the tissue relating to the tissue's utility for reconstruction, repair, or replacement* (emphasis added); or 2) For *cells or nonstructural tissues*, processing *does not alter the relevant biological characteristics of cells or tissues*. Note: the FDA considers the processing of an HCT/P to be, "more than minimal manipulation," if information does not exist to show that the HCT/P qualifies for regulation solely under s. 361 of the PHSA.

[21] 21 C.F.R. 1271.10(a)(2), provides that one of the criteria for an HCT/P to be regulated solely under s. 361 of the PHSA, and the regulations in 1271, is that the "HCT/P is intended for homologous use only, as reflected by the labeling, advertising, or other indications of the manufacturer's objective intent." As defined in 21 C.F.R. 1271.3(c), "homologous use" means the repair, reconstruction, replacement, or supplementation of a recipient's cells or tissues with an HCT/P that performs the same basic function or functions in the recipient as in the donor. This criterion reflects the FDA's conclusion that there would be increased safety and effectiveness concerns for HCT/Ps that are intended for a non-homologous use, because there is less basis on which to predict the product's behavior. *See supra* note 8, at 4.

[22] *"Autologous use"* means the implantation, transplantation, infusion, or transfer of human cells or tissue back into the individual from whom the cells or tissue were recovered. *See* 21 C.F.R. 1271.3(a).

[23] *"Allogeneic use"* means taken from different individuals of the same species. Two or more individuals are said to be allogeneic to one another when the genes at one or more loci are not identical. Medicinenet.com, *Medical Definition of Allogeneic*, https://www.medicinenet.com/script/main/art.asp?articlekey=25266 (last visited Jan. 10, 2018).

[24] 21 C.F.R. 1271.10(a).

[25] *Supra* note 9.

structural tissue: bone, skin, amniotic membrane and umbilical cord, blood vessel, adipose tissue, articular cartilage, non-articular cartilage, and tendon or ligament.[26]

HCT/Ps that serve metabolic or other biochemical roles in the body, such as hematopoietic, immune, and endocrine functions, are generally considered cells/nonstructural tissues for the purpose of applying the FDA HCT/P regulatory framework. The FDA examples of cells or nonstructural tissues include: reproductive cells or tissues (oocytes), hematopoietic stem/progenitor cells (cord blood), lymph nodes and thymus, parathyroid glands, peripheral nerve, and pancreatic tissue.[27]

The FDA defines processing as any activity performed on an HCT/P, other than: rinsing, cleaning, recovery, donor screening, donor testing, storage, sizing, labeling, packaging, distribution, testing for microorganisms, preparation, sterilizations, steps to inactivate or remove adventitious agents, preservation for storage, and removal from storage.[28] Under this definition, processing includes: cutting, grinding, shaping, culturing, enzymatic digestion, and decellurization.[29]

An HCT/P is exempt from registration and regulation under the PHSA and 21 C.F.R. 1271, if the establishment:[30]

- Uses the HTC/P's solely for nonclinical scientific or educational purposes;
- Removes HCT/P's from an individual, and implants such HCT/P's into the same individual, during the same surgical procedure;
- Is a carrier who accepts, receives, carries, or delivers HCT/P's in the usual course of business;
- Does not recover, screen, test, process, label, package, or distribute, but only receives or stores HCT/P's, solely for implantation, transplantation, infusion, or transfer within its facility; or
- Only recovers reproductive cells or tissue and immediately transfers them into a sexually intimate partner of the cell or tissue donor.

If an individual is under contract with a registered establishment, and engaged solely in recovering cells or tissues and sending the recovered cells or tissues to the registered establishment, he or she is not required to register or list the establishment's HCT/P's independently, but he or she must comply with all other applicable requirements. [31]

[26] *Id.*
[27] *Supra* note 9.
[28] See 21 C.F.R. 1271.3(ff).
[29] *Supra* note 9.
[30] Establishment means a place of business under one management, at one general physical location, that engages in the manufacture of human cells, tissues, and cellular and tissue-based products. Establishment includes: (1) Any individual, partnership, corporation, association, or other legal entity engaged in the manufacture of human cells, tissues, and cellular and tissue-based products; and (2) Facilities that engage in contract manufacturing services for a manufacturer of human cells, tissues, and cellular and tissue-based products. 21 C.F.R. 1271.3(b).
[31] 21 C.F.R. 1271.15.

If an HCT/P does not meet the above criteria, and the manufacturer of the HCT/P does not qualify for an exception,[32] the HCT/P will be regulated as a drug, device, and/or biological product under the FDCA, the PHSA,[33] and applicable regulations;[34] and premarket review will be required.[35]

According to the FDA, if a manufacturer or establishment isolates cells from structural tissue to produce a cellular therapy product, the definition of minimal manipulation applies regardless of the method used to isolate the cells. The definition applies because the assessment of whether the HCT/P is a structural tissue or cellular/nonstructural tissue is based on the characteristics of the HCT/P as it exists in the donor, prior to recovery, and prior to any processing that takes place.[36]

Federal law requires tissue establishments[37] that do not meet an exemption to:
- Screen and test donors;
- Prepare and follow written procedures for prevention of the spread of communicable disease; and
- Maintain records.[38]

The FDA has published rules to broaden the scope of products subject to regulation, and to include more comprehensive requirements to prevent the introduction, transmission, and spread of communicable disease. Those rules include requiring tissue establishments to:
- Register and submit a list to the FDA of every HCT/P it manufactures within five days after operations begin, or within 30 days of the effective date of the registration;[39]
- Determine donor eligibility, including screening and testing;[40] and
- Recover, process, store, label, package, and distribute HCT/Ps, and screen and test cell and tissue donors, in such a way that prevents the introduction, transmission, or spread of communicable diseases.[41]

The requirements are intended to improve protection of the public health while minimizing regulatory burden.[42]

The only HCT/Ps that are FDA-approved for use in the United States consist of blood-forming stem cells, referred to as hematopoietic progenitor cells, derived from cord blood. These products are approved for limited use in patients with disorders that affect the hematopoietic system – the

[32] 21 C.F.R., 1271.10, 1271.15 and 1271.155.
[33] 42 U.S.C. s. 262.
[34] 21 C.F.R.1271.
[35] *Supra* note 9.
[36] *Id.*
[37] *Supra* note 31.
[38] *See* 21 C.F.R 1270 and 1271.2121.
[39] 21 C.F.R. 1271.21.
[40] 21 C.F.R. 1271.45.
[41] *Id.*
[42] U.S. Department of Health and Human Services, Food and Drug Administration, *Tissue and Tissue Products*, https://www.fda.gov/BiologicsBloodVaccines/TissueTissueProducts/default.htm (last visited Jan. 10, 2018).

body system that is involved in the production of blood. The FDA-approved stem cell products are listed on the FDA website.[43]

Stem Cells from Adipose Tissue

Structural HCT/Ps include cells obtained from adipose tissue. Adipose tissue is typically defined as a connective tissue that stores energy in the form of lipids, insulates the body, and provides cushioning and support for subcutaneous tissues and internal organs. It is composed of clusters of cells, referred to as adipocytes, surrounded by a reticular fiber network and interspersed small blood vessels and is divided into lobes and lobules by connective tissue septa.[44] Additionally, adipose tissue contains other cells, including pre-adipocytes, fibroblasts, vascular endothelial cells, and a variety of immune cells.[45]

The FDA, by way of example, specifically addresses the original relevant characteristics of adipose tissue relating to its utility to provide cushioning and support, which includes its bulk and lipid storage capacity. A manufacturer that recovers adipose tissue by tumescent liposuction and processes (e.g., enzymatically digests, mechanically disrupts, etc.) the adipose tissue to isolate cellular components (with or without subsequent cell culture or expansion), to stromal vascular fraction (SVF), is considered by the FDA to be more than minimally manipulating the HCT/P. It is considered more than minimally manipulating the HCT/P because the processing breaks down and eliminates the adipocytes and the surrounding structural components that provide cushioning and support, thereby altering the original relevant characteristics of the HCT/P relating to its utility for reconstruction, repair, or replacement.[46]

The FDA treats the recovery of adipose tissue from a donor for allogenic or autologous use as the recovery of a structural tissue. If the adipose tissue is then processed through enzymatic digestion, mechanical disruption, or other means, to isolate non-adipocyte, or non-structural components, from the adipose tissue – with or without subsequent cell culture or expansion – the processing of the structural tissues becomes stromal vascular fraction (SVF) and is considered more than minimally manipulated.[47] If the SVF is then administered intravenously or intrathecally to a recipient to treat a variety of diseases or conditions it will not be solely regulated the PHSA.[48]

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[43] U.S. Department of Health and Human Services, Food and Drug Administration, *Approved Cellular and Gene Therapy Products*, (page last updated Feb. 2, 2018) *available at* https://www.fda.gov/biologicsbloodvaccines/cellulargenetherapyproducts/approvedproducts/default.htm (last visited Jan. 18, 2018).

[44] Some HCT/Ps from adipose tissue may also be regulated as devices. For more information about device regulation, See *CDRH's webpage Device Advice – Overview of Medical Device Regulation*, (page last updated Aug. 14, 2015) *available at* http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Overview/default.htm (last visited Jan.10, 2018).

[45] Brown SA, Levi, B, Lequeux, C, et al. Plastic Reconstructive Surgery, *Basic Science Review on Adipose Tissue for Clinicians*, 126:1936, 2010.

[46] *Supra* note 9.

[47] This is because the connective tissue and structural components of the adipose tissue are entirely removed from the non-adipocyte or non-structural isolates, and thus altering the original relevant characteristics relating to the tissues utility for reconstruction, repair, and replacement. *See supra* note 8 and 21 C.F.R. 1271.3(f)(1).

[48] 42 U.S.C. 264 and s. 301 PHSA.

Florida Regulation of Stem Cells

Stem Cell Preparation/Manufacturing

The Department of Business and Professional Regulation (DBPR) administers and enforces the Florida Drug and Cosmetic Act (FDCA) to prevent fraud, adulteration, misbranding, or false advertising in the preparation, manufacture, repackaging, or distribution of drugs, devices, and cosmetics.[49] In Florida, "a person may not sell, offer for sale, hold for sale, manufacture, repackage, distribute, or give away any new drug unless an approved application has become effective under the federal act or unless otherwise permitted by the Secretary of the United States Department of Health and Human Services for shipment in interstate commerce."[50]

The FDCA defines a "drug" as an article, or a component of an article,[51] that is:

- Recognized in the current edition of the United States Pharmacopoeia and National Formulary (USP-FM),[52] official Homeopathic Pharmacopoeia of the United States (HPUS),[53] or any supplement to any of those publications;
- Intended for use in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals; or
- Intended to affect the structure or any function of the body of humans or other animals.[54]

The FDCA defines the manufacturing of a drug to mean the preparation, deriving, compounding, propagation, processing, producing, or fabrication of a substance into a drug.[55] Under the FDCA, a manufacturer of a drug is a person, co-licensed partner, or affiliate of a person who holds a New Drug Application, an Abbreviated New Drug Application, a Biologics License Application, or a New Animal Drug Application approved or licensed under the federal Public Health Service Act[56] for such drug or biologics, or the person who manufactured the drug or biologics if such drug or biologics are not the subject of an approved application or license.

Stem cells recovered, processed, and implanted in Florida that fit the above definitions are "unapproved new drugs" under both federal and state regulation and require a manufacturing

[49] *See* part I of ch. 499, F.S.
[50] Section 499.023, F.S.
[51] Includes active pharmaceutical ingredients, but does not include devices or their non-drug components, parts, or accessories. *Also see* Section 499,003(1), F.S. The term "active pharmaceutical ingredient" includes any substance or mixture of substances intended, represented, or labeled for use in drug manufacturing that furnishes or is intended to furnish, in a finished dosage form, any pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, therapy, or prevention of disease in humans or other animals, or to affect the structure or any function of the body of humans or animals.
[52] USP-NF is a combination of two compendia, the United States Pharmacopeia (USP) and the National Formulary (NF). It contains standards for medicines, dosage forms, drug substances, excipients, biologics, compounded preparations, medical devices, dietary supplements, and other therapeutics. *See* 21 U.S.C. s. 301(g)(1).
[53] The HPUS is declared a legal source of information on drug products (along with the USP/NF) in the Federal Food Drug and Cosmetic Act, 21 U.S.C. § 301. Section 201(g)(1) of the Act. 21 U.S.C. s. 321 defines the term "drug" as articles recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopeia of the United States, or official National Formulary or any supplement to any of them.
[54] Section 499.003(17), F.S.
[55] Section 499.003(28), F.S.
[56] 42 U.S.C. s. 262.

permit issued by the DBPR to ensure the drugs are manufactured in accordance with good manufacturing practices.[57]

Stem Cell Implantation or Transplantation

Stem cells may be collected, processed, and implanted or transplanted in a physician's office, health care clinic, ambulatory surgical center, or hospital.

Physician's Office

The DOH Office of Surgery Registration and Inspection Program was established to register and set standards for allopathic and osteopathic physicians performing surgery in an office setting. The DOH requires all physicians who perform the following to register their office with the DOH:

- Liposuction procedures where more than 1,000 cubic centimeters of supernatant fat is removed;
- Level II procedures lasting more than five minutes; and
- All Level III surgical procedures.[58]

The DOH will inspect those registered that are not nationally accredited to ensure the safety of the people of Florida.[59]

Under current regulations, it is unclear whether stem cell implantation or transplantation in physicians' offices is subject to inspection and regulation by the DOH. Hypothetically, it is not subject to the DOH regulation if the physician performs a procedure by removing less than 4000 cc of supernatant fat, uses no sedation, and the procedure lasts less than five minutes.[60]

Health Care Clinics

The Health Care Clinic Act[61] provides the Agency for Health Care Administration (AHCA) with licensing and regulatory authority to provide standards and oversite for health care clinics.[62] A clinic is defined as an entity where health care services are provided and which tenders charges for reimbursement for such services. Numerous exceptions to licensure exist.[63]The AHCA interprets the scope of its regulatory powers to solely include entities that bill third parties, such as Medicare, Medicaid, and insurance companies. Entities that provide health care services and

[57] Department of Business and Professional Regulation, Division of Drugs, Devices and Cosmetics, *Does my company need a permit? available at* http://www.myfloridalicense.com/dbpr/ddc/ProgramFAQ1.html (last visited Jan. 18, 2018). See also ss. 458.309(3) and 458.351, F.S.; Rule 64B8-9.009, F.A.C.
[58] Department of Business and Professional Regulation, Division of Drugs, Devices and Cosmetics, *Does my company need a permit? available at* http://www.myfloridalicense.com/dbpr/ddc/ProgramFAQ1.html (last visited Jan. 18, 2018). See also ss. 458.309(3) and 458.351, F.S.; Rule 64B8-9.009, F.A.C.
[59] The Department of Health, Licensing and Regulation, *Office Surgery Registration,* http://www.floridahealth.gov/licensing-and-regulation/office-surgery-registration/index.html (last visited Jan. 22, 2018).
[60] See Rule 64B8-9.9009, F.A.C.
[61] Part X of ch. 400, F.S.
[62] Section 400.990, F.S.
[63] Section 400.9905(4). F.S.

accept "cash only" for services are excluded from the definition of "clinic" and are not subject to licensure or regulation by the AHCA.[64]

Hospitals and Ambulatory Surgical Centers

The AHCA is responsible for licensing, registering, and regulating hospitals and Ambulatory Surgical Centers (ASC) pursuant to ch. 395, F.S.[65]

An ASC is a facility, not a part of a hospital, that has as its primary purpose to provide elective surgical care in which the patient is admitted and discharged in the same working day and is not permitted to stay overnight.

Regulation of Physicians in Florida

The BOM and the BOOM (the boards), within the DOH, have the authority to adopt rules to regulate the practice of medicine and osteopathic medicine, respectively. The boards have authority to establish, by rule, standards of practice and standards of care for particular settings.[66] Such standards may include education and training, medications including anesthetics, assistance of and delegation to other personnel, sterilization, performance of complex or multiple procedures, records, informed consent, and policy and procedures manuals.[67]

Currently, the BOM is warning physicians and consumers that they should be aware of the risks involved in stem cell therapies and regenerative medicine that have not been FDA-approved.[68] The BOM warns physicians providing stem cell treatment that he or she should have an investigational new drug application (IND) or a single patient IND for Compassionate or Emergency Use.[69] Florida does not specifically regulate clinics that perform treatments using stem cells, but the Boards have authority to investigate and discipline physicians who fail to meet the standard of care for providing any medical services. In 2013, the BOM revoked the licenses of two physicians in administrative cases involving stem cells for failing to meet the standard of care.[70]

III. Effect of Proposed Changes:

Stem Cell Clinic Registration and Regulation

The bill requires a clinic or physician who advertises, uses, or purports to use stem cells or products containing stems cells to register with the DOH.

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[64] Agency for Health Care Administration, *Ambulatory Surgical Centers* http://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Hospital_Outpatient/ambulatory.shtml (last visited Feb. 1, 2018).
[65] Section 395.002(3), F.S.
[66] Sections 458.331(v) and 459.015(z), F.S.
[67] *Id*.
[68] The Department of Health, Board of Medicine, *Information on Stem Cell Clinics Offering Unapproved Therapies*, http://flboardofmedicine.gov/latest-news/october-2015-newsletter/ (last visited Jan. 31 2018).
[69] *Id*.
[70] Department of Health, *Senate Bill 1508 Analysis* (Jan. 11, 2018) (on file with the Senate Committee on Health Policy).

The bill defines a "clinic" as a privately or publicly owned facility or office that:

- Advertises a service that uses, or purports to use, stem cells or a product containing stem cells to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or disease; or
- Performs any procedure that is intended to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or disease that uses, or purports to use, stem cells or a product containing stem cells that has not been approved by, or is not the subject of a clinical trial approved by the FDA.

The bill defines a "stem cell" as an allogenic or autologous cell that has been altered or processed to become undifferentiated, losing its original structural function, so that it can become differentiated into a specialized cell type. The definition excludes cells that are only rinsed, cleaned, or sized and remain differentiated.

The bill does not require a clinic to register with the DOH if it:

- Is licensed under ch. 395, F.S.;[71]
- Is wholly owned and operated by one or more Florida-licensed physicians;
- Is affiliated with an accredited medical school that provides training to medical students, residents, or fellows; or
- Solely performs one or more of the following:
  - Collection of umbilical cord blood cells for blood banking;
  - Collection, transfer, or insemination of oocytes; or
  - Injection or infusion of platelet-rich plasma.

Each clinic must be registered separately. A clinic or physician must submit a new registration if there is a change of ownership. The bill requires each clinic to designate a physician who holds a full, active, and unencumbered Florida license to be responsible for compliance with clinic registration and operation requirements. A clinic must notify the DOH within ten days of a change in the designated physician. If a clinic fails to have a designated physician, the DOH may issue an emergency suspension[72] of the clinic's registration.

The bill authorizes the DOH to impose a fine of up to $5,000 per violation if the clinic fails to comply with the registration requirement, the DOH and applicable Board rules, the Florida Drug and Cosmetic Act,[73] or the federal Food, Drug, and Cosmetic Act.[74] When determining if a fine should be imposed, and the amount of the fine, the DOH must consider:

- The gravity of the violation, including the existence and severity of patient deception, serious or physical mental harm, or the potential of such deception or harm;
- The actions taken by the physician, clinic, or designated physician to correct the violation;
- Whether there were previous violations at the clinic; and
- The financial benefits derived by the physician, clinic, or designated physician from committing or continuing to commit the violation.

[71] Chapter 395, F.S., governs the licensure and regulation of hospitals and ambulatory surgery centers.
[72] The DOH may issue an emergency suspension, restriction, or limitation of a license if it finds that an immediate serious danger to the public health, safety, or welfare exists.
[73] Chapter 499, F.S.
[74] 21 U.S.C. ss. 301 and 25, Stat. 1040 et seq.

If the physician, clinic, or designated physician fails to cease the violating behavior as of the date required by the DOH, each day the violation continues constitutes an additional, separate, and distinct violation. The DOH may impose a fine if the designated physician knowingly misrepresents that action had been taken to correct a violation. However, if it is an owner-operated clinic, the DOH may impose a fine and revoke or deny a clinic registration.

The bill requires the DOH to adopt rules for the implementation of the registration requirement as well as an annual inspection of registered clinics. All costs for the registration and inspections must be borne by the clinic. The BOM and BOOM must adopt rules regarding advertising, adverse incident reporting, and informed consent guidelines for the use, or purported use, of stem cells or products containing stem cells in a clinic required to register.

Physician Responsibilities

The bill requires a physician who performs a procedure using, or purporting to use, stem cells or products containing stem cells to follow the applicable good manufacturing practices for collecting, removing, processing, implanting, and transferring stem cells, or products containing stems cells, pursuant to the federal Food, Drug, and Cosmetic Act[75] and federal law governing human cells, tissues, and cellular and tissue-based products.[76]

A physician who practices at a clinic that is not registered as required may be disciplined by his or her Board.

The bill provides an effective date of July 1, 2018.

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:

The DOH will experience an increase in revenue associated with the registration and inspections of clinics that use stem cells. SB 1508 provides that the person or entity that

[75] 21 U.S.C. ss. 301, et seq., and 52 Stat. 1040 et seq.
[76] 21 C.F.R. s. 1271.

wants to register and operate a clinic must pay all costs for registration and inspection. The DOH estimates approximately 20 clinics would register initially.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH will experience a significant increase in costs and workload associated with the registration, regulation, and inspections of clinics that use stem cells. The costs associated with the increase in workload will be offset by the regulatory fees established under the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 458.352 and 459.027.

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 Young

18-00337B-18 20181508__

A bill to be entitled

An act relating to the use of stem cells in a clinic setting; creating ss. 458.352 and 459.027, F.S.; defining the terms "clinic" and "stem cell"; requiring a physician or osteopathic physician or a clinic owner to register a clinic with the Department of Health if the clinic meets certain criteria; specifying that each clinic location must be registered separately and must designate a physician to be responsible for complying with certain requirements; requiring the clinic to notify the department of a change of designated physician within a specified timeframe; providing that summary suspension of a clinic's registration certificate may occur if a designated physician or designated osteopathic physician is not practicing at the clinic location; prohibiting a physician from practicing medicine or an osteopathic physician from practicing osteopathic medicine in a certain clinic that is not registered with the department; specifying certain disciplinary action for violations; requiring a physician or osteopathic physician to adhere to specified regulations in the performance of any procedure using or purporting to use stem cells or products containing stem cells; requiring the department to adopt rules to administer registration and an annual inspection of registered clinics; specifying that a person or entity seeking to register and operate a clinic must pay all costs of registration and inspection; authorizing the

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department to impose fines on a physician or osteopathic physician or clinic that violates specified requirements; requiring the Board of Medicine and the Board of Osteopathic Medicine, respectively, to adopt certain rules and guidelines; authorizing the department to impose certain fines; requiring the department to consider certain factors in determining the imposition of such a fine; authorizing the department to impose a fine and revoke or deny a clinic registration in certain circumstances; requiring the imposition of certain fines for specified violations of clinic registration requirements; providing an effective date.

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

Section 1. Section 458.352, Florida Statutes, is created to read:

458.352 Use of stem cells in a clinic setting.—

(1) DEFINITIONS.-As used in this section, the term:

(a) "Clinic" means a publicly or privately owned facility or office that:

1. Advertises for any service that uses, or purports to use, stem cells or any product containing stem cells that is intended to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or a disease; or

2. Performs any procedure that is intended to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or a disease that uses, or purports to use, stem cells or any

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product containing stem cells which has not been approved by the United States Food and Drug Administration or is not the subject of a clinical trial approved by the United States Food and Drug Administration.

(b) "Stem cell" means an allogenic or autologous cell that is altered or processed to become undifferentiated, losing its original structural function, so that it can become differentiated into a specialized cell type. The term does not include cells that are only rinsed, cleaned, or sized and remain differentiated.

(2) REGISTRATION.—

(a) A physician or clinic owner who advertises, uses, or purports to use stem cells or products containing stem cells in a clinic must register the clinic with the department, unless any of the following apply:

1. The clinic is a facility licensed under chapter 395;

2. The clinic is wholly owned and operated by one or more physicians licensed under this chapter or chapter 459;

3. The clinic is affiliated with an accredited medical school that provides training to medical students, residents, or fellows; or

4. The clinic solely performs one or more of the following procedures:

a. The collection of umbilical cord blood cells for blood banking;

b. The collection, transfer, or insemination of oocytes; or

c. The injection or infusion of platelet-rich plasma.

(b) Each clinic location must be registered separately.

(c) As a part of registration, a clinic must designate a

physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated physician, the clinic must notify the department of the identity of another designated physician for that clinic. A designated physician must have a full, active, and unencumbered license issued under this chapter or chapter 459 and must practice at the clinic location for which he or she has assumed responsibility. Failing to have a licensed designated physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or in s. 120.60(6).

(3) PHYSICIAN RESPONSIBILITIES.—

(a) A physician may not practice medicine in a clinic that is not registered with the department as required by this section or s. 459.027. A physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the physician shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer registration and an annual inspection of registered clinics. The person or entity seeking to register and operate the clinic must pay all costs of registration and inspection.

(b) The board shall adopt rules regarding advertising, adverse incident reporting, and informed consent guidelines for the use or purported use of stem cells or products containing stem cells in a clinic required to register under this section.

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on a physician or a clinic of up to $5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; 21 C.F.R. 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

1. The gravity of the violation, including the probability that patient deception, or serious physical or emotional harm, has resulted or could have resulted; the severity of the deception, harm, or potential harm; and the extent to which the provisions of the applicable laws or rules were violated.

2. What actions, if any, the physician, clinic owner, or designated physician took to correct the violations.

3. Whether there were any previous violations at the clinic.

4. The financial benefits that the physician, clinic, or designated physician derived from committing or continuing to

commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated clinic, revoke or deny a clinic registration if the clinic's designated physician knowingly misrepresents actions taken to correct a violation.

(d) A physician, clinic, or designated physician that concurrently operates an unregistered clinic is subject to an administrative fine of $5,000 per day for each clinic location.

(e) If the physician or owner of a clinic that is required to register fails to apply to register upon a change of ownership and operates the clinic under the new ownership, the new owner is also subject to a fine of $5,000 per day for each location.

Section 2. Section 459.027, Florida Statutes, is created to read:

459.027 Use of stem cells in clinic setting.—

(1) DEFINITIONS.-As used in this section, the term:

(a) "Clinic" means a publicly or privately owned facility or office that:

1. Advertises for any service that uses, or purports to use, stem cells or any product containing stem cells that is intended to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or a disease; or

2. Performs any procedure that is intended to diagnose, cure, mitigate, treat, provide therapy for, or prevent an injury or a disease that uses, or purports to use, stem cells or any

product containing stem cells which has not been approved by the United States Food and Drug Administration or is not the subject of a clinical trial approved by the United States Food and Drug Administration.

(b) "Stem cell" means an allogenic or autologous cell that is altered or processed to become undifferentiated, losing its original structural function, so that it can become differentiated into a specialized cell type. The term does not include cells that are only rinsed, cleaned, or sized and remain differentiated.

(2) REGISTRATION.—

(a) An osteopathic physician or clinic owner who advertises, uses, or purports to use stem cells or products containing stem cells in a clinic must register the clinic with the department, unless any of the following apply:

1. The clinic is a facility licensed under chapter 395;

2. The clinic is wholly owned and operated by one or more physicians licensed under this chapter or chapter 458;

3. The clinic is affiliated with an accredited medical school that provides training to medical students, residents, or fellows; or

4. The clinic solely performs one or more of the following procedures:

a. The collection of umbilical cord blood cells for blood banking;

b. The collection, transfer, or insemination of oocytes; or

c. The injection or infusion of platelet-rich plasma.

(b) Each clinic location must be registered separately.

(c) As a part of registration, a clinic must designate a

physician who is responsible for complying with all requirements related to registration and operation of the clinic in compliance with this section. Within 10 days after termination of a designated physician, the clinic must notify the department of the identity of another designated physician for that clinic. A designated physician must have a full, active, and unencumbered license issued under this chapter or chapter 458 and must practice at the clinic location for which he or she has assumed responsibility. Failing to have a licensed designated physician practicing at the location of the registered clinic may be the basis for a summary suspension of the clinic registration certificate as described in s. 456.073(8) for a license or in s. 120.60(6).

(3) PHYSICIAN RESPONSIBILITIES.—

(a) An osteopathic physician may not practice osteopathic medicine in a clinic that is not registered with the department as required by this section or s. 458.352. An osteopathic physician who violates this paragraph is subject to disciplinary action by his or her appropriate medical regulatory board.

(b) In the performance of any procedure using or purporting to use stem cells or products containing stem cells, the osteopathic physician shall adhere to the applicable current good manufacturing practices for the collection, removal, processing, implantation, and transfer of stem cells, or products containing stem cells, pursuant to the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; and 21 C.F.R. 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products.

(4) RULEMAKING.—

(a) The department shall adopt rules necessary to administer registration and an annual inspection of registered clinics. The person or entity seeking to register and operate the clinic must pay all costs of registration and inspection.

(b) The board shall adopt rules regarding advertising, adverse incident reporting, and informed consent guidelines for the use or purported use of stem cells or products containing stem cells in a clinic required to register under this section.

(5) PENALTIES; ENFORCEMENT.—

(a) The department may impose an administrative fine on an osteopathic physician or a clinic of up to $5,000 per violation for violating the requirements of this section; chapter 499, the Florida Drug and Cosmetic Act; the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. ss. 301 et seq.; 52 Stat. 1040 et seq.; 21 C.F.R. 1271, Human Cells, Tissues, and Cellular and Tissue-Based Products; or the rules of the department. In determining whether a penalty is to be imposed, and in fixing the amount of the fine, the department shall consider the following factors:

1. The gravity of the violation, including the probability that patient deception, or serious physical or emotional harm, has resulted or could have resulted; the severity of the deception, harm, or potential harm; and the extent to which the provisions of the applicable laws or rules were violated.

2. What actions, if any, the osteopathic physician, clinic owner, or designated physician took to correct the violations.

3. Whether there were any previous violations at the clinic.

4. The financial benefits that the osteopathic physician, clinic, or designated physician derived from committing or

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continuing to commit the violation.

(b) Each day a violation continues after the date fixed for termination of the violation as ordered by the department constitutes an additional, separate, and distinct violation.

(c) The department may impose a fine and, in the case of an owner-operated clinic, revoke or deny a clinic registration if the clinic's designated physician knowingly misrepresents actions taken to correct a violation.

(d) An osteopathic physician, clinic, or designated physician that concurrently operates an unregistered clinic is subject to an administrative fine of $5,000 per day for each clinic location.

(e) If the osteopathic physician or owner of a clinic that is required to register fails to apply to register upon a change of ownership and operates the clinic under the new ownership, the new owner is also subject to a fine of $5,000 per day for each location.

Section 3. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Health Policy, *Chair*
Appropriations Subcommittee on Pre-K - 12 Education, *Vice Chair*
Commerce and Tourism
Communications, Energy, and Public Utilities
Regulated Industries

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DANA YOUNG
18th District

February 6, 2018

Senator Rob Bradley, Chair
Senate Appropriations Committee
201 The Capitol
404 S. Monroe Street
Tallahassee, Florida 32399-1100

Dear Chair Bradley,

My Senate Bill 1508 regarding the Use of Stem Cells in a Clinic Setting has been referred to your committee. I respectfully request that this bill be placed on your next available agenda.

If you have any questions, please do not hesitate to reach out to me.

Sincerely,

Dana Young
State Senator – 18th District

cc: Mike Hansen, Staff Director – Senate Appropriations Committee

REPLY TO:
❒ 1211 N. Westshore Blvd, Suite 409, Tampa, Florida 33607 (813) 281-5507
❒ 316 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5018

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

JOE NEGRON
President of the Senate

ANITERE FLORES
President Pro Tempore

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 1608 (705324)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Finance and Tax); Transportation Committee; and Senator Grimsley
SUBJECT:	Agricultural Recovery
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Fav/CS**
2.	Gross	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Gross	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1608 addresses a number of provisions related to the agriculture industry. Specifically, the bill:

- Allows certain lands classified as agricultural for tax purposes to continue to be classified as such for 5 years after being damaged by a natural disaster. The assessment applies retroactively to lands damaged by a natural disaster that occurred on or after July 1, 2017.
- Reduces the assessment of certain screened enclosed horticultural structures for ad valorem assessment purposes.
- Exempts certain materials related to agriculture and aquaculture from sales and use tax, and provides for retroactive application and a process for claiming a refund.
- Codifies the State Agricultural Response Team within the Department of Agriculture & Consumer Services (DACS) and assigns it certain duties.
- Provides for the emergency transportation of agricultural products, as well as revising the authority and duties of the Florida Department of Transportation (FDOT) with respect to electronic permit verification during a declared emergency.

For Fiscal Year 2018-2019, the bill appropriates $5 million in nonrecurring funds from the General Revenue Fund to the Department of Agriculture and Consumer Services for the Florida Agricultural Promotion Campaign.

The Revenue Estimating Conference estimates that this bill will reduce General Revenue Fund receipts by $59.5 million in Fiscal Year 2018-2019, and $27.8 million each year thereafter. Local government revenues will be reduced by $15.4 million in Fiscal Year 2018-2019, and $8.9 million each year thereafter.

II. Present Situation:

The present situation for each section of the bill is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Section 1 provides that the bill may be cited as the "Farmers and Ranchers Matter Act."

Assessment of Agricultural Lands (Section 2)

Present Situation:

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.[1] The property appraiser annually determines the "just value"[2] of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."[3]

The Florida Constitution limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.[4] The just valuation standard generally requires the property appraiser to consider the highest and best use of property;[5] however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Agricultural land is one example of property that is assessed based on its current use rather than its fair market value.[6]

Currently, certain structures that are attached physically to the land are considered to be a part of the average yields per acre and have no separately assessable contributory (taxable) value.[7] These structures include:

- Irrigation systems, including pumps and motors;

[1] Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

[2] Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

[3] *See* s. 192.001(2) and (16), F.S.

[4] *See* FLA. CONST. art. VII, s. 4.

[5] Section 193.011(2), F.S.

[6] FLA. CONST. art. VII, s. 4(a).

[7] Section 193.461(6)(c), F.S. This treatment of these structures applies when using the income approach in determining value.

- Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms; and
- Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the DACS.[8]

Effect of Proposed Changes:

Section 2 amends s. 193.461(7), F.S., to allow agricultural lands that incur damage as a result of a natural disaster for which a state of emergency is declared,[9] and which results in the halting of agricultural production, must continue to be classified as agricultural lands for five years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the five-year recovery period, such lands must be assessed at fair market value using the factors for deriving just valuation in s. 193.011, F.S. This provision applies retroactively to natural disasters that occurred on or after July 1, 2017.

The bill also amends s. 193.461(6)(c), F.S., to provide that screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements are considered a part of the average yields per acre and have no separately assessable value.

Exemption from Taxation (Sections 3 and 4)

Present Situation:

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,[10] transient rentals,[11] rental of commercial real estate,[12] and a limited number of services. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.[13] There are currently more than 250 exemptions, exclusions, deductions and credits from the sales and use tax.[14]

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes. A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and on communications services as defined in ch. 202,

[8] Section 193.461(6)(c), F.S.
[9] Section 252.36(2), F.S., provides for declaration of a state of emergency by executive order or proclamation of the Governor, if he or she finds an emergency or the threat of an emergency has occurred or is about to occur. The law provides that the state of emergency "shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.
[10] Section 212.04, F.S.
[11] Section 212.03, F.S.
[12] Section 212.031, F.S.
[13] Florida Dept. of Revenue, *Who must pay tax? Partial list of taxable business activities, available at* http://dor.myflorida.com/dor/taxes/sales_tax.html (last visited Nov. 15, 2017).
[14] *See* Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 164-170 (2017).

F.S."[15] The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or where they are delivered. Discretionary sales surtax rates currently levied vary by county in a range from 0.5 percent to 1.5.[16]

Building materials are exempt from the sales and use tax and county discretionary sales surtaxes when they are used for certain purposes (e.g., building materials used in rehabilitation of real property located in an enterprise zone[17] or in a rural area of economic opportunity).[18]

Effect of Proposed Changes:

Section 3 amends s. 212.08, F.S., to exempt the following from the sales and use tax:

- Building materials used in the construction of a nonresidential farm building;[19]
- Poles, nets, and other materials used for aquaculture leases; and
- Fencing materials used in the construction of farm fences on lands classified as agricultural land.

The bill provides the exemption through a refund of previously paid taxes and is available only for materials purchased on or after September 1, 2017, which allows purchasers the opportunity to receive a refund of taxes paid prior to the effective date of the bill.

The bill defines "building materials" as tangible personal property that becomes a component part of a nonresidential farm building.

The Department of Revenue (DOR) will accept refund applications within six months of the transaction or the effective date of the bill, whichever occurs later. The bill requires an applicant to submit to the DOR:

- An affidavit executed by the owner of the materials or the real property into which the materials will be or were incorporated, including a statement that the materials were or will be used exclusively as required by this exemption;
- The name and address of the person claiming the refund;
- The address and assessment roll parcel number of the property where the improvement is made;
- A description of the improvement; and
- The sales invoice or other proof of purchase of the materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

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[15] Section 212.054, F.S.

[16] Florida Legislature, Office of Economic and Demographic Research, *Florida Tax Handbook*, 2017 Local Discretionary Sales Surtax Rates in Florida's Counties, 224-225 (2017), *available at* http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2017.pdf (last visited Nov. 15, 2017).

[17] Section 212.08(5)(g), F.S.

[18] Section 212.08(5)(r), F.S

[19] Section 604.50(2)(d), F.S., defines "nonresidential farm building" as any temporary or permanent building or support structure classified as a nonresidential farm building on a farm [which is exempt from the Florida building code] or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, F.S., and is not intended to be used as a residential building. The term includes, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

Section 4 provides the Department of Revenue with emergency rulemaking authority.

State Agricultural Response Team (Section 5)

Present Situation:

Section 252.35, F.S., requires the Division of Emergency Management (DEM) to prepare a statewide comprehensive emergency management plan (CEMP). The state CEMP is the master operations document in responding to all emergencies, and all catastrophic, major, and minor disasters. It also:

- Defines the responsibilities of all levels of government, private, volunteer and non-governmental organizations that make up the State Emergency Response Team (SERT); and
- Ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of Florida's residents and visitors.[20]

The SERT is comprised of agency-appointed emergency coordination officers and staff from state agencies, volunteer and non-governmental organizations, and is sorted into 18 emergency support functions (ESFs) that carry out coordination and completion of response and recovery activities in the State Emergency Operations Center. The ESFs are grouped by function, rather than agency, with each ESF headed by a primary state agency and supported by additional agencies. Under the CEMP, the DACS is assigned to ESF 17 for animal and agricultural issues.

The DACS facilitated the development of the State Agricultural Response Team (SART), along with other partners, with the mission to "support an effective and coordinated incident response for the animal and agricultural sectors in the State of Florida."[21] The SART's strategic imperatives are to:

- Support a multi-agency coordination group for state-level response activities for animal and agriculture issues.
- Develop and support an Incident Management Team with equipment and training.
- Develop and support response resources such as the Mobile Animal Response Equipment Units, College of Veterinary Medicine Veterinary Emergency Treatment Service, and Florida Veterinary Corps with funding and or training.
- Develop and support county and regional outreach, training and information coordination in order to enhance local and regional response capabilities.[22]

Currently, the SART is not expressly identified or addressed in statute.

Effect of Proposed Changes:

Section 5 creates s. 252.3569, F.S., to establish the SART within the DACS. The bill provides that the duties of the SART include, but are not limited, to:

[20] See the current CEMP at p. 5, available at: https://floridadisaster.org/globalassets/importedpdfs/2016-state-cemp-complete-final-draft.pdf. (Last visited February 7, 2018.) Section 252.35(2)(a), F.S., requires submission of the CEMP to the Senate President, House Speaker, and Governor on February 1 of every even-numbered year.
[21] See the *FloridaSART* website available at: http://flsart.org/about/. (Last visited February 7, 2018.)
[22] *Id.*

- Oversight of the emergency management functions of preparedness, recovery, mitigation, and response with all agencies and organizations that are involved with the state's response activities to animal, agricultural, and vector issues;
- The development, training, and support of county agricultural response teams; and
- Staffing the Emergency Support Function 17 at the State Emergency Operations Center and staffing as necessary at county emergency operations centers.

This section of the bill codifies existing practice.

Emergency Transportation/Permit Verification (Section 6)

Present Situation:

Section 316.565, F.S., currently authorizes the Governor to declare an emergency when a breakdown occurs in the normal public transportation facilities necessary in moving *perishable food* crops grown in this state. The FDOT may establish (increase or eliminate) weight loads during such emergency for hauling perishable foods over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. The FDOT is required to designate special highway routes, *excluding* the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the perishables.

Effect of Proposed Changes:

Section 6 amends s. 316.565, F.S., to replace the term "perishable food crops" with "agricultural products."[23] This allows the Governor to declare an emergency when a breakdown occurs in the normal public transportation facilities necessary in moving agricultural products raised in the state.

The bill authorizes the FDOT to issue, and any law enforcement office authorized to enforce the traffic laws may accept, electronic verification of permits during such emergency. Permits issued under this directive are valid for up to 60 days; however, the validity of the permit may not exceed the period of the declared state of emergency or any extension thereof.

The legislative intent is also revised to supersede any existing laws when necessary to protect and save agricultural products, rather than to protect and save any perishable food crops grown in the state.

Florida Agricultural Promotional Campaign/"Fresh From Florida" (Section 7)

Present Situation:

The Florida Agricultural Promotional Campaign (FAPC) was created by the Florida legislature in 1990 to increase consumer awareness and expand the market for Florida agricultural products. Farmers who join the FAPC gain access to industry information and the ability to participate in

[23] Section 604.60, F.S., defines "agricultural product" as the natural products from a farm, nursery, grove, orchard, vineyard, garden, or apiary, including livestock, tobacco, and vegetables, and includes aquacultural, horticultural, viticultural, forestry, aquatic, dairy, livestock, poultry, bee, and any farm products.

offers such as reduced entrance rates at trade shows, research that includes up-to-date analysis and sales data, and incentive programs for use of the "Fresh From Florida" logo.[24] Additionally, the promotional campaign markets Florida's agricultural products to consumers through a mix of media, retail outreach, and events.

Effect of Proposed Changes:

Section 7 appropriates, for Fiscal Year 2018-2019, $5 million in nonrecurring funds from the General Revenue Fund to the Department of Agriculture and Consumer Services for the Florida Agriculture Promotion Campaign to expand initiatives promoting agricultural products of this state.

Other Provisions (Section 8)

Section 8 directs the Division of Law Revision and Information to replace the phrase "effective date of this act" wherever it occurs in the act with the date the act becomes a law.

Section 9 provides that the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues. Subsection (b) of s. 18, Art. VII, Florida Constitution, provides that except upon approval of each house of the legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[25] which for Fiscal Year 2017-2018, is $2.05 million or less.[26]

The Revenue Estimating Conference estimates this bill will reduce the authority that counties have to raise revenue from the local options sales tax by $7.6 million in Fiscal Year 2018-2019. Therefore, the bill may require passage by a two-thirds vote of the membership of each house.

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[24] The Florida Department of Agriculture and Consumer Services, *"Fresh From Florida" Industry Membership,* https://www.freshfromflorida.com/es/Business-Services/Fresh-From-Florida-Industry-Membership (last visited February 20, 2018).

[25] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf. (Last visited February 7, 2018.)

[26] Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf. (Last visited February 7, 2018).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that this bill will reduce General Revenue Fund receipts by $59.5 million in Fiscal Year 2018-2019, and $27.8 million each year thereafter. Local government revenues will be reduced by $15.4 million in Fiscal Year 2018-2019, and $8.9 million each year thereafter.

The table below outlines the revenue impact of the bill.

	GR		Trust		Local		Total	
Issue	1st year	Recur.	1st year	Recur.	1st year	Recur.	1st year	Recur.
5-year agricultural assessment	-	-	-	-	-	-	-	-
Screened enclosed structures	-	-	-	-	-	(1.9)	-	(1.9)
Building materials	(40.8)	(18.4)	(*)	(*)	(10.5)	(4.7)	(51.3)	(23.1)
Fencing materials	(18.5)	(9.2)	(*)	(*)	(4.8)	(2.3)	(24.1)	(11.4)
Aquaculture leases	(0.2)	(0.2)	(*)	(*)	(0.1)	(*)	(0.3)	(0.2)
Total	**(59.5)**	**(27.8)**	**(*)**	**(*)**	**(15.4)**	**(8.9)**	**(75.7)**	**(36.6)**

(*) Impact less than $50,000.

B. Private Sector Impact:

Some owners of agricultural land will experience lower ad valorem tax assessments.

Purchasers of materials may receive a reduction in the cost of construction if they receive a refund of the sales and use tax paid for certain agriculture and aquaculture materials.

C. Government Sector Impact:

For Fiscal Year 2018-2019, the bill appropriates $5 million in nonrecurring funds from the General Revenue Fund to the Department of Agriculture and Consumer Services for the Florida Agriculture Promotion Campaign.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 193.461, 212.08, and 316.565.

This bill creates the following sections of the Florida Statutes: 252.3569 and 604.71.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Finance and Tax on February 21, 2018:
The committee substitute:

- Provides an agricultural assessment retroactively to lands damaged as a result of a natural disaster that occurred on or after July 1, 2017.
- Removes the exemption for the cost of labor associated with the materials exemption, labor costs are not currently taxable, and makes technical changes.
- Removes the Agritourism Signage provision.
- Extends to the Department of Transportation the option to issue electronic permit verifications during declared emergencies. The permit is valid for up to 60 days or for the duration of the emergency, whichever comes first.
- Appropriates $5 million in nonrecurring funds from the General Revenue Fund to the Department of Agriculture and Consumer Services for the Florida Agriculture Promotion Campaign.

CS by Transportation on February 6, 2018:
The committee substitute:

- Provides an additional set of circumstances under which an existing agricultural classification of lands may be extended or continued.
- Adds certain screened enclosed horticultural structures to a list of structures currently deemed to have no separately assessable value for purposes of the income methodology approach to ad valorem assessment of agricultural property.
- Exempts certain agriculture and aquaculture related materials and labor costs from sales, use, and transaction taxation under Chapter 212, F.S., and provides a process for claiming a refund.
- Codifies the SART within the DACS and assigns it certain emergency management related duties.

- Revises provisions relating to emergency transportation of perishable food, revising applicability of those provisions to crops grown and livestock raised in the state, as well as revising related authority and duties of the FDOT related to truck weight restriction waivers.

B. Amendments:

None.

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

353206

LEGISLATIVE ACTION

Senate . House

. . . . .

The Committee on Appropriations (Grimsley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. This act may be cited as the "Farmers and Ranchers Matter Act."

Section 2. Section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer’s representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the property appraiser on or before the 25th

353206

day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the

application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

a. The length of time the land has been so used.

b. Whether the use has been continuous.

c. The purchase price paid.

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary

use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes does ~~shall~~ not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this

paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

(a) Land diverted from an agricultural to a nonagricultural use.

(b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

353206

1. The quantity and size of the property;

2. The condition of the property;

3. The present market value of the property as agricultural land;

4. The income produced by the property;

5. The productivity of land in its present use;

6. The economic merchantability of the agricultural product; and

7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted

353206

by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screen-enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to $50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to $50 per acre, on a single-year assessment methodology, during the 5-year term of agreement. However, lands converted to

353206

other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(c) Lands classified for assessment purposes as agricultural lands which are not being used for agricultural production as a result of a natural disaster for which a state of emergency is declared pursuant to s. 252.36, when such disaster results in the halting of agricultural production, must continue to be classified as agricultural lands for 5 years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the 5-year recovery period, such lands must be assessed under s. 193.011. This paragraph applies retroactively to natural disasters that occurred on or after July 1, 2017.

Section 3. Section 252.3569, Florida Statutes, is created

to read:

252.3569 Florida state agricultural response team.—The Legislature finds that the Department of Agriculture and Consumer Services is the lead agency for animal, agricultural, and vector issues in Florida during emergency or disaster situations, as described by the Florida Comprehensive Emergency Management Plan. Pursuant to this responsibility, there is established within the department a state agricultural response team. Duties of the team include, but are not limited to:

(1) Oversight of the emergency management functions of preparedness, recovery, mitigation, and response with all agencies and organizations that are involved with the state's response activities to animal, agricultural, and vector issues in coordination with the Division of Emergency Management;

(2) Development, training, and support of county agricultural response teams; and

(3) Staffing the Emergency Support Function 17 at the State Emergency Operations Center and staffing as necessary at county emergency operations centers.

Section 4. Section 316.565, Florida Statutes, is amended to read:

316.565 Emergency transportation, agricultural products ~~perishable food~~; establishment of weight loads, etc.—

(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving agricultural products, as defined in s. 604.60, produced ~~perishable food crops grown~~ in the state. The Department of Transportation is authorized during such emergency to establish such weight loads for hauling over the

highways ~~from the fields or packinghouses to the nearest available public transportation facility~~ as circumstances demand. The Department of Transportation may issue, and any law enforcement officer authorized to enforce the traffic laws of this state must accept, electronic verification of permits during such an emergency. A permit issued pursuant to this section is valid for up to 60 days; however, the validity of the permit may not exceed the period of the declared state of emergency or any extension thereof. The Department of Transportation shall designate special highway routes, excluding the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the agricultural products ~~perishables~~.

(2) It is the intent of the Legislature in this chapter to supersede any existing laws when necessary to protect and save any agricultural products produced ~~perishable food crops grown~~ in the state and give authority for agencies to provide necessary temporary assistance requested during any such emergency. The department shall consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing this section.

Section 5. Materials used in the repair of damage by Hurricane Irma.—

(1) The purchase of the following materials is exempt from the tax imposed under chapter 212, Florida Statutes, during the period from September 10, 2017, through May 31, 2018, if the materials were or will be used to repair damage that occurred as a direct result of the impact of Hurricane Irma:

(a) Building materials used to repair a nonresidential farm

353206

building.

(b) Poles, nets, and other materials used for aquaculture leases.

(c) Fencing materials used in the repair of farm fences on land classified as agricultural under s. 193.461, Florida Statutes.

(2) For purposes of the exemption provided in this section, the term:

(a) "Building materials" means tangible personal property that becomes a component part of a nonresidential farm building.

(b) "Nonresidential farm building" has the same meaning as in s. 604.50, Florida Statutes.

(3) The exemption provided by this section is available only through a refund from the Department of Revenue of previously paid taxes. To receive a refund pursuant to this section, the owner of the materials or the real property into which the materials will be or were incorporated must apply to the Department of Revenue by December 31, 2018. The refund application must include the following information:

(a) The name and address of the person claiming the refund.

(b) The address and assessment roll parcel number of the real property where the materials were or will be used.

(c) The sales invoice or other proof of purchase of the materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) An affidavit executed by the owner of the materials or the real property into which the materials will be or were incorporated, including a statement that the materials were or

will be used to repair a nonresidential farm building, used for aquaculture leases, or used to repair fences damaged as a direct result of the impact of Hurricane Irma.

(4) A person furnishing a false affidavit to the Department of Revenue pursuant to subsection (3) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise provided by law.

(5) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this section.

(6) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (5) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(7) This section is considered a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and s. 72.011, Florida Statutes, applies to this section.

(8) This section operates retroactively to September 10, 2017.

(9) This section is effective upon becoming a law.

Section 6. Fencing materials used in agriculture.—

(1) The purchase of fencing materials used in the construction of farm fences on land classified as agricultural under s. 193.461, Florida Statutes, is exempt from the tax imposed under chapter 212, Florida Statutes, during the period from June 1, 2018, through May 31, 2019.

(2) To obtain the exemption provided by this section the purchaser must sign a certificate stating that the item to be

exempted is for the exclusive use designated in subsection (1). Possession of a written certification from the purchaser which certifies the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the Department of Revenue shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

(3) A person furnishing a false certificate to a dealer pursuant to subsection (2) is subject to the penalty set forth in s. 212.085, Florida Statutes, and as otherwise provided by law.

(4) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this section.

(5) Notwithstanding any other provision of law, emergency rules adopted pursuant to subsection (4) are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

(6) This section is considered a revenue law for the purposes of ss. 213.05 and 213.06, Florida Statutes, and the provisions of s. 72.011, Florida Statutes, applies to this section.

(7) This section is effective upon becoming a law.

Section 7. For the 2018-2019 fiscal year, the sum of $5 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the Florida Agriculture Promotion Campaign to expand initiatives promoting agricultural products of this

353206

state.

Section 8. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2018.

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

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to agricultural recovery; providing a short title; amending s. 193.461, F.S.; specifying the methodology for the assessment of certain structures in horticultural production; specifying, subject to certain conditions, that lands classified as agricultural remain classified as such for a specified period if such lands are not being used for agricultural production as a result of certain natural disasters; providing for retroactive application; creating s. 252.3569, F.S.; providing legislative findings; establishing a state agricultural response team within the Department of Agriculture and Consumer Services; specifying the duties of the team; requiring that oversight of certain functions be coordinated with the Division of Emergency Management; amending s. 316.565, F.S.; revising the Governor’s authority, to include agricultural products instead of only perishable food, in declaring an emergency relating to

the transport of such products when there is a breakdown in the normal public transportation facilities necessary to move such products; authorizing the Department of Transportation to issue, and requiring specified law enforcement officers to accept, electronic verification of permits during a declared state of emergency; providing that such permits are valid for up to a specified period of time, but no longer than the duration of the declared state of emergency or any extension thereof; requiring the Department of Transportation to consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing emergency transportation assistance for agricultural products; creating an exemption from the sales, rental, use, consumption, distribution, and storage tax for specified materials purchased during a specified period to repair damage caused by Hurricane Irma; defining terms; specifying that the exemption is only available through a refund of previously paid taxes; specifying a deadline for the submission of applications for such refunds; specifying the requirements for obtaining a refund on taxes paid; providing a penalty for filing a false affidavit; authorizing the Department of Revenue to adopt emergency rules; providing for the expiration of such emergency rules; specifying that certain provisions constitute a revenue law; providing for retroactive application; providing an effective date for the

353206

exemption; creating an exemption from the sales, rental, use, consumption, distribution, and storage tax for certain fencing materials used in agriculture purchased during a later specified period; specifying the requirements for obtaining the exemption; specifying that possession of a written certification by a purchaser relieves a seller from the responsibility to collect sales tax; specifying that the department must look solely to purchasers for recovery of tax under certain conditions; providing a penalty for furnishing a false certificate; authorizing the department to adopt emergency rules; providing for the expiration of such rules; specifying that certain provisions constitute a revenue law; providing an appropriation; providing effective dates.

705324

576-03427-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to agricultural recovery; providing a short title; amending s. 193.461, F.S.; specifying the methodology for the assessment of certain structures in horticultural production; specifying, subject to certain conditions, that land classified as agricultural remains classified as such for a specified period if such lands are not being used for agricultural production as a result of certain natural disasters; providing for retroactive application; amending s. 212.08, F.S.; creating a new exemption from the sales, rental, use, consumption, distribution, and storage tax for specified materials; specifying that such exemption is only available through a refund of previously paid taxes; specifying the effective date of the exemption; defining the term "building materials"; specifying the requirements for obtaining a refund on taxes paid; specifying a deadline for the submission of applications for such refunds; providing a penalty for filing a false affidavit; authorizing the department to adopt emergency rules; providing for future expiration of the emergency rulemaking authority; creating s. 252.3569, F.S.; providing legislative findings; establishing a state agricultural response team within the Department of Agriculture and Consumer Services; specifying the duties of the team; amending s.

705324

576-03427-18

316.565, F.S.; revising the Governor's authority, to include agricultural products instead of only perishable food, in declaring an emergency relating to the transport of such products when there is a breakdown in the normal public transportation facilities necessary to move such products; authorizing the Department of Transportation to issue, and specified law enforcement officers to accept, electronic verification of permits during a declared state of emergency; providing that such permits are valid for up to a specified period of time, but no longer than the duration of the declared state of emergency or any extension thereof; requiring the Department of Transportation to consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing emergency transportation assistance for agricultural products; providing an appropriation; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. This act may be cited as the "Farmers and Ranchers Matter Act."

Section 2. Section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

705324

576-03427-18

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the property appraiser on or before the 25th

705324

576-03427-18

day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the

705324

576-03427-18

application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

a. The length of time the land has been so used.

b. Whether the use has been continuous.

c. The purchase price paid.

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary

705324

576-03427-18

use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes does ~~shall~~ not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this

paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

(a) Land diverted from an agricultural to a nonagricultural use.

(b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;

2. The condition of the property;

3. The present market value of the property as agricultural land;

4. The income produced by the property;

5. The productivity of land in its present use;

6. The economic merchantability of the agricultural product; and

7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted

576-03427-18

by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to $50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to $50 per acre, on a single-year assessment methodology, during the 5-year term of agreement. However, lands converted to

576-03427-18

other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(c) Lands classified for assessment purposes as agricultural lands which are not being used for agricultural production as a result of a natural disaster for which a state of emergency is declared pursuant to s. 252.36, when such disaster results in the halting of agricultural production, must continue to be classified as agricultural lands for 5 years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the 5-year recovery period, such lands must be assessed under s. 193.011. This paragraph applies retroactively to natural disasters that occurred on or after July 1, 2017.

Section 3. Subsection (19) is added to section 212.08,

Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(19) SALES TAX REFUND FOR MATERIALS RELATING TO AGRICULTURE AND AQUACULTURE.—

(a) Building materials used in the construction of a nonresidential farm building as defined in s. 604.50; poles, nets, and other materials used for aquaculture leases; and fencing materials used in the construction of farm fences on land classified as agricultural under s. 193.461 are exempt from the tax imposed under this chapter. The exemption provided in this subsection is available only through a refund of previously paid taxes and is available only for materials purchased on or after September 1, 2017.

(b) For purposes of the exemption provided in this subsection, the term "building materials" means tangible personal property that becomes a component part of a nonresidential farm building.

(c) To receive a refund pursuant to this subsection, the owner of the materials or the real property into which the materials will be or were incorporated must apply to the department within 6 months after the transaction or the effective date of this act, whichever occurs later. The refund application must include the following information:

1. An affidavit executed by the owner of the materials or

the real property into which the materials will be or were incorporated, including a statement that the materials were or will be used exclusively as required under this subsection.

2. The name and address of the person claiming the refund.

3. The address and assessment roll parcel number of the real property where the improvement is made.

4. A description of the improvement.

5. The sales invoice or other proof of purchase of the materials, showing the amount of sales tax paid, the date of purchase, and the name and address of the dealer from whom the materials were purchased.

(d) A person who furnishes a false affidavit to the department in an application submitted pursuant to paragraph (c) is subject to the penalty specified in s. 212.085 and as otherwise provided by law.

Section 4. (1) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54(4), Florida Statutes, to implement s. 212.08(19), Florida Statutes.

(2) This section expires January 1, 2024.

Section 5. Section 252.3569, Florida Statutes, is created to read:

252.3569 Florida state agricultural response team.—The Legislature finds that the Department of Agriculture and Consumer Services is the lead agency for animal, agricultural, and vector issues in Florida during emergency or disaster situations, as described by the Florida Comprehensive Emergency Management Plan. Pursuant to this responsibility, there is established within the department a state agricultural response

team. Duties of the team include, but are not limited to:

(1) Oversight of the emergency management functions of preparedness, recovery, mitigation, and response with all agencies and organizations that are involved with the state's response activities to animal, agricultural, and vector issues;

(2) Development, training, and support of county agricultural response teams; and

(3) Staffing the Emergency Support Function 17 at the State Emergency Operations Center and staffing as necessary at county emergency operations centers.

Section 6. Section 316.565, Florida Statutes, is amended to read:

316.565 Emergency transportation, agricultural products ~~perishable food~~; establishment of weight loads, etc.—

(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving agricultural products, as defined in s. 604.60, ~~perishable food crops~~ grown in the state. The Department of Transportation is authorized during such emergency to establish such weight loads for hauling over the highways ~~from the fields or packinghouses to the nearest available public transportation facility~~ as circumstances demand. The Department of Transportation may issue, and any law enforcement officer authorized to enforce the traffic laws of this state may accept, electronic verification of permits during such an emergency. A permit issued pursuant to this section is valid for up to 60 days; however, the validity of the permit may not exceed the period of the declared state of emergency or any extension thereof. The Department of Transportation shall designate

special highway routes, excluding the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the agricultural products ~~perishables~~.

(2) It is the intent of the Legislature in this chapter to supersede any existing laws when necessary to protect and save any agricultural products ~~perishable food crops~~ grown in the state and give authority for agencies to provide necessary temporary assistance requested during any such emergency. The department shall consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing this section.

Section 7. For the 2018-2019 fiscal year, the sum of $5 million in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Agriculture and Consumer Services for the Florida Agriculture Promotion Campaign to expand initiatives promoting agricultural products of this state.

Section 8. The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date this act becomes a law.

Section 9. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 1608
INTRODUCER:	Transportation Committee and Senator Grimsley
SUBJECT:	Agricultural Recovery
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	**Fav/CS**
2.	Gross	Diez-Arguelles	AFT	**Recommend: Fav/CS**
3.	Gross	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1608 addresses a number of provisions related to the agriculture industry. Specifically, the bill:

- Allows certain lands classified as agricultural for tax purposes to continue to be classified as such for 5 years after being damaged by a natural disaster.
- Reduces the assessment of certain screened enclosed horticultural structures for ad valorem assessment purposes.
- Exempts certain materials and labor costs related to agriculture and aquaculture from sales and use tax, and provides for retroactive application and a process for claiming a refund.
- Codifies the State Agricultural Response Team within the Department of Agriculture & Consumer Services (DACS) and assigns it certain duties.
- Provides for the emergency transportation of crops grown and livestock raised in the state, as well as revising the authority and duties of the Florida Department of Transportation (FDOT) with respect to truck weight restrictions.
- Requires the FDOT to create a program to provide directional signs at certain locations on major public highways for commercial agricultural facilities that promote tourism.

The Revenue Estimating Conference estimates that this bill will reduce General Revenue Fund receipts by $59.5 million in Fiscal Year 2018-2019, and $27.8 million each year thereafter. Local government revenues will be reduced by $15.4 million in Fiscal Year 2018-2019, and $8.9 million each year thereafter.

II. Present Situation:

The present situation for each section of the bill is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Section 1 provides that the bill may be cited as the "Farmers and Ranchers Matter Act."

Assessment of Agricultural Lands (Section 2)

Present Situation:

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.[1] The property appraiser annually determines the "just value"[2] of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."[3]

The Florida Constitution limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.[4] The just valuation standard generally requires the property appraiser to consider the highest and best use of property;[5] however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Agricultural land is one example of property that is assessed based on its current use rather than its fair market value.[6]

Currently, certain structures that are attached physically to the land are considered to be a part of the average yields per acre and have no separately assessable contributory (taxable) value.[7] These structures include:

- Irrigation systems, including pumps and motors;
- Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms; and

[1] Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines "real property" as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines "tangible personal property" as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

[2] Property must be valued at "just value" for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm's-length transaction. *See Walter v. Shuler,* 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

[3] *See* s. 192.001(2) and (16), F.S.

[4] *See* FLA. CONST. art. VII, s. 4.

[5] Section 193.011(2), F.S.

[6] FLA. CONST. art. VII, s. 4(a).

[7] Section 193.461(6)(c), F.S. This treatment of these structures applies when using the income approach in determining value.

- Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the DACS.[8]

Effect of Proposed Changes:

Section 2 amends s. 193.461(7), F.S., to allow agricultural lands that incur damage as a result of a natural disaster for which a state of emergency is declared,[9] and which results in the halting or reduction of agricultural production, must continue to be classified as agricultural lands for five years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the five-year recovery period, such lands must be assessed at fair market value using the factors for deriving just valuation in s. 193.011, F.S.

The bill also amends s. 193.461(6)(c), F.S., to provide that screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements are considered a part of the average yields per acre and have no separately assessable value.

Exemption from Taxation (Section 3)

Present Situation:

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,[10] transient rentals,[11] rental of commercial real estate,[12] and a limited number of services. Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.[13] There are currently more than 250 exemptions, exclusions, deductions and credits from the sales and use tax.[14]

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose nine local discretionary sales surtaxes. A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and on communications services as defined in ch. 202, F.S."[15] The discretionary sales surtax is based on the tax rate imposed by the county where the

[8] Section 193.461(6)(c), F.S.
[9] Section 252.36(2), F.S., provides for declaration of a state of emergency by executive order or proclamation of the Governor, if he or she finds an emergency or the threat of an emergency has occurred or is about to occur. The law provides that the state of emergency "shall continue until the Governor finds that the threat or danger has been dealt with to the extent that the emergency conditions no longer exist and she or he terminates the state of emergency by executive order or proclamation, but no state of emergency may continue for longer than 60 days unless renewed by the Governor.
[10] Section 212.04, F.S.
[11] Section 212.03, F.S.
[12] Section 212.031, F.S.
[13] Florida Dept. of Revenue, *Who must pay tax? Partial list of taxable business activities, available at* http://dor.myflorida.com/dor/taxes/sales_tax.html (last visited Nov. 15, 2017).
[14] *See* Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 164-170 (2017).
[15] Section 212.054, F.S.

taxable goods or services are sold, or where they are delivered. Discretionary sales surtax rates currently levied vary by county in a range from 0.5 percent to 1.5.[16]

Building materials are exempt from the sales and use tax and county discretionary sales surtaxes when they are used for certain purposes(e.g., building materials used in rehabilitation of real property located in an enterprise zone[17] or in a rural area of economic opportunity).[18]

Effect of Proposed Changes:

Section 3 of the bill amends s. 212.08, F.S., to exempt the following from the sales and use tax:

- Building materials used in the construction of a nonresidential farm building;[19]
- Poles, nets, and other materials used for aquaculture leases;
- Building materials used in the construction of farm fences on agricultural land; and
- The cost of labor associated with the construction or installation of the specified items.

The bill provides the exemption retroactively to September 1, 2017, which allows purchasers the opportunity to receive a refund of taxes paid prior to the effective date of the bill.

The Department of Revenue (DOR) will accept refund applications within six months of the transaction or the effective date of the bill, whichever occurs later. The bill requires an applicant to submit to the DOR a signed certificate stating that the materials and labor are used exclusively as required under the new provisions. The applications must also include:

- The name and address of the person claiming the refund;
- The address and assessment roll parcel number of the property where the improvement is made; and
- A description of the improvement.

State Agricultural Response Team (Section 4)

Present Situation:

Section 252.35, F.S., requires the Division of Emergency Management (DEM) to prepare a statewide comprehensive emergency management plan (CEMP). The state CEMP is the master operations document in responding to all emergencies, and all catastrophic, major, and minor disasters. It also:

- Defines the responsibilities of all levels of government, private, volunteer and non-governmental organizations that make up the State Emergency Response Team (SERT); and

[16] Florida Legislature, Office of Economic and Demographic Research, *Florida Tax Handbook,* 2017 Local Discretionary Sales Surtax Rates in Florida's Counties, 224-225 (2017), *available at* http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2017.pdf (last visited Nov. 15, 2017).
[17] Section 212.08(5)(g), F.S.
[18] Section 212.08(5)(r), F.S
[19] Defined in s. 604.50(2)(d), F.S., as "any temporary or permanent building or support structure classified as a nonresidential farm building on a farm [which is exempt from the Florida building code] or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under s. 193.461, F.S., and is not intended to be used as a residential building." The term includes, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

- Ensures that all levels of government are able to mobilize as a unified emergency organization to safeguard the well-being of Florida's residents and visitors.[20]

The DACS facilitated the development of the State Agricultural Response Team (SART), along with other partners, with the mission to "support an effective and coordinated incident response for the animal and agricultural sectors in the State of Florida."[21] The SART's strategic imperatives are to:

- Support a multi-agency coordination group for state-level response activities for animal and agriculture issues.
- Develop and support an Incident Management Team with equipment and training.
- Develop and support response resources such as the Mobile Animal Response Equipment Units, College of Veterinary Medicine Veterinary Emergency Treatment Service, and Florida Veterinary Corps with funding and or training.
- Develop and support county and regional outreach, training and information coordination in order to enhance local and regional response capabilities.[22]

Currently, the SART is not expressly identified or addressed in statute.

Effect of Proposed Changes:

Section 4 creates s. 252.3569, F.S., to require the Florida CEMP to allow the DACS, working from DACS offices or in the Emergency Operations Center, to create the SART. If created, the bill provides that the duties and responsibilities of the SART include, but are not limited, to:

- The development, training, and support of county agricultural response teams;
- Asset acquisition; and
- Colocation of a team member at activated local emergency operations centers.

This section of the bill codifies existing practice.

Emergency Transportation/Weight Loads (Section 5)

Present Situation:

Section 316.565, F.S., currently authorizes the Governor to declare an emergency when a breakdown occurs in the normal public transportation facilities necessary in moving *perishable food* crops grown in this state. The FDOT may establish (increase or eliminate) weight loads during such emergency for hauling perishable foods over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. The FDOT is required to designate special highway routes, *excluding* the interstate highway system, to facilitate the trucking and render any other assistance needed to expedite moving the perishables.

[20] See the current CEMP at p. 5, available at: https://floridadisaster.org/globalassets/importedpdfs/2016-state-cemp-complete-final-draft.pdf. (Last visited February 7, 2018.) Section 252.35(2)(a), F.S., requires submission of the CEMP to the Senate President, House Speaker, and Governor on February 1 of every even-numbered year.
[21] See the *FloridaSART* website available at: http://flsart.org/about/. (Last visited February 7, 2018.)
[22] *Id.*

Effect of Proposed Changes:

Section 5 amends s. 316.565, F.S., to replace the term "perishable food crops" with "crops grown and livestock raised in the state." This allows, the Governor to declare an emergency when a breakdown occurs in the normal public transportation facilities necessary in moving crops grown and livestock raised in the state.

The FDOT, rather than establishing weight loads, may *waive* weight load restrictions and permit verifications for hauling certain items from the fields or packinghouses to the nearest public transportation facility during a declared emergency. The bill authorizes the FDOT to extend such waivers beyond the end of a declared emergency to provide for protracted harvesting and disaster recovery efforts. (See the "Related Issues" heading below for further information.) The bill also authorizes the FDOT to issue or accept electronic verification of permits during such emergency and protracted periods. The bill eliminates the exclusion of the interstate highway system from the FDOT's duty to designate special highway routes; thus, the FDOT is charged with designating such routes on all highways including the interstate highway system, to expedite moving agricultural products.

The legislative intent is also revised to supersede any existing laws when necessary to protect and save crops grown and livestock raised in the state, rather than to protect and save any perishable food crops grown in the state.

Agritourism Signage (Section 6)

Present Situation:

Federal Law: Since the passage of the Highway Beautification Act (HBA) in 1965,[23] the Federal Highway Administration has established controls for outdoor advertising along Federal-Aid Primary, Interstate, and National Highway System (NHS) roads. The HBA allows billboards in commercial and industrial areas, mandates a state compliance program, requires the development of state standards, promotes the expeditious removal of illegal signs, and requires just compensation for takings. The HBA mandates state compliance and the development of standards for certain signs, as well as the removal of nonconforming signs. While the states are not directly forced to control signs, failure to impose the required controls can result in a 10 percent reduction of the state's annual federal-aid highway apportionment.[24]

State Law: Florida law currently authorizes a number of outdoor advertising signs, primarily in Chapter 479, F.S.[25] Pursuant to its statutory authority,[26] the FDOT administers a system of guide signs under Chapter 14-51, F.A.C., entitled "Florida's Highway Guide Sign Program," which

[23] 23 U.S.C. 131.
[24] 23 U.S.C. 131(b).
[25] As examples of signs authorized other than in Chapter 479, F.S., see s. 599.004, F.S., relating to signs on the rights-of-way of the limited access highway system for the Florida Farm Winery Program; s. 565.03, F.S., relating to signage for licensed craft distilleries; and s. 563.13, F.S., relating to Florida brewery directional signs. Chapter 14-51, F.A.C., addresses these signs respectively in Chapter 14-51.020(3)(h), (i), and (j); and in Chapter 14-51.030(3)(j), (k), and (l), F.A.C., available at: https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-51. (Last visited February 1, 2018.)
[26] Section 479.02(7), F.S.

includes guide signs,[27] place name signs,[28] community wayfinding guide signs,[29] and tourist-oriented directional signs.[30] No provision of current law or rule specifically addresses guide signage for commercial agricultural facilities.[31]

Effect of Proposed Changes:

Section 6 creates s. 604.71, F.S., relating to the Florida Agritourism Signage Program. The FDOT must create and administer a program to provide and install directional signs for commercial agricultural facilities that promote tourism by providing tours and onsite sales or samples of Florida agricultural products to tourists. The signs will be located on major public highways at, or in reasonable proximity to, the nearest interchange or within one mile of roads leading to the agritoursim facility. Placement of directional signage must be at intervals in a manner that provides visitors with sufficient information to locate the agricultural facility.

To qualify for participation in the program, an agricultural facility must:
- Be open for business at least four days a week for 10 months of the year;
- Have a working growing or ranching area of at least two acres that can be toured from the facility location specified in the signage;
- Offer tours of the growing and ranching area; and
- Apply to and be approved by the FDOT.

Upon application by a facility, the FDOT must assess:
- The facility as to its suitability for the program; and
- The reasonable costs of creating and installing directional signs.

The bill directs the FDOT to adopt rules to administer the new section of law, including, but not limited to, an application and approval process for applicants.

Lastly, the FDOT is required to coordinate with the Department of Agriculture and Consumer Services in administering the new section of law.

Other Provisions (Section 7)

Section 7 directs the Division of Law Revision and Information to replace the phrase "effective date of this act" wherever it occurs in the act with the date the act becomes a law.

[27] "Guide sign" is defined to mean a sign that shows route designations, destinations, directions, distances, services, points of interest, or other geographical, recreational, or cultural information. Chapter 14-51.011(7), F.A.C.
[28] "Place name sign" is defined to mean a sign identifying the geographic boundary of a municipality or county, lying on or along a road on the state highway system. Chapter 14-51.011(15), F.A.C.
[29] "Community wayfinding guide sign" is defined to mean a directional guide sign that is part of a coordinated and continuous system of signs directing tourists
[30] "Tourist oriented directional signs" or "TODS" means guide sign assemblies with individual panels displaying the identity and directional information for a business, service, or activity facilities. Per s.479.262, F.S., this program is authorized only when approved and permitted by county or local governmental entities within their respective jurisdictional areas.
[31] However, the subject legislation appears to be modeled in a fashion similar, but not identical, to the Florida Farm Winery Program contained in Chapter 599, entitled "Viticulture," which is the production and utilization of grapes. Section 599.001(1), F.S.

Section 8 provides that the bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues. Subsection (b) of s. 18, Art. VII, Florida Constitution, provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,[32] which for Fiscal Year 2017-2018, is $2.05 million or less.[33]

The Revenue Estimating Conference estimates this bill will reduce the authority that counties have to raise revenue from the local options sales tax by $7.6 million in Fiscal Year 2018-2019. Therefore, the bill may require passage by a two-thirds vote of the membership of each house.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that this bill will reduce General Revenue Fund receipts by $59.5 million in Fiscal Year 2018-2019, and $27.8 million each year thereafter. Local government revenues will be reduced by $15.4 million in Fiscal Year 2018-2019, and $8.9 million each year thereafter.

The table below outlines the revenue impact of the bill.

[32] An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times $0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), *available at* http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf. (Last visited February 7, 2018.)

[33] Based on the Demographic Estimating Conference's population adopted on December 5, 2017. The conference packet is available at http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf. (Last visited February 7, 2018).

	GR		Trust		Local		Total	
Issue	1st year	Recur.	1st year	Recur.	1st year	Recur.	1st year	Recur.
5-year agricultural assessment	-	-	-	-	-	-	-	-
Screened enclosed structures	-	-	-	-	-	(1.9)	-	(1.9)
Building materials	(40.8)	(18.4)	(*)	(*)	(10.5)	(4.7)	(51.3)	(23.1)
Fencing materials	(18.5)	(9.2)	(*)	(*)	(4.8)	(2.3)	(24.1)	(11.4)
Aquaculture leases	(0.2)	(0.2)	(*)	(*)	(0.1)	ins	(0.3)	(0.2)
Total	**(59.5)**	**(27.8)**	**(*)**	**(*)**	**(15.4)**	**(8.9)**	**(75.7)**	**(36.6)**

B. Private Sector Impact:

Some owners of agricultural land will experience lower ad valorem tax assessments.

Purchasers of materials may receive a reduction in the cost of construction if they receive a refund of the sales and use tax paid for certain agriculture and aquaculture materials.

To the extent that the FDOT waives any permit fees for transportation of crops grown or livestock raised during or after a declared emergency, those who would otherwise be required to obtain an overweight permit or be subject to overweight penalties will benefit in an indeterminate amount as a result of reduced permit fees and potential penalties.

Whether the reasonable costs of creating and installing the agritourism signage are to be borne by the applicant or by the FDOT is unclear (see discussion below under the "Related Issues" heading). If the applicant is responsible, the applicant will incur expenses in an amount representing the reasonable costs of creating and installing the directional signs, as determined by the FDOT.

C. Government Sector Impact:

The FDOT will incur indeterminate administrative expenses associated with the required rulemaking for, and administration of, the agritourism signage program, as well as for coordinating with the DACS in administering the program. Whether the reasonable costs of creating and installing the directional signage are to be borne by the applicant or by the FDOT is unclear (see discussion below under the "Related Issues" heading). If the FDOT is responsible, the FDOT will also incur these costs in an indeterminate amount, depending on the number of applicants and signs installed. The FDOT has indicated it has no concerns regarding federal law.[34]

VI. Technical Deficiencies:

None.

[34] Telephone conversation with FDOT staff January 11, 2018. A conflict with federal law could impact the state's annual federal-aid highway apportionment.

VII. Related Issues:

The bill would allow waiver of weight load restrictions and permit verifications during periods of time when no emergency is declared. According to the FDOT, extension of a waiver of weight load restrictions and permit verifications beyond the end of a declared emergency is "inconsistent with a declared emergency." Further, "If an emergency still exists, the declared emergency would be extended or a separate declared emergency would be issued."

Additionally, 49 C.F.R. 390.23 provides for exemption from certain provisions of federal law on the interstate highway system, if an emergency has been declared by the President of the United States, the Governor of a state, or their authorized representative having authority to declare emergencies. The federal regulation does not expressly include weight exemption, but a Governor's declaration of emergency may add exemptions for weight.[35] If the FDOT waives federally required weight load restrictions[36] on the interstate system during a period of time in which no declared emergency exists, such waiver may conflict with federal law. However, the bill provides FDOT with permissive waiver authority, rather than making the waiver mandatory.

With respect to the agritourism signage program, because the bill's language only authorizes FDOT to *"assess"* the suitability and costs of the signage, but does not specifically provide for who will pay for reimbursement of these costs, it is unclear whether the reasonable costs of creating and installing the directional signage are to be borne by the applicant or by the FDOT.[37] The FDOT has requested clarification that the signs will be installed by permit at the agricultural facility's expense.[38]

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 193.461, 212.08, and 316.565.

This bill creates the following sections of the Florida Statutes: 252.3569 and 604.71.

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 Transportation on February 6, 2018:
The committee substitute:

[35] See the Federal Motor Carrier Safety Administration website available at: https://www.fmcsa.dot.gov/emergency. (Last visited February 7, 2018.)
[36] Generally, 80,000 pounds on the Interstate Highway System See the FHWA website available at: https://ops.fhwa.dot.gov/Freight/sw/overview/index.htm. (Last visited February 7, 2018.)
[37] Section 599.004(2)(c), F.S., specifically requires each certified Florida Farm Winery requesting an authorized sign to be responsible for all costs for placing each sign. The cost for placement is limited to a maximum of $250, and the annual permit fee is limited to $50. Section 563.13, F.S., specifically requires a brewery licensed in this state and requesting a directional sign through the FDOT's permit process to pay all associated costs; and s. 565.03(6), F.S., specifically requires the same for a licensed craft distillery requesting a directional sign.
[38] See the FDOT email dated February 6, 2018. (On file in the Senate Transportation Committee.)

- Provides an additional set of circumstances under which an existing agricultural classification of lands may be extended or continued.
- Adds certain screened enclosed horticultural structures to a list of structures currently deemed to have no separately assessable value for purposes of the income methodology approach to ad valorem assessment of agricultural property.
- Exempts certain agriculture and aquaculture related materials and labor costs from sales, use, and transaction taxation under Chapter 212, F.S., and provides a process for claiming a refund.
- Codifies the SART within the DACS and assigns it certain emergency management related duties.
- Revises provisions relating to emergency transportation of perishable food, revising applicability of those provisions to crops grown and livestock raised in the state, as well as revising related authority and duties of the FDOT related to truck weight restriction waivers.

B. Amendments:

None.

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

By the Committee on Transportation; and Senator Grimsley

596-02945A-18 20181608c1

A bill to be entitled

An act relating to agricultural recovery; providing a short title; amending s. 193.461, F.S.; specifying the methodology for the assessment of certain structures in horticultural production; specifying, subject to certain conditions, that land classified as agricultural remains classified as such for a specified period if such lands are damaged by certain natural disasters and agricultural production is halted or reduced; amending s. 212.08, F.S.; creating a new exemption from sales, rental, use, consumption, distribution, and storage tax for specified materials and labor costs; providing for retroactive application; specifying the requirements for obtaining a refund on taxes paid; specifying a deadline for submissions for such refunds; specifying that possession of a written certification of a purchaser's entitlement to the exemption by a seller, lessor, or other dealer relieves him or her from the obligation of collecting the tax on nontaxable amounts; requiring the department to look solely to the purchaser for the recovery of certain taxes; creating s. 252.3569, F.S.; requiring the Florida Comprehensive Emergency Management Plan to allow the Department of Agriculture and Consumer Services to create the State Agricultural Response Team; specifying requirements, responsibilities, and duties of the team; amending s. 316.565, F.S.; authorizing the Department of Transportation to waive certain weight load

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restrictions and permit verifications for the transport of agricultural products from fields or packinghouses to public transportation facilities after certain natural disasters; authorizing the extension of such waivers for certain purposes; authorizing the department to issue or accept electronic verification of permits during specified periods; requiring the department to designate certain routes and render assistance in moving agricultural products under such circumstances; requiring the Department of Highway Safety and Motor Vehicles to consult with certain entities in implementing specified emergency provisions; creating s. 604.71, F.S.; requiring the Department of Transportation to create and administer a program to install directional signs to assist visitors in locating certain agritourism facilities; specifying requirements for the placement of signs; specifying qualifications for the program; requiring the department to adopt rules and coordinate with the Department of Agriculture and Consumer Services in administering the program; providing a directive to the Division of Law Revision and Information; providing an effective date.

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

Section 1. This act may be cited as the "Farmers and Ranchers Matter Act."

Section 2. Section 193.461, Florida Statutes, is amended to

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read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(1) The property appraiser shall, on an annual basis, classify for assessment purposes all lands within the county as either agricultural or nonagricultural.

(2) Any landowner whose land is denied agricultural classification by the property appraiser may appeal to the value adjustment board. The property appraiser shall notify the landowner in writing of the denial of agricultural classification on or before July 1 of the year for which the application was filed. The notification shall advise the landowner of his or her right to appeal to the value adjustment board and of the filing deadline. The property appraiser shall have available at his or her office a list by ownership of all applications received showing the acreage, the full valuation under s. 193.011, the valuation of the land under the provisions of this section, and whether or not the classification requested was granted.

(3)(a) Lands may not be classified as agricultural lands unless a return is filed on or before March 1 of each year. Before classifying such lands as agricultural lands, the property appraiser may require the taxpayer or the taxpayer's representative to furnish the property appraiser such information as may reasonably be required to establish that such lands were actually used for a bona fide agricultural purpose. Failure to make timely application by March 1 constitutes a waiver for 1 year of the privilege granted in this section for agricultural assessment. However, an applicant who is qualified

to receive an agricultural classification who fails to file an application by March 1 must file an application for the classification with the property appraiser on or before the 25th day after the mailing by the property appraiser of the notice required under s. 194.011(1). Upon receipt of sufficient evidence, as determined by the property appraiser, that demonstrates that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant the granting of the classification, the property appraiser may grant the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the classification be granted. The petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice by the property appraiser as provided in s. 194.011(1). Notwithstanding s. 194.013, the applicant must pay a nonrefundable fee of $15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the classification and demonstrates particular extenuating circumstances judged by the value adjustment board to warrant granting the classification, the value adjustment board may grant the classification for the current year. The owner of land that was classified agricultural in the previous year and whose ownership or use has not changed may reapply on a short form as provided by the department. The lessee of property may make original application or reapply using the short form if the lease, or an affidavit executed by

the owner, provides that the lessee is empowered to make application for the agricultural classification on behalf of the owner and a copy of the lease or affidavit accompanies the application. A county may, at the request of the property appraiser and by a majority vote of its governing body, waive the requirement that an annual application or statement be made for classification of property within the county after an initial application is made and the classification granted by the property appraiser. Such waiver may be revoked by a majority vote of the governing body of the county.

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified agricultural. The term "bona fide agricultural purposes" means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

a. The length of time the land has been so used.

b. Whether the use has been continuous.

c. The purchase price paid.

d. Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.

e. Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices.

f. Whether the land is under lease and, if so, the

effective length, terms, and conditions of the lease.

g. Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

(c) The maintenance of a dwelling on part of the lands used for agricultural purposes does ~~shall~~ not in itself preclude an agricultural classification.

(d) When property receiving an agricultural classification contains a residence under the same ownership, the portion of the property consisting of the residence and curtilage must be assessed separately, pursuant to s. 193.011, to qualify for the assessment limitation set forth in s. 193.155. The remaining property may be classified under the provisions of paragraphs (a) and (b).

(e) Notwithstanding the provisions of paragraph (a), land that has received an agricultural classification from the value adjustment board or a court of competent jurisdiction pursuant to this section is entitled to receive such classification in any subsequent year until such agricultural use of the land is abandoned or discontinued, the land is diverted to a nonagricultural use, or the land is reclassified as nonagricultural pursuant to subsection (4). The property appraiser must, no later than January 31 of each year, provide notice to the owner of land that was classified agricultural in the previous year informing the owner of the requirements of this paragraph and requiring the owner to certify that neither

the ownership nor the use of the land has changed. The department shall, by administrative rule, prescribe the form of the notice to be used by the property appraiser under this paragraph. If a county has waived the requirement that an annual application or statement be made for classification of property pursuant to paragraph (a), the county may, by a majority vote of its governing body, waive the notice and certification requirements of this paragraph and shall provide the property owner with the same notification provided to owners of land granted an agricultural classification by the property appraiser. Such waiver may be revoked by a majority vote of the county's governing body. This paragraph does not apply to any property if the agricultural classification of that property is the subject of current litigation.

(4) The property appraiser shall reclassify the following lands as nonagricultural:

(a) Land diverted from an agricultural to a nonagricultural use.

(b) Land no longer being utilized for agricultural purposes.

(5) For the purpose of this section, the term "agricultural purposes" includes, but is not limited to, horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee; pisciculture, if the land is used principally for the production of tropical fish; aquaculture, including algaculture; sod farming; and all forms of farm products as defined in s. 823.14(3) and farm production.

(6)(a) In years in which proper application for agricultural assessment has been made and granted pursuant to

this section, the assessment of land shall be based solely on its agricultural use. The property appraiser shall consider the following use factors only:

1. The quantity and size of the property;

2. The condition of the property;

3. The present market value of the property as agricultural land;

4. The income produced by the property;

5. The productivity of land in its present use;

6. The economic merchantability of the agricultural product; and

7. Such other agricultural factors as may from time to time become applicable, which are reflective of the standard present practices of agricultural use and production.

(b) Notwithstanding any provision relating to annual assessment found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c)1. For purposes of the income methodology approach to assessment of property used for agricultural purposes, irrigation systems, including pumps and motors, physically attached to the land shall be considered a part of the average yields per acre and shall have no separately assessable contributory value.

2. Litter containment structures located on producing poultry farms and animal waste nutrient containment structures located on producing dairy farms shall be assessed by the methodology described in subparagraph 1.

3. Structures or improvements used in horticultural production for frost or freeze protection, which are consistent with the interim measures or best management practices adopted by the Department of Agriculture and Consumer Services pursuant to s. 570.93 or s. 403.067(7)(c), shall be assessed by the methodology described in subparagraph 1.

4. Screened enclosed structures used in horticultural production for protection from pests and diseases or to comply with state or federal eradication or compliance agreements shall be assessed by the methodology described in subparagraph 1.

(d) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

(7)(a) Lands classified for assessment purposes as agricultural lands which are taken out of production by a state or federal eradication or quarantine program, including the Citrus Health Response Program, shall continue to be classified as agricultural lands for 5 years after the date of execution of a compliance agreement between the landowner and the Department of Agriculture and Consumer Services or a federal agency, as applicable, pursuant to such program or successor programs. Lands under these programs which are converted to fallow or otherwise nonincome-producing uses shall continue to be classified as agricultural lands and shall be assessed at a de minimis value of up to $50 per acre on a single-year assessment methodology while fallow or otherwise used for nonincome-producing purposes. Lands under these programs which are replanted in citrus pursuant to the requirements of the compliance agreement shall continue to be classified as

agricultural lands and shall be assessed at a de minimis value of up to $50 per acre, on a single-year assessment methodology, during the 5-year term of agreement. However, lands converted to other income-producing agricultural uses permissible under such programs shall be assessed pursuant to this section. Land under a mandated eradication or quarantine program which is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(b) Lands classified for assessment purposes as agricultural lands that participate in a dispersed water storage program pursuant to a contract with the Department of Environmental Protection or a water management district which requires flooding of land shall continue to be classified as agricultural lands for the duration of the inclusion of the lands in such program or successor programs and shall be assessed as nonproductive agricultural lands. Land that participates in a dispersed water storage program that is diverted from an agricultural to a nonagricultural use shall be assessed under s. 193.011.

(c) Lands classified for assessment purposes as agricultural lands which incur damage as a result of a natural disaster for which a state of emergency is declared pursuant to s. 252.36 and which results in the halting or reduction of agricultural production must continue to be classified as agricultural lands for 5 years following termination of the emergency declaration. However, if such lands are diverted from agricultural use to nonagricultural use during or after the 5-year recovery period, such lands must be assessed under s. 193.011.

Section 3. Subsection (19) is added to section 212.08, Florida Statutes, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(19) EXEMPTIONS; MATERIALS AND LABOR COSTS RELATING TO AGRICULTURE AND AQUACULTURE.—

(a) The following are exempt from the tax imposed by this chapter.

1. Building materials used in the construction of a nonresidential farm building as defined in s. 604.50; poles, nets, and other materials used for aquaculture leases; and building materials used in the construction of farm fences on land classified as agriculture as defined in s. 193.461; and

2. The cost of labor associated with the construction or installation of any item specified in subparagraph 1.

The exemptions specified in this paragraph apply retroactively to September 1, 2017.

(b) In order to claim a refund on taxes paid for the materials and labor costs identified in paragraph (a), the purchaser must submit a signed certificate stating that the materials and labor are to be used exclusively as required under this subsection. Such submission must also include the name and address of the person claiming the refund, the address and assessment roll parcel number of the real property where the

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improvement is made, and a description of the improvement. Application for refunds must be submitted to the department within 6 months after the transaction or the effective date of this act, whichever occurs later.

(c) Possession by a seller, lessor, or other dealer of a written certification by the purchaser certifying the purchaser's entitlement to an exemption allowed under this subsection relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the department shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption.

Section 4. Section 252.3569, Florida Statutes, is created to read:

252.3569 Monitoring of agriculture and livestock safety during disaster.—The Florida Comprehensive Emergency Management Plan must allow the Department of Agriculture and Consumer Services, working from the department's offices or in the Emergency Operations Center, ESF-17, to create the State Agricultural Response Team. If created, the duties and responsibilities of the team must include, but are not limited to, the development, training, and support of county agricultural response teams; asset acquisition; and, as necessary, colocation of a team member at activated local emergency operations centers.

Section 5. Section 316.565, Florida Statutes, is amended to read:

316.565 Emergency transportation, crops and livestock ~~perishable food~~; establishment of weight loads, etc.—

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(1) The Governor may declare an emergency to exist when there is a breakdown in the normal public transportation facilities necessary in moving ~~perishable food~~ crops grown and livestock raised in the state. The Department of Transportation is authorized during such emergency to waive any ~~establish such~~ weight load restrictions and permit verifications ~~loads~~ for hauling over the highways from the fields or packinghouses to the nearest available public transportation facility as circumstances demand. Such waivers may be extended beyond the end of a declared emergency to provide for protracted harvesting and disaster recovery efforts. The department is authorized to issue or accept electronic verification of permits during such emergency and protracted periods. The Department of Transportation shall designate special highway routes~~, excluding the interstate highway system,~~ to facilitate the trucking and render any other assistance needed to expedite moving agricultural products ~~the perishables~~.

(2) It is the intent of the Legislature in this chapter to supersede any existing laws when necessary to protect and save ~~any perishable food~~ crops grown and livestock raised in the state and give authority for agencies to provide necessary temporary assistance requested during any such emergency. The department shall consult with the Department of Agriculture and Consumer Services and stakeholders in the agricultural industry in implementing this section.

Section 6. Section 604.71, Florida Statutes, is created to read:

604.71 Florida agritourism signage program.—The department shall create and administer a program to provide and install

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directional signs on major public highways at, or in reasonable proximity to, the nearest interchange or within 1 mile of roads leading to commercial agricultural facilities that promote tourism by providing tours and onsite sales or samples of Florida agricultural products to tourists.

(1) Directional signage must be placed at intervals in a manner that provides visitors with sufficient information to locate the agricultural facility.

(2) To qualify for participation in the program, an agricultural facility must:

(a) Be open for business at least 4 days a week, 10 months of the year;

(b) Have a working growing or ranching area of at least 2 acres that can be toured from the facility location specified in the signage;

(c) Offer tours of the growing or ranching area; and

(d) Apply to and be approved by the department under this section. Upon application by a facility, the department shall assess the facility as to its suitability for the program and the reasonable costs of creating and installing directional signs.

(3) The department shall adopt rules to administer this section, including, but not limited to, an application and approval process for applicants.

(4) The department shall coordinate with the Department of Agriculture and Consumer Services in administering this section.

Section 7. The Division of Law Revision and Information is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a

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law.

Section 8. This act shall take effect July 1, 2018.

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THE FLORIDA SENATE

APPEARANCE RECORD

1/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 1608

Meeting Date *Bill Number (if applicable)*

353206

Amendment Barcode (if applicable)

Topic Ag Recovery

Name Adam Basford

Job Title Dir Legislative Affairs

Address 310 W College Phone 222 2557

Street

Tallahassee FL 32301 Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

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

Representing FL Farm Bureau

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

~~1608~~ 1608
Bill Number (if applicable)

Topic Agricultural Recovery

Amendment Barcode (if applicable)

Name Jim Spratt

Job Title

Address Po Box 10011
Street

Phone 850-228-1296

TALLAHASSEE FL 32302
City *State* *Zip*

Email jim@magnoliastrategiesllc.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida Nursery, Growers & Landscape Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	PCS/CS/SB 1646 (952426)
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Commerce and Tourism Committee; and Senators Montford and Gainer
SUBJECT:	Regional Rural Development Grants
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Swift	McKay	CM	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Pre-meeting**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/CS/SB 1646 amends the Regional Rural Development Grant Program to:

- Increase the maximum annual grant amount to $250,000 from $150,000 that three regional economic development organizations that serve the entire region of a rural area of opportunity may receive.
- Increase the funds allocated for the program to up to $1 million annually from up to $750,000 annually.
- Reduce the required match of non-state resources for grant funds from 100 percent to 25 percent of the state's contribution.
- Define the uses of grant funds to build the professional capacity of regional economic development organizations; and
- Allow a regional economic development organization to use these grants to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses within the rural community it serves.

The bill amends the Rural Infrastructure Fund program to increase the grant awards to 50 percent of infrastructure project costs from 30 percent of infrastructure project costs (or 40 percent of projects costs at a catalyst site in a rural area of opportunity). The bill also amends the program to clarify that eligible infrastructure projects include access to broadband Internet service and require such projects that improve service and access must be through a partnership with a dealer

of communications services that was publicly noticed and competitively bid. The bill requires the Department of Economic Opportunity to review the grant program application and award procedures by September 1, 2019.

Related to contracts or agreements for the Regional Rural Development Grant Program or the Rural Infrastructure Fund, the bill:

- Requires contracts or agreements that include the spending of these funds to be posted online at least 14 days prior to execution.
- Requires a plain language version of the contract or agreement to be posted online, if the contract agreement exceeds $35,000, is between certain entities, or is for certain purposes.
- Specifies required provisions for contracts or agreements expending state grant funds.

The bill has no impact on state funds. Under the bill, from the $1.6 million recurring appropriation to the Rural Community Development Revolving Loan Fund, the Department of Economic Opportunity may expend up to $1 million on the Rural Development Grant Program; if the maximum amount is expended on the grant program, then $600,000 would be available for the loan fund (up to $250,000 less annually).

The bill takes effect July 1, 2018.

II. Present Situation:

Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) was established in 1997 by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.[1] The REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.[2] The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

Rural Areas of Opportunity

A rural area of opportunity (RAO) is a rural community, or region of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.[3] By executive order, the Governor may designate up to three RAOs, establishing each region as a priority assignment for REDI agencies. The Governor can waive the criteria, requirements, or any similar provisions of any state economic development incentive for projects in a RAO.[4]

[1] Section 288.0656, F.S.
[2] Agencies required to participate in the REDI are found in s. 288.0656(6)(a), F.S.
[3] Section 288.0656(1)(d), F.S.
[4] Section 288.0656(7), F.S.

The currently designated RAOs are:[5]

- **Northwestern RAO**: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
- **South Central RAO**: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, South Bay (Palm Beach County), and Immokalee (Collier County).
- **North Central RAO**: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

Regional Economic Development Organizations

Three regional economic development organizations that operate in the state coincide with the current RAOs. These public/private 501(c)(6) organizations provide economic development support to the local governments that represent the RAOs. Opportunity Florida serves the Northwestern RAO.[6] Florida's Heartland Regional Economic Development Initiative, Inc., serves the South Central RAO.[7] The North Florida Economic Development Partnership serves the North Central RAO.[8]

Regional Rural Development Grant Program[9]

The Regional Rural Development Grant Program was established to provide funding, through matching grants, to build the professional capacity of regional economic development organizations in Florida. Additionally, grants from the program may be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that the organization serves. The Department of Economic Opportunity (DEO) administers the grant program through contract with Enterprise Florida, Inc.

To be approved, an applying organization must provide proof to the DEO of:

- The organization's need for the assistance;
- The official commitments of support from all the local governments represented by the organization
- Financial or in-kind commitments to the organization by each local government and the private sector;
- The organization's existence and active involvement in economic development activities in the region; and
- The manner in which the organization coordinates its efforts with those of other local and state organizations.

[5] Department of Economic Opportunity, *Rural Areas of Opportunity*, available at http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity (last visited February 15, 2018).
[6] *See generally*, Opportunity Florida, available at http://www.opportunityflorida.com/ (last visited February 15, 2018).
[7] *See generally*, Florida's Heartland Regional Economic Development Initiative, Inc., available at http://flaheartland.com/ (last visited February 15, 2018).
[8] *See generally*, North Florida Economic Development Partnership, available at http://nflp.org/, (last visited February 15, 2018).
[9] Section 288.018, F.S.

The maximum amount any organization can receive is $50,000, or $150,000 in a rural area of opportunity, and the grant must be matched by an equivalent amount of non-state resources. Because the Governor can waive criteria, requirements, or any similar provisions of any state economic development incentive in RAOs, the matching requirement is likely eligible to be waived.[10] The DEO may expend up to $750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the program.

Rural Infrastructure Fund[11]

The Rural Infrastructure Fund was created to facilitate the planning, preparation, and financing of tourism infrastructure and economic development projects that encourage job growth and capital investment in rural communities. The DEO administers the fund and awards grants that maximize the use of federal, local, and private resources.

There are three grants that DEO awards from this fund: the total project participation grant, the infrastructure feasibility grant, and the preclearance review grant.[12]

The total project participation grant allows for awards up to 30 percent of the total infrastructure project cost for projects related to access to federal funds; and up to 40 percent if the project is a RAO catalyst site.[13] Eligible projects must be related to specific job creation or retention opportunities, and may include improving certain inadequate infrastructure that is prohibiting economic or community growth or reducing costs to community users of proposed infrastructure improvements that exceed costs in comparable communities. Infrastructure can include public or public-private partnership facilities, like storm water systems, roads, nature-based tourism facilities, and broadband facilities.

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.[14] Maximum awards are dependent on the number of jobs that a business commits to create and may be up to $300,000 if the project is located in a RAO. The total project participation grant and infrastructure feasibility grant may be used in conjunction.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.[15] Grants may be used for surveys, feasibility studies, and other activities related to the identification and preclearance review of land use modifications. Grants are limited to $75,000 (or $300,000 for a project in a RAO) and must be matched 50

[10] Section 288.0656(7) and 288.018(1), F.S.
[11] Section 288.0655, F.S.
[12] Department of Economic Opportunity, *Rural Infrastructure Fund*, available at http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund (last visited February 15, 2018).
[13] Section 288.0655(2)(b), F.S. A "catalyst site" is "a parcel or parcels of land within a rural area of opportunity that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department for the purposes of locating a catalyst project." Section 288.0656(2)(b), F.S.
[14] Section 288.0655(2)(c), F.S.
[15] Section 288.0655(2)(e), F.S. Expedited permitting is pursuant to s. 403.973(18), F.S.

percent with local funds (or 33 percent for a project in a RAO, or waived for a project in a catalyst site).

The DEO reviews and certifies the grant applications in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate.

In Fiscal Year 2017-2018, the funding appropriated for the Rural Infrastructure Fund was $1.6 million.[16]

III. Effect of Proposed Changes:

Regional Rural Development Grant Program

Section 1 amends the Regional Rural Development Grants Program in s. 288.018, F.S., to specify what the term "building the professional capacity" of regional economic development organizations includes, revise and increase the grant amount for certain organizations in RAOs, and to require certain contract requirements.

The bill specifies that "building the professional capacity" of a regional economic development organizations includes hiring professional staff to develop, facilitate, and provide economic development professional services. Economic development services include technical assistance, education and leadership development, and marketing and project recruitment. Grant funds under the bill may be used for these purposes.

Currently, grant funds may be used to provide technical assistance to businesses within the area that the regional economic development organization services. The bill expands the use of the grant funds to allow technical assistance to be provided to local governments, local economic development organizations, and existing and prospective businesses.

Related to the grant amount for organizations in RAOs, the bill increases the maximum grant amount from $150,000 to $250,000 specifically for each of the three regional economic development organizations recognized by the DEO that are serving the entire region of each RAO currently: Opportunity Florida; Florida Heartland Regional Economic Region of Opportunity; and the North Florida Economic Development Partnership. Regional economic development organizations not located in a RAO would still be eligible for a $50,000 grant and regional economic development organizations in a RAO would still be eligible for a $150,000 grant.

The bill reduces the required match for a grant under this program to 25 percent of the state contribution, instead of the current requirement for a 100 percent match (one to one match).

[16] Specific appropriation 2226Q, ch. 2017-70, L.O.F.

The bill increases the amount that the DEO may expend up each fiscal year on the program from up to $750,000 to up to $1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund.

Rural Infrastructure Fund

Section 2 amends the total project participation grant of the Rural Infrastructure Fund program in s. 288.0655, F.S., to increase the amount of the total infrastructure project costs that the grant can pay for from 30 percent to 50 percent. The bill repeals the grant award for up to 40 percent of total infrastructure project costs if the project is a RAO catalyst site.

The bill specifies that eligible projects may include improving certain inadequate infrastructure that reduces costs to community users of proposed infrastructure improvements that exceed costs in comparable communities, *including improving access to and the availability of broadband Internet service*. Further, eligible uses of funds are expanded to include "improvements to broadband Internet service and access in unserved or underserved rural communities." Such eligible use must be conducted through a partnership or partnerships with one or more dealers of communications services,[17] and the partnership must be established by a publicly noticed and competitively selected process.

The bill requires the DEO, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, to review and edit any guidelines or criteria for grant applications by September 1, 2019.

Contracts or Agreements Under the Regional Rural Development Grant Program and the Rural Infrastructure Fund

The bill amends both ss. 288.018 and 288.0655, F.S., relating to the Regional Rural Development Grant Program and the Rural Infrastructure Fund, respectively, to include the same requirements for contracts or agreements that expend grant funds.

The bill requires the contract or agreement to be posted on the contracting regional economic development organization's or the DEO's website for at least 14 days before execution. It is unclear from the text of the bill, but this may include the contract or agreement that the organization enters into with the DEO or Enterprise Florida, Inc., to receive the grant funds.

A contract or agreement to expend grant funds must include:
- The purpose of the contract or agreement;
- Specific performance standards and responsibilities of all involved parties;
- A detailed budget, if applicable;
- The value of services provided; and
- Estimated travel and entertainment expenses of board members and staff, if applicable.

[17] A "dealer of communications services" is defined as a person registered with the Department of Revenue as a provider of communications services in this state. *See* s. 202.11, F.S.

These required contract provisions apply to any contract or agreement that expends grant funds, but the bill specifies that this include any contract or agreement between another entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government. Again, it is unclear from the text of the bill, but this may include the contract or agreement that the organization enters into with the DEO or Enterprise Florida, Inc., to receive the grant funded.

The bill requires specific contracts or agreements that exceed $35,000 and expend grant funds to be posted on the contracting regional economic development organization's or the DEO's website in a "plain language version." This applies to a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs (including marketing) or a contract or agreement for the purchase, lease, or use of lands, facilities, or properties.

Effective Date

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires 25 percent of all disbursed Regional Rural Development Grant funds to be matched annually by a nonstate source, a reduction from the current 100 percent (one to one) match.

C. Government Sector Impact:

The Rural Community Development Revolving Loan Fund receives a recurring appropriation of $1.6 million, of which up to $750,000 is statutorily distributed to the Regional Rural Development Grant program. The bill increases the maximum grant

amount that three regional economic development organizations that serve the entire region of a RAO may receive, from $150,000 to $250,000 annually.

The bill increases the amount that the DEO may expend up each fiscal year on the program from up to $750,000 to up to $1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund. From the $1.6 million recurring appropriation to the Rural Community Development Revolving Loan Fund, if the DEO expends the maximum amount on the Rural Development Grant Program (up to $1 million annually), then at least $600,000 would be available for the loan fund (up to $250,000 less annually).

The Rural Infrastructure Fund receives a recurring appropriation of $1.6 million. Specific inclusion of certain broadband Internet infrastructure projects as eligible for the total project participation grant may increase the competition for grant funds in the Rural Infrastructure Fund. Additionally, the bill increases the amount of total infrastructure project costs for which the grant will pay from 30 percent (or 40 percent if the project is at a catalyst site in a RAO) to 50 percent for all infrastructure projects, no matter the location. This change may lead to fewer grants awarded.

The cost to regional economic development organizations (Rural Development Grant Fund) to post contracts and "plain language" versions of contracts online is unknown. The DEO indicated that the bill would have no impact on state expenditures.[18]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 288.018 and 288.0655 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.)

Recommended CS/CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 21, 2018:
The committee substitute:

- Revises the maximum grant amounts that may be awarded under the Rural Development Grant Program.

[18] DEO, *2018 Agency Legislative Bill Analysis: SB 1646*, January 22, 2018.

- Increases the cap on the Rural Development Grant program from up to $750,000 to up to $1 million.
- Removes reference to 3 specifically named regional economic development organizations to receive grants under the Rural Development Grant program.
- Increases the amount of infrastructure project costs from 30 percent to 50 percent that a Rural Infrastructure Grant can be awarded to pay.
- Requires any infrastructure project funded for broadband Internet to be through a partnership with a communication services dealer, the partnership with which must be publicly noticed and competitively selected.

CS by Commerce and Tourism Committee on January 29, 2017:
The committee substitute made technical changes by correcting the name of a regional economic development organization.

B. Amendments:

None.

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

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/02/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Montford) recommended the following:

Senate Amendment (with title amendment)

Between lines 223 and 224
insert:

Section 3. In order to enhance and fortify the competitiveness of Florida rural communities for new businesses and job creation, the Department of Economic Opportunity is directed to review best practices and methods and make recommendations for the establishment of a site readiness

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program to assist rural communities in evaluating property in their jurisdictions, promoting the availability and benefits of such sites, and other related issues. The department must identify technical requirements and quality control standards that would best benefit such a program, and must provide options for the implementation of such a program. The department must seek the input of stakeholders and persons, groups, and organizations that are knowledgeable about rural areas and site readiness issues. The department must submit a report to the Legislature by December 1, 2018, of its findings.

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

And the title is amended as follows:

Delete line 43

and insert:

on a certain website; requiring the department to review best practices and methods and make recommendations to establish a site readiness program for rural communities; requiring certain information; requiring the report be completed and submitted by a certain date; providing an effective date.

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576-03502-18

Proposed Committee Substitute by the Committee on Appropriations (Appropriations Subcommittee on Transportation, Tourism, and Economic Development)

A bill to be entitled

An act relating to regional rural development grants; amending s. 288.018, F.S.; providing that regional rural development grants may be used to hire regional economic development organization professional staff; authorizing the use of matching grant funds to provide technical assistance to certain entities; increasing the annual maximum amount of grant funding that specified economic development organizations may receive; revising the amount of nonstate matching funds required; increasing the amount the Department of Economic Opportunity may expend each fiscal year for the program; requiring that contracts or agreements involving the expenditure of grant funds be placed on a certain website for a specified time period; requiring that certain information be included in a contract or agreement involving the expenditure of grant funds; requiring that a plain language version of certain contracts or agreements be placed on a certain website; deleting an obsolete provision authorizing the Department of Economic Opportunity to contract for the development of certain enterprise zone web portals or websites; amending s. 288.0655, F.S.; increasing the maximum percent of total infrastructure project costs for which the department may award a grant; repealing a provision for increased

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576-03502-18

maximum percent of total infrastructure project costs that may be awarded for a catalyst site; providing that improving access to and availability of broadband Internet service may be included in a project that is eligible for rural infrastructure grant funds; providing that grants for improvements to broadband Internet service and access must be conducted through certain partnerships; extending the date by which the department is required to reevaluate certain guidelines and criteria; requiring that contracts or agreements involving the expenditure of grant funds be placed on a certain website for a specified time period; requiring that certain information be included in a contract or agreement involving the expenditure of grant funds; requiring that a plain language version of certain contracts or agreements be placed on a certain website; providing an effective date.

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

Section 1. Subsections (1), (3), and (4) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1)(a) The department shall establish a matching grant program to provide funding to regional ~~regionally based~~ economic development organizations representing rural counties and communities to build ~~for the purpose of building~~ the professional capacity of such regional economic development ~~their~~ organizations. Building the professional capacity of

regional economic development organizations includes hiring professional staff to develop, facilitate the delivery of, and directly provide needed economic development professional services, including technical assistance, education and leadership development, marketing and project recruitment, and other services that are important for rural economic development. ~~Such~~ Matching grants may also be used by a regional ~~an~~ economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses within the rural counties and communities that it serves.

(b) A regional economic development organization may apply to the department for a matching grant each year. The department is authorized to approve an application for a grant up to~~, on an annual basis, grants~~:

1. Fifty thousand dollars to a regional economic development organization;

2. One hundred fifty thousand dollars to an organization located ~~to such regionally based economic development organizations. The maximum amount an organization may receive in any year will be $50,000, or $150,000~~ in a rural area of opportunity designated pursuant to s. 288.0656; or

3. Two hundred fifty thousand dollars to any of the three regional economic development organizations that serve an entire region of a rural area of opportunity designated pursuant to s. 288.0656 and that are recognized by the department as serving such regions.

(c) Grant funds received by a regional economic development organization ~~recommended by the Rural Economic Development~~

~~Initiative and designated by the Governor, and~~ must be matched each year by ~~an equivalent amount of~~ nonstate resources in an amount equal to 25 percent of the state contribution.

(3)(a) A contract or agreement that involves the expenditure of grant funds provided under this section must be placed on the contracting regional economic development organization's website at least 14 days before execution.

(b) A contract or agreement that involves the expenditure of grant funds provided under this section, including a contract or agreement entered into between another entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government, must include:

1. The purpose of the contract or agreement.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(c) A plain language version of a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties which involves the expenditure of grant funds provided under this section and which is estimated to exceed $35,000 must be posted on the contracting regional economic development organization's website ~~The department may also contract for the development of an enterprise zone web portal or websites for each enterprise~~

~~zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities~~.

(4) The department may expend up to $1,000,000 ~~$750,000~~ each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. The department may contract with Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.

Section 2. Subsection (5) of section 288.0655, Florida Statutes, is redesignated as subsection (6), paragraph (b) of subsection (2) and subsection (4) of that section are amended, and a new subsection (5) is added to that section, to read:

288.0655 Rural Infrastructure Fund.—

(2)(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the department may award grants for up to 50 ~~30~~ percent of the total

infrastructure project cost. ~~If an application for funding is for a catalyst site, as defined in s. 288.0656, the department may award grants for up to 40 percent of the total infrastructure project cost.~~ Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities, which includes improving access to and the availability of broadband Internet service. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites, ~~and~~ upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities. Improvements to broadband Internet service and access must be conducted through a partnership or partnerships with one or more dealers of communications services, as defined in s. 202.11(2), and the partnership must be established by a publicly noticed and competitively selected process. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism facilities, publicly owned

telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(4) By September 1, 2019 ~~2012~~, the department shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The department shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located ~~in an enterprise zone,~~ in a community development corporation service area~~,~~ or in an urban high-crime area as designated under s. 212.097, the unemployment rate of the county in which the project would be located, and the poverty rate of the community.

(5)(a) A contract or agreement that involves the

expenditure of grant funds provided under this section must be placed on the department's website at least 14 days before execution.

(b) A contract or agreement that includes the expenditure of grant funds provided under this section, including a contract or agreement entered into between an entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government, must include:

1. The purpose of the contract or agreement.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(c) A plain language version of a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties which involves the expenditure of grant funds provided under this section and which is estimated to exceed $35,000 must be posted on the department's website.

Section 3. This act shall take effect July 1, 2018.

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations	
BILL:	CS/CS/SB 1646
INTRODUCER:	Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); Commerce and Tourism Committee; and Senators Montford and Gainer
SUBJECT:	Regional Rural Development Grants
DATE:	March 2, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Swift	McKay	CM	**Fav/CS**
2.	Hrdlicka	Hrdlicka	ATD	**Recommend: Fav/CS**
3.	Hrdlicka	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1646 amends the Regional Rural Development Grant Program to:

- Increase the maximum annual grant amount to $250,000 from $150,000 that three regional economic development organizations that serve the entire region of a rural area of opportunity may receive.
- Increase the funds allocated for the program to up to $1 million annually from up to $750,000 annually.
- Reduce the required match of non-state resources for grant funds from 100 percent to 25 percent of the state's contribution.
- Define the uses of grant funds to build the professional capacity of regional economic development organizations; and
- Allow a regional economic development organization to use these grants to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses within the rural community it serves.

The bill amends the Rural Infrastructure Fund program to increase the grant awards to 50 percent of infrastructure project costs from 30 percent of infrastructure project costs (or 40 percent of projects costs at a catalyst site in a rural area of opportunity). The bill also amends the program to clarify that eligible infrastructure projects include access to broadband Internet service and require such projects that improve service and access must be through a partnership with a dealer

of communications services that was publicly noticed and competitively bid. The bill requires the Department of Economic Opportunity to review the grant program application and award procedures by September 1, 2019.

Related to contracts or agreements for the Regional Rural Development Grant Program or the Rural Infrastructure Fund, the bill:

- Requires contracts or agreements that include the spending of these funds to be posted online at least 14 days prior to execution.
- Requires a plain language version of the contract or agreement to be posted online, if the contract agreement exceeds $35,000, is between certain entities, or is for certain purposes.
- Specifies required provisions for contracts or agreements expending state grant funds.

Related to site readiness, the bill directs the DEO to review best practices and methods and to make recommendations for the establishment of a site readiness program for rural communities.

The bill has no impact on state funds. Under the bill, from the $1.6 million recurring appropriation to the Rural Community Development Revolving Loan Fund, the Department of Economic Opportunity may expend up to $1 million on the Rural Development Grant Program; if the maximum amount is expended on the grant program, then $600,000 would be available for the loan fund (up to $250,000 less annually).

The bill takes effect July 1, 2018.

II. Present Situation:

Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) was established in 1997 by the Legislature to encourage and facilitate the location and expansion of major economic development projects of significant scale in rural communities.[1] The REDI is responsible for coordinating and focusing the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.[2] The REDI works with local governments, community-based organizations, and private organizations that have an interest in the growth and development of these communities to find ways to balance environmental and growth management issues with local needs.

Rural Areas of Opportunity

A rural area of opportunity (RAO) is a rural community, or region of rural communities, that has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.[3] By executive order, the Governor may designate up to three RAOs, establishing each region as a

[1] Section 288.0656, F.S.
[2] Agencies required to participate in the REDI are found in s. 288.0656(6)(a), F.S.
[3] Section 288.0656(1)(d), F.S.

priority assignment for REDI agencies. The Governor can waive the criteria, requirements, or any similar provisions of any state economic development incentive for projects in a RAO.[4]

The currently designated RAOs are:[5]

- **Northwestern RAO**: Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Liberty, Wakulla, and Washington counties, and the City of Freeport in Walton County.
- **South Central RAO**: DeSoto, Glades, Hardee, Hendry, Highlands, and Okeechobee counties, and the cities of Pahokee, Belle Glade, South Bay (Palm Beach County), and Immokalee (Collier County).
- **North Central RAO**: Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, and Union counties.

Regional Economic Development Organizations

Three regional economic development organizations that operate in the state coincide with the current RAOs. These public/private 501(c)(6) organizations provide economic development support to the local governments that represent the RAOs. Opportunity Florida serves the Northwestern RAO.[6] Florida's Heartland Regional Economic Development Initiative, Inc., serves the South Central RAO.[7] The North Florida Economic Development Partnership serves the North Central RAO.[8]

Regional Rural Development Grant Program[9]

The Regional Rural Development Grant Program was established to provide funding, through matching grants, to build the professional capacity of regional economic development organizations in Florida. Additionally, grants from the program may be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that the organization serves. The Department of Economic Opportunity (DEO) administers the grant program through contract with Enterprise Florida, Inc.

To be approved, an applying organization must provide proof to the DEO of:

- The organization's need for the assistance;
- The official commitments of support from all the local governments represented by the organization
- Financial or in-kind commitments to the organization by each local government and the private sector;
- The organization's existence and active involvement in economic development activities in the region; and

[4] Section 288.0656(7), F.S.
[5] Department of Economic Opportunity, *Rural Areas of Opportunity*, available at http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-areas-of-opportunity (last visited February 15, 2018).
[6] *See generally*, Opportunity Florida, available at http://www.opportunityflorida.com/ (last visited February 15, 2018).
[7] *See generally*, Florida's Heartland Regional Economic Development Initiative, Inc., available at http://flaheartland.com/ (last visited February 15, 2018).
[8] *See generally*, North Florida Economic Development Partnership, available at http://nflp.org/, (last visited February 15, 2018).
[9] Section 288.018, F.S.

- The manner in which the organization coordinates its efforts with those of other local and state organizations.

The maximum amount any organization can receive is $50,000, or $150,000 in a rural area of opportunity, and the grant must be matched by an equivalent amount of non-state resources. Because the Governor can waive criteria, requirements, or any similar provisions of any state economic development incentive in RAOs, the matching requirement is likely eligible to be waived.[10] The DEO may expend up to $750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the program.

Rural Infrastructure Fund[11]

The Rural Infrastructure Fund was created to facilitate the planning, preparation, and financing of tourism infrastructure and economic development projects that encourage job growth and capital investment in rural communities. The DEO administers the fund and awards grants that maximize the use of federal, local, and private resources.

There are three grants that DEO awards from this fund: the total project participation grant, the infrastructure feasibility grant, and the preclearance review grant.[12]

The total project participation grant allows for awards up to 30 percent of the total infrastructure project cost for projects related to access to federal funds; and up to 40 percent if the project is a RAO catalyst site.[13] Eligible projects must be related to specific job creation or retention opportunities, and may include improving certain inadequate infrastructure that is prohibiting economic or community growth or reducing costs to community users of proposed infrastructure improvements that exceed costs in comparable communities. Infrastructure can include public or public-private partnership facilities, like storm water systems, roads, nature-based tourism facilities, and broadband facilities.

The infrastructure feasibility grant provides awards of up to 30 percent of the total project costs for infrastructure feasibility studies, design and engineering activities, or other infrastructure planning and preparation activities.[14] Maximum awards are dependent on the number of jobs that a business commits to create and may be up to $300,000 if the project is located in a RAO. The total project participation grant and infrastructure feasibility grant may be used in conjunction.

The preclearance review grant provides awards to help a local government participate in expedited permitting processes through technical assistance in preparing permit applications and local comprehensive plan amendments.[15] Grants may be used for surveys, feasibility studies, and

[10] Section 288.0656(7) and 288.018(1), F.S.
[11] Section 288.0655, F.S.
[12] Department of Economic Opportunity, *Rural Infrastructure Fund*, available at http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund (last visited February 15, 2018).
[13] Section 288.0655(2)(b), F.S. A "catalyst site" is "a parcel or parcels of land within a rural area of opportunity that has been prioritized as a geographic site for economic development through partnerships with state, regional, and local organizations. The site must be reviewed by REDI and approved by the department for the purposes of locating a catalyst project." Section 288.0656(2)(b), F.S.
[14] Section 288.0655(2)(c), F.S.
[15] Section 288.0655(2)(e), F.S. Expedited permitting is pursuant to s. 403.973(18), F.S.

other activities related to the identification and preclearance review of land use modifications. Grants are limited to $75,000 (or $300,000 for a project in a RAO) and must be matched 50 percent with local funds (or 33 percent for a project in a RAO, or waived for a project in a catalyst site).

The DEO reviews and certifies the grant applications in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate.

In Fiscal Year 2017-2018, the funding appropriated for the Rural Infrastructure Fund was $1.6 million.[16]

III. Effect of Proposed Changes:

Regional Rural Development Grant Program

Section 1 amends the Regional Rural Development Grants Program in s. 288.018, F.S., to specify what the term "building the professional capacity" of regional economic development organizations includes, revise and increase the grant amount for certain organizations in RAOs, and to require certain contract requirements.

The bill specifies that "building the professional capacity" of a regional economic development organizations includes hiring professional staff to develop, facilitate, and provide economic development professional services. Economic development services include technical assistance, education and leadership development, and marketing and project recruitment. Grant funds under the bill may be used for these purposes.

Currently, grant funds may be used to provide technical assistance to businesses within the area that the regional economic development organization services. The bill expands the use of the grant funds to allow technical assistance to be provided to local governments, local economic development organizations, and existing and prospective businesses.

Related to the grant amount for organizations in RAOs, the bill increases the maximum grant amount from $150,000 to $250,000 specifically for each of the three regional economic development organizations recognized by the DEO that are serving the entire region of each RAO currently: Opportunity Florida; Florida Heartland Regional Economic Region of Opportunity; and the North Florida Economic Development Partnership. Regional economic development organizations not located in a RAO would still be eligible for a $50,000 grant and regional economic development organizations in a RAO would still be eligible for a $150,000 grant.

The bill reduces the required match for a grant under this program to 25 percent of the state contribution, instead of the current requirement for a 100 percent match (one to one match).

[16] Specific appropriation 2226Q, ch. 2017-70, L.O.F.

The bill increases the amount that the DEO may expend up each fiscal year on the program from up to $750,000 to up to $1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund.

Rural Infrastructure Fund

Section 2 amends the total project participation grant of the Rural Infrastructure Fund program in s. 288.0655, F.S., to increase the amount of the total infrastructure project costs that the grant can pay for from 30 percent to 50 percent. The bill repeals the grant award for up to 40 percent of total infrastructure project costs if the project is a RAO catalyst site.

The bill specifies that eligible projects may include improving certain inadequate infrastructure that reduces costs to community users of proposed infrastructure improvements that exceed costs in comparable communities, *including improving access to and the availability of broadband Internet service*. Further, eligible uses of funds are expanded to include "improvements to broadband Internet service and access in unserved or underserved rural communities." Such eligible use must be conducted through a partnership or partnerships with one or more dealers of communications services,[17] and the partnership must be established by a publicly noticed and competitively selected process.

The bill requires the DEO, in consultation with Enterprise Florida, Inc., the Florida Tourism Industry Marketing Corporation (VISIT Florida), the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, to review and edit any guidelines or criteria for grant applications by September 1, 2019.

Contracts or Agreements Under the Regional Rural Development Grant Program and the Rural Infrastructure Fund

The bill amends both ss. 288.018 and 288.0655, F.S., relating to the Regional Rural Development Grant Program and the Rural Infrastructure Fund, respectively, to include the same requirements for contracts or agreements that expend grant funds.

The bill requires the contract or agreement to be posted on the contracting regional economic development organization's or the DEO's website for at least 14 days before execution. It is unclear from the text of the bill, but this may include the contract or agreement that the organization enters into with the DEO or Enterprise Florida, Inc., to receive the grant funds.

A contract or agreement to expend grant funds must include:
- The purpose of the contract or agreement;
- Specific performance standards and responsibilities of all involved parties;
- A detailed budget, if applicable;
- The value of services provided; and
- Estimated travel and entertainment expenses of board members and staff, if applicable.

[17] A "dealer of communications services" is defined as a person registered with the Department of Revenue as a provider of communications services in this state. *See* s. 202.11, F.S.

These required contract provisions apply to any contract or agreement that expends grant funds, but the bill specifies that this include any contract or agreement between another entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government. Again, it is unclear from the text of the bill, but this may include the contract or agreement that the organization enters into with the DEO or Enterprise Florida, Inc., to receive the grant funded.

The bill requires specific contracts or agreements that exceed $35,000 and expend grant funds to be posted on the contracting regional economic development organization's or the DEO's website in a "plain language version." This applies to a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs (including marketing) or a contract or agreement for the purchase, lease, or use of lands, facilities, or properties.

Site Readiness

Section 3 directs the DEO to review best practices and methods and to make recommendations for the establishment of a site readiness program for rural communities. The program would include assisting a rural community to evaluate property in its jurisdiction and promote the availability and benefits of the property. The DEO must:

- Identify technical requirements and quality control standards that would best benefit such a program;
- Provide options for implementation of a program; and
- Seek the input of stakeholders and persons, groups, and organizations that are knowledgeable about rural areas and site readiness issues.

The DEO must submit a report of its findings to the Legislature by December 1, 2018.

Effective Date

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill requires 25 percent of all disbursed Regional Rural Development Grant funds to be matched annually by a nonstate source, a reduction from the current 100 percent (one to one) match.

C. Government Sector Impact:

The Rural Community Development Revolving Loan Fund receives a recurring appropriation of $1.6 million, of which up to $750,000 is statutorily distributed to the Regional Rural Development Grant program. The bill increases the maximum grant amount that three regional economic development organizations that serve the entire region of a RAO may receive, from $150,000 to $250,000 annually.

The bill increases the amount that the DEO may expend up each fiscal year on the program from up to $750,000 to up to $1 million. These funds are from the funds appropriated to the Rural Community Development Revolving Loan Fund. From the $1.6 million recurring appropriation to the Rural Community Development Revolving Loan Fund, if the DEO expends the maximum amount on the Rural Development Grant Program (up to $1 million annually), then at least $600,000 would be available for the loan fund (up to $250,000 less annually).

The Rural Infrastructure Fund receives a recurring appropriation of $1.6 million. Specific inclusion of certain broadband Internet infrastructure projects as eligible for the total project participation grant may increase the competition for grant funds in the Rural Infrastructure Fund. Additionally, the bill increases the amount of total infrastructure project costs for which the grant will pay from 30 percent (or 40 percent if the project is at a catalyst site in a RAO) to 50 percent for all infrastructure projects, no matter the location. This change may lead to fewer grants awarded.

The cost to regional economic development organizations (Rural Development Grant Fund) to post contracts and "plain language" versions of contracts online is unknown. The DEO indicated that the bill would have no impact on state expenditures.[18]

The DEO stated that the site readiness report could be done with existing resources.

VI. Technical Deficiencies:

None.

[18] DEO, *2018 Agency Legislative Bill Analysis: SB 1646*, January 22, 2018.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 288.018 and 288.0655 of the Florida Statutes.

The bill creates an undesignated section of Florida law.

IX. Additional Information:

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

CS/CS by Appropriations on March 2, 2018:
The committee substitute:

- Revises the maximum grant amounts that may be awarded under the Rural Development Grant Program.
- Increases the cap on the Rural Development Grant program from up to $750,000 to up to $1 million.
- Removes reference to 3 specifically named regional economic development organizations to receive grants under the Rural Development Grant program.
- Increases the amount of infrastructure project costs from 30 percent to 50 percent that a Rural Infrastructure Grant can be awarded to pay.
- Requires any infrastructure project funded for broadband Internet to be through a partnership with a communication services dealer, the partnership with which must be publicly noticed and competitively selected.
- Directs the DEO to review best practices and methods and to make recommendations for the establishment of a site readiness program for rural communities.

CS by Commerce and Tourism Committee on January 29, 2017:
The committee substitute made technical changes by correcting the name of a regional economic development organization.

B. Amendments:

None.

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

By the Committee on Commerce and Tourism; and Senators Montford and Gainer

577-02597-18 20181646c1

A bill to be entitled

An act relating to regional rural development grants; amending s. 288.018, F.S.; providing that regional rural development grants may be used to hire regional economic development organization professional staff; authorizing the use of matching grant funds to provide technical assistance to certain entities; increasing the annual maximum amount of grant funding that specified economic development organizations may receive; revising the amount of nonstate matching funds required; requiring that contracts or agreements involving the expenditure of grant funds be placed on a certain website for a specified time period; requiring that certain information be included in a contract or agreement involving the expenditure of grant funds; requiring that a plain language version of certain contracts or agreements be placed on a certain website; deleting a provision authorizing the Department of Economic Opportunity to contract for the development of certain enterprise zone web portals or websites; amending s. 288.0655, F.S.; providing that improving access to and availability of broadband Internet service may be included in a project that is eligible for rural infrastructure grant funds; extending the date by which the department is required to reevaluate certain guidelines and criteria; revising the factors that the department must consider when awarding grant funds; requiring that contracts or agreements involving the expenditure of grant funds be

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placed on a certain website for a specified time period; requiring that certain information be included in a contract or agreement involving the expenditure of grant funds; requiring that a plain language version of certain contracts or agreements be placed on a certain website; providing an effective date.

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

Section 1. Subsections (1) and (3) of section 288.018, Florida Statutes, are amended to read:

288.018 Regional Rural Development Grants Program.—

(1) The department shall establish a matching grant program to provide funding to regional ~~regionally based~~ economic development organizations representing rural counties and communities to build ~~for the purpose of building~~ the professional capacity of such regional economic development ~~their~~ organizations. Building the professional capacity of regional economic development organizations includes hiring professional staff to develop, facilitate the delivery of, and directly provide needed economic development professional services, including technical assistance, education and leadership development, marketing and project recruitment, and other services that are important for rural economic development. ~~Such~~ Matching grants may also be used by a regional ~~an~~ economic development organization to provide technical assistance to local governments, local economic development organizations, and existing and prospective businesses within the rural counties and communities that it serves. The

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department is authorized to approve, on an annual basis, grants to such regional ~~regionally based~~ economic development organizations. The maximum amount an organization may receive in any year is ~~will be~~ $50,000, or $250,000 for each of the three regional economic development organizations serving rural areas of opportunity designated pursuant to s. 288.0656. The three regional economic development organizations include the North Florida Economic Development Partnership, Opportunity Florida, and Florida Heartland Economic Region of Opportunity. Grant funds received by a regional economic development organization ~~$150,000 in a rural area of opportunity recommended by the Rural Economic Development Initiative and designated by the Governor, and~~ must be matched each year by ~~an equivalent amount of~~ nonstate resources in an amount equal to 25 percent of the state contribution.

(3)(a) A contract or agreement that involves the expenditure of grant funds provided under this section must be placed on the contracting regional economic development organization's website for review at least 14 days before execution.

(b) A contract or agreement that involves the expenditure of grant funds provided under this section, including a contract or agreement entered into between another entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government, must include:

1. The purpose of the contract or agreement.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(c) A plain language version of a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties which involves the expenditure of grant funds provided under this section and which is estimated to exceed $35,000 must be posted on the contracting regional economic development organization's website ~~The department may also contract for the development of an enterprise zone web portal or websites for each enterprise zone which will be used to market the program for job creation in disadvantaged urban and rural enterprise zones. Each enterprise zone web page should include downloadable links to state forms and information, as well as local message boards that help businesses and residents receive information concerning zone boundaries, job openings, zone programs, and neighborhood improvement activities~~.

Section 2. Subsection (5) of section 288.0655, Florida Statutes, is redesignated as subsection (6), paragraph (b) of subsection (2) and subsection (4) of that section are amended, and a new subsection (5) is added to that section, to read:

288.0655 Rural Infrastructure Fund.—

(2)(b) To facilitate access of rural communities and rural areas of opportunity as defined by the Rural Economic Development Initiative to infrastructure funding programs of the Federal Government, such as those offered by the United States

Department of Agriculture and the United States Department of Commerce, and state programs, including those offered by Rural Economic Development Initiative agencies, and to facilitate local government or private infrastructure funding efforts, the department may award grants for up to 30 percent of the total infrastructure project cost. If an application for funding is for a catalyst site, as defined in s. 288.0656, the department may award grants for up to 40 percent of the total infrastructure project cost. Eligible projects must be related to specific job-creation or job-retention opportunities. Eligible projects may also include improving any inadequate infrastructure that has resulted in regulatory action that prohibits economic or community growth or reducing the costs to community users of proposed infrastructure improvements that exceed such costs in comparable communities, which includes improving access to and the availability of broadband Internet service. Eligible uses of funds shall include improvements to public infrastructure for industrial or commercial sites, ~~and~~ upgrades to or development of public tourism infrastructure, and improvements to broadband Internet service and access in unserved or underserved rural communities. Authorized infrastructure may include the following public or public-private partnership facilities: storm water systems; telecommunications facilities; broadband facilities; roads or other remedies to transportation impediments; nature-based tourism facilities; or other physical requirements necessary to facilitate tourism, trade, and economic development activities in the community. Authorized infrastructure may also include publicly or privately owned self-powered nature-based tourism

facilities, publicly owned telecommunications facilities, and broadband facilities, and additions to the distribution facilities of the existing natural gas utility as defined in s. 366.04(3)(c), the existing electric utility as defined in s. 366.02, or the existing water or wastewater utility as defined in s. 367.021(12), or any other existing water or wastewater facility, which owns a gas or electric distribution system or a water or wastewater system in this state where:

1. A contribution-in-aid of construction is required to serve public or public-private partnership facilities under the tariffs of any natural gas, electric, water, or wastewater utility as defined herein; and

2. Such utilities as defined herein are willing and able to provide such service.

(4) By September 1, 2019 ~~2012~~, the department shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The department shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located ~~in an enterprise zone,~~ in a community development corporation service area~~,~~ or in an urban high-crime area as designated under s. 212.097, the unemployment rate of the county in which the project would be located, and the poverty rate of the community.

(5)(a) A contract or agreement that involves the

expenditure of grant funds provided under this section must be placed on the department's website for review at least 14 days before execution.

(b) A contract or agreement that includes the expenditure of grant funds provided under this section, including a contract or agreement entered into between an entity and a regional economic development organization, a unit of local government, or an economic development organization substantially underwritten by a unit of local government, must include:

1. The purpose of the contract or agreement.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(c) A plain language version of a contract or agreement with a private entity, a municipality, or a vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties which involves the expenditure of grant funds provided under this section and which is estimated to exceed $35,000 must be posted on the department's website.

Section 3. This act shall take effect July 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Senate Committee on Appropriations

Subject: Committee Agenda Request

Date: February 22, 2018

I respectfully request that SB 1646 on Regional Rural Development Grants be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Bill Montford

Senator Bill Montford
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1678
INTRODUCER:	Judiciary Committee; Criminal Justice Committee; and Senator Stargel
SUBJECT:	Reports Concerning Seized or Forfeited Property
DATE:	February 26, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Storch	Jones	CJ	**Fav/CS**
2.	Farach	Cibula	JU	**Fav/CS**
3.	Sadberry	Hansen	AP	**Favorable**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1678 changes the deadline for the annual submission of reports concerning seized or forfeited property by law enforcement agencies pursuant to the Florida Contraband Forfeiture Act from October 10 to December 1.

The bill is not expected to affect state or local revenues or expenditures.

The bill is effective July 1, 2018.

II. Present Situation:

Florida Contraband Forfeiture Act

The Florida Contraband Forfeiture Act (act), ss. 932.701-932.7062, F.S., provides for the seizure and civil forfeiture of property related to criminal and non-criminal violations of law.[1] Contraband and other property may be seized when used during a violation of, or for the purpose of violating, the act. Property constituting a "contraband article" includes, but is not limited to, a controlled substance as defined in ch. 893, F.S., any gambling paraphernalia being used or attempted to be used in violation of the state's gambling laws, and any motor fuel upon which the motor fuel tax has not been paid as required by law.[2]

[1] Section 932.701(1), F.S.
[2] *See* s. 932.701(2)(a)1.-12., F.S.

Currently, any contraband article, vessel, motor vehicle, aircraft, other personal property, or real property used in violation of any provision of the act, or in, upon, or by means of which any violation of the act has taken or is taking place, may be seized and forfeited subject to the act.[3] If the court finds that the seizure occurred lawfully[4] and that probable cause exists for the seizure, the forfeiture may proceed as set forth in the act.[5]

When a seizing agency obtains a final judgment granting forfeiture of real or personal property, it may elect to:

- Retain the property for the agency's use;
- Sell the property at public auction or by sealed bid to the highest bidder;[6] or
- Salvage, trade, or transfer the property to any public or nonprofit organization.[7]

Reports Concerning Seized or Forfeited Property

Section 932.7061, F.S., requires every law enforcement agency to submit an annual report by October 10 indicating whether the agency has seized or forfeited property under the act.[8] In the event that a law enforcement agency received or expended forfeited property or proceeds from the sale of forfeited property in accordance with the act, the annual report must document such receipts and expenditures.

The report must be submitted in electronic form to the FDLE and the entity that has budgetary authority over the law enforcement agency. The report must specify, at a minimum, the type, approximate value, court case number, type of offense, disposition of property received, and amount of any proceeds received or expended. The report must be maintained by the FDLE in consultation with the Office of Program Policy Analysis and Government Accountability (OPPAGA).[9]

The FDLE must submit an annual report to the OPPAGA that compiles the information and data in the annual reports. The FDLE must also include a list of law enforcement agencies that failed to meet the reporting requirements and a summary of any action taken against such noncomplying agency by the office of Chief Financial Officer (CFO).[10]

Penalty for Noncompliance with Reporting Requirements

An agency that is in noncompliance with the reporting requirements in s. 932.7061, F.S., must be notified by the FDLE. Such agency has 60 days within receipt of the notification of noncompliance to comply with the reporting requirements. An agency that fails to comply within

[3] Section 932.703(1)(a), F.S.
[4] Section 932.703(1)(a), F.S., sets forth the circumstances that permit for a lawful seizure of property.
[5] Section 932.703(2)(c), F.S.
[6] Real property should be listed on the market and sold in a commercially reasonable manner after appraisal. Section 932.7055(1)(b), F.S.
[7] Section 932.7055(1)(a)-(c), F.S.
[8] Section 932.7061(1), F.S.
[9] *Id.*
[10] Section 932.7061(2), F.S.

60 days is subject to a civil fine of $5,000. The fine is determined by the CFO and payable to the General Revenue Fund.[11]

The FDLE must submit any substantial noncompliance to the office of the CFO, which will then be responsible for the enforcement of the fine.[12]

The fiscal year for sheriff departments runs from October 1-September 30, making it difficult to gather all required information and submit it by October 10 to comply with the statutory mandate. An agency that does not meet the deadline for submission of the annual report is subject to negative implications associated with a noncompliance status.[13]

III. Effect of Proposed Changes:

Reports Concerning Seized or Forfeited Property (amending s. 932.7061, F.S.)

Current law requires agencies having seized or forfeited property pursuant to the Florida Contraband Forfeiture Act to submit an annual report by October 10 documenting the receipts and expenditures of forfeited property or proceeds from the sale of forfeited property pursuant to the act. The bill changes the deadline for the submission of the reports to December 1.

The bill is effective July 1, 2018.

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.

[11] Section 932.7062, F.S.
[12] *Id.*
[13] Polk County Sheriff's Office, *Proposal for the 2018 FSA Legislative Summit*, (on file with the Senate Criminal Justice Committee).

B. Private Sector Impact:

None.

C. Government Sector Impact:

Reports Concerning Seized or Forfeited Property

The bill will likely have no fiscal impact with regards to the reports. While law enforcement agencies are subject to a fine if they are in noncompliance with the reporting requirements pursuant to s. 932.7061, F.S., the agencies have 60 days after receiving notification of noncompliance to comply. Sections 932.7061 and 932.7062, F.S., went into effect July 1, 2016.[14] Since the law has gone into effect, no law enforcement agencies have been in noncompliance after the passage of the 60 days.[15] No fines have been collected pursuant to s. 932.7062, F.S., to date,[16] and the modification to the submission deadline will enable law enforcement agencies a greater opportunity to achieve initial compliant status.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 932.7061 of the Florida Statutes.

The bill reenacts section 932.7062 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/CS by Judiciary on February 20, 2018:
The Committee Substitute includes only sections 5, 8, and 11 of the underlying bill. The removed provisions related to the collection and reporting of criminal justice data.

CS by Criminal Justice on February 12, 2018:
The Committee Substitute:
- Creates a model of uniform criminal justice data collection;
- Defines terms used in the bill as they relate to data collection;

[14] Chapter 2016-179, Laws of Fla.
[15] Conversation with Tabitha Krol, Government Affairs Coordinator, Florida Sheriffs Association (February 8, 2018).
[16] *Id.*

- Requires the clerks of the circuit court, state attorneys, public defenders, county jail operators, and the Department of Corrections (DOC) to collect certain data and transmit it to the Florida Department of Law Enforcement (FDLE) on a weekly basis;
- Requires the FDLE to publish the data on the FDLE's website and make it searchable and accessible to the public;
- Digitizes the Criminal Punishment Code sentencing scoresheet;
- Requires additional information to be reported in the annual report for pretrial release programs;
- Authorizes a pilot project in the Sixth Judicial Circuit for the purposes of implementing the bill; and
- Appropriates $1,750,000 in nonrecurring funds to the FDLE for the hiring of nine full-time employees for purposes of implementing the requirements of the bill and to assist in the transition to incident-based crime reporting to meet the requirements of the FBI under the National Incident-Based Reporting System.

B. Amendments:

None.

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

By the Committees on Judiciary; and Criminal Justice; and
Senator Stargel

590-03467-18 20181678c2

A bill to be entitled

An act relating to reports concerning seized or forfeited property; amending s. 932.7061, F.S.; revising the deadline for submitting an annual report by law enforcement agencies concerning property seized or forfeited under the Florida Contraband Forfeiture Act; reenacting s. 932.7062, F.S., relating to a penalty for noncompliance with reporting requirements, to incorporate the amendment made to s. 932.7061, F.S., in a reference thereto; providing an effective date.

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

Section 1. Subsection (1) of section 932.7061, Florida Statutes, is amended to read:

932.7061 Reporting seized property for forfeiture.—

(1) Every law enforcement agency shall submit an annual report to the Department of Law Enforcement indicating whether the agency has seized or forfeited property under the Florida Contraband Forfeiture Act. A law enforcement agency receiving or expending forfeited property or proceeds from the sale of forfeited property in accordance with the Florida Contraband Forfeiture Act shall submit a completed annual report by December 1 ~~October 10~~ documenting the receipts and expenditures. The report shall be submitted in an electronic form, maintained by the Department of Law Enforcement in consultation with the Office of Program Policy Analysis and Government Accountability, to the entity that has budgetary authority over such agency and

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Florida Senate - 2018 CS for CS for SB 1678

590-03467-18 20181678c2

to the Department of Law Enforcement. The annual report must, at a minimum, specify the type, approximate value, court case number, type of offense, disposition of property received, and amount of any proceeds received or expended.

Section 2. For the purpose of incorporating the amendment made by this act to section 932.7061, Florida Statutes, in a reference thereto, section 932.7062, Florida Statutes, is reenacted to read:

932.7062 Penalty for noncompliance with reporting requirements.—A seizing agency that fails to comply with the reporting requirements in s. 932.7061 is subject to a civil fine of $5,000, to be determined by the Chief Financial Officer and payable to the General Revenue Fund. However, such agency is not subject to the fine if, within 60 days after receipt of written notification from the Department of Law Enforcement of noncompliance with the reporting requirements of the Florida Contraband Forfeiture Act, the agency substantially complies with those requirements. The Department of Law Enforcement shall submit any substantial noncompliance to the office of Chief Financial Officer, which shall be responsible for the enforcement of this section.

Section 3. This act shall take effect July 1, 2018.

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The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 1712
INTRODUCER:	Senators Montford and Thurston
SUBJECT:	Postsecondary Revenue Bonds and Debt
DATE:	February 26, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	**Favorable**
2.	Sikes	Elwell	AHE	**Recommend: Favorable**
3.	Sikes	Hansen	AP	**Favorable**

I. Summary:

SB 1712 modifies restrictions on debt payment sources for state universities by authorizing them to use federal grant and contract funds to secure revenue bonds, but only as required for an institution to participate in the Historically Black College and University Capital Financing Program (HBCU Program). In effect, the bill may allow Florida Agricultural and Mechanical University to participate in the HBCU Program.

The bill does not affect state revenues or expenditures.

The law takes effect July 1, 2018.

II. Present Situation:

Historically Black College and University Capital Financing Program

The Higher Education Act of 1965, as amended, defines a historically black college and university (HBCU) as "... any historically black college or university that was established prior to 1964, whose principal mission was, and is, the education of Black Americans, and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary [of Education] to be a reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation...."[1]

[1] U.S. Department of Education, *Historically Black College and University Capital Financing Program, Eligibility*, https://www2.ed.gov/programs/hbcucapfinance/eligibility.html (last visited Feb. 5, 2018). The Florida HBCUs are Florida Agricultural and Mechanical University (public), Bethune-Cookman University (private), Edward Waters College (private), and Florida Memorial University (private). National Center for Education Statistics, *College Navigator*, https://nces.ed.gov/COLLEGENAVIGATOR/?s=FL&sp=4 (last visited Feb. 5, 2018).

The Historically Black College and University Capital Financing Program (HBCU Program), administered by the United States Department of Education (USDOE), provides low-cost capital to finance improvements to the infrastructure of the nation's HBCUs.[2] Specifically, the HBCU Program provides HBCUs with access to capital financing or refinancing for the repair, renovation, and construction of classrooms, libraries, laboratories, dormitories, instructional equipment, and research instrumentation.[3] This assistance comes through the issuance of federal guarantees on the full payment of principal and interest on qualified bonds, the proceeds of which are used for loans.[4] Public HBCUs have received about $530 million in loan proceeds and private HBCUs have received about $1.27 billion in loan proceeds[5] through the HBCU Program

The HBCU Program specifies, as a part of the loan agreement, the procedures for repayment of the loan and procedures in the event of delinquency or default on the loan.[6] Federal law requires that, for delinquent debt or a default on debt to the United States, the debts or payments may be collected by administrative offset.[7] In order to borrow funds under the HBCU Program, the participating HBCU must permit the use of revenue from grants and contracts via administrative offset if the pledged revenues are insufficient to pay debt service.[8] The USDOE may hold other federal funds, including grants and contracts owed to the HBCU, and apply those federal funds to debt service for the HBCU Program loan.[9]

State University Revenue Bonds and Debt

The Board of Governors (BOG), each state university, and any state university direct-support organization must comply with the provisions of law in order to issue or enter into agreements

[2] U.S. Department of Education, *Historically Black College and University Capital Financing Program, Purpose*, https://www2.ed.gov/programs/hbcucapfinance/index.html (last visited Feb. 5, 2018).
[3] *Id.*
[4] *Id.*
[5] U.S. Department of Education, *Historically Black College and University Capital Financing Program, Awards,* https://www2.ed.gov/programs/hbcucapfinance/awards.html (last visited Feb. 5, 2018). Since September 2009, Florida Memorial University has received two HBCU Capital Financing program loans totaling $44,060,000. Since July 1997, Bethune-Cookman College has received two HBCU Capital Financing program loans totaling $20,295,000. *Id.*
[6] U.S. Department of Education, *Legislation, Regulations, and Guidance,* https://www2.ed.gov/programs/hbcucapfinance/legislation.html (last visited Feb. 5, 2018).
[7] 31 C.F.R. 901.3. "Administrative offset" means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim. 31 U.S.C., s. 3701.
[8] Telephone interview, Board of Governors (Feb. 2, 2018).
[9] *Id.*

for the issuance of revenue bonds or debt.[10] The law authorizes the BOG to request the issuance of revenue bonds[11] to finance or refinance capital outlay projects[12] permitted by law.[13] Revenue bonds may not be secured by or be payable from, directly or indirectly, the following sources:[14]

- Tuition;
- The financial aid fee;
- Sales and services of educational departments;
- Revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs; or
- Any other operating revenues of a state university.

The issuance of debt must be approved by the BOG and must be:[15]

- For a purpose consistent with the mission of the state university.
- Structured in a manner appropriate for the prudent financial management of the state university.
- Secured by revenues adequate to provide for all payments relating to the debt.
- Analyzed by the Division of Bond Finance,[16] and issues raised by such analysis must be appropriately considered by the BOG.
- Consistent with the requirements of any policies or criteria adopted by the BOG for the approval of debt.[17]

III. Effect of Proposed Changes:

The bill modifies restrictions on debt payments sources for state universities by authorizing them to use federal grant and contract funds to secure revenue bonds but only as required for an institution to participate in the Historically Black College and University Capital Financing Program (HBCU Program).

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[10] Section 1010.62(8), F.S.
[11] Revenue bonds may be issued by the state or its agencies without a vote of the electors to finance or refinance the cost of state fixed capital outlay projects authorized by law, and purposes incidental thereto, and shall be payable solely from funds derived directly from sources other than state tax revenues. Art. VII, s. 11(d), Fla. Const.
[12] A capital outlay project is any project to acquire, construct, improve, or change the functional use of land, buildings, and other facilities, including furniture and equipment necessary to operate a new or improved building or facility. Section 1010.62(1)(b), F.S.
[13] Section 1010.62(2)(a), F.S.
[14] *Id.*
[15] *Id.* at (3)(b).
[16] The duties of the Division of Bond Finance within the State Board of Administration include the issuance of bonds for or on behalf of State agencies and providing technical assistance on new financing programs.
[17] The Board of Governors *Debt Management Guidelines* confirm that the state universities and their direct-support organizations must engage in sound debt management practices and, to that end, the Board of Governors has formalized guiding principles for the issuance of debt by the state universities and their DSOs, Board of Governors, *Debt Management Guidelines* (June 17, 2016), *available at* http://www.flbog.edu/documents_regulations/guidelines/REVISED%20FAC%207%202%20Debt%20Management%20Guidelines%202016%20-%20DRAFT.pdf, at 1.

By permitting FAMU to pledge revenue from federal grants and contracts for the repayment of revenue bonds, the bill allows Florida Agricultural and Mechanical University (FAMU), as the only public historically black college and university (HBCU) in the state, to become eligible to participate in the HBCU Program. This authorization aligns with the federal requirements regarding collection by administrative offset.

The bill does not change the prohibition on the use of state funds to pay debt service on revenue bonds. Additionally, the bill does not change the requirement for analysis by the Division of Bond Finance and approval by the Board of Governors for the issuance of debt. [18]

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may provide FAMU access to competitive financing through the HBCU Program, which may result in interest rate savings for FAMU. The benefits may be extended to refinancing existing revenue bonds and for loans under the HBCU Program for future capital outlay projects.

The Board of Governors reports that, in 2016, Florida Agricultural and Mechanical University (FAMU) had researched refinancing its existing housing revenue bonds, which at the time totaled $80 million.[19] Projections at that time estimated that FAMU

[18] Board of Governors, *2018 Agency Analysis for HB 1712*, at 2.
[19] Board of Governors, *2018 Agency Analysis for HB 375*, at 2. HB 375 is similar to SB 1712.

would save approximately $1.2 million in debt service costs over the remaining life of the bond if FAMU were able to refinance the existing bonds under the HBCU Program.[20]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1010.62 of the Florida Statutes.

IX. Additional Information:

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

None.

B. Amendments:

None.

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

[20] *Id.*

By Senator Montford

3-01149A-18 20181712__

A bill to be entitled

An act relating to postsecondary revenue bonds and debt; amending s. 1010.62, F.S.; authorizing state universities to use specified moneys to pay debt service on revenue bonds if required by a specified federal program; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 1010.62, Florida Statutes, is amended to read:

1010.62 Revenue bonds and debt.—

(2)(a) The Board of Governors may request the issuance of revenue bonds pursuant to the State Bond Act and s. 11(d), Art. VII of the State Constitution to finance or refinance capital outlay projects permitted by law. Revenue bonds may be secured by or payable only from those revenues authorized for such purpose, including the Capital Improvement Trust Fund fee, the building fee, the health fee, the transportation access fee, hospital revenues, or those revenues derived from or received in relation to sales and services of auxiliary enterprises or component units of the university, including, but not limited to, housing, transportation, health care, research or research-related activities, food service, retail sales, athletic activities, or other similar services, other revenues attributable to the projects to be financed or refinanced, any other revenue approved by the Legislature for facilities construction or for securing revenue bonds issued pursuant to s. 11(d), Art. VII of the State Constitution, or any other revenues

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3-01149A-18 20181712__

permitted by law. Revenues from the activity and service fee and the athletic fee may be used to pay and secure revenue bonds except that the annual debt service shall not exceed an amount equal to 5 percent of the fees collected during the most recent 12 consecutive months for which collection information is available prior to the sale of the bonds. The assets of a university foundation and the earnings thereon may also be used to pay and secure revenue bonds of the university or its direct-support organizations. Revenues from royalties and licensing fees may also be used to pay and secure revenue bonds so long as the facilities being financed are functionally related to the university operation or direct-support organization reporting such royalties and licensing fees. Revenue bonds may not be secured by or be payable from, directly or indirectly, tuition, the financial aid fee, sales and services of educational departments, revenues from grants and contracts, except for money received for overhead and indirect costs and other moneys not required for the payment of direct costs, or any other operating revenues of a state university. However, moneys due to the state university from the federal government for the payment of grants and contracts may be used to pay debt service on revenue bonds only as required through the United States Department of Education's Historically Black College and University Capital Financing Program. Revenues from one auxiliary enterprise may not be used to secure revenue bonds of another unless the Board of Governors, after review and analysis, determines that the facilities being financed are functionally related to the auxiliary enterprise revenues being used to secure such revenue bonds.

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Section 2. This act shall take effect July 1, 2018.

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The Florida Senate

Committee Agenda Request

To: Senator Bill Galvano, Chair
Senate Committee on Appropriations Subcommittee on Higher Education

Subject: Committee Agenda Request

Date: February 8, 2018

I respectfully request that SB 1712 on Postsecondary Revenue Bonds Debt be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Bill Montford

Senator Bill Montford
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

Committee Agenda Request

To: Senator Rob Bradley, Chair
Senate Committee on Appropriations

Subject: Committee Agenda Request

Date: February 15, 2018

I respectfully request that SB 1712 on Postsecondary Revenue Bonds Debt be placed on the:

☐ committee agenda at your earliest possible convenience.

☒ next committee agenda.

Bill Montford

Senator Bill Montford
Florida Senate, District 3

File signed original with committee office

S-020 (03/2004)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/CS/SB 1804
INTRODUCER:	Appropriations Committee; Education Committee; and Senator Stargel
SUBJECT:	School District Accountability
DATE:	February 28, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Olenick, Bouck	Graf	ED	**Fav/CS**
2.	Sikes	Hansen	AP	**Fav/CS**
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1804 increases fiscal accountability and expands fiscal transparency requirements for district school boards. Specifically, the bill:

- Increases fiscal accountability requirements by:
  - Adding to the Auditor General's (AG's) duties, the requirement to contact each district school board with findings and recommendations contained within the AG's previous operational audit report; and specifying compliance requirements for the district school boards.
  - Requiring the Department of Education's (DOE's) Inspector General to investigate allegations and reports of possible fraud or abuse against a district school board made by specified entities.
  - Requiring school districts receiving annual federal, state, and local funds in excess of $500 million to employ an internal auditor.
- Expands fiscal transparency by:
  - Requiring district school boards to provide a full explanation of any budget amendments at the boards' next scheduled public meeting.
  - Modifying the information that each district school board must post on its website to add graphical representations, for each public school within the district and for the school district, of summary financial efficiency data and 3-year fiscal trend information.
  - Specifying additional information that each school district must report to the DOE including the total operating costs and expenditures for classroom instruction.

- Requiring the DOE to calculate specified expenditure information for each public school, school district, and the state; and develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures.
- Requiring the DOE to contract with an independent third party to conduct an investigation of all accounts and records when the conditions of a financial emergency exist.
- Requiring the withholding of each district school board member's and district school superintendent's salary, with some exceptions, if any of the conditions of a financial emergency exist, until such conditions are corrected.
- Requires prior approval by the district school board for reimbursement of out-of-district travel expenses that exceed $500, and requires a detailed itemized list of all anticipated travel expenses for any travel outside the state.

Additionally, the bill applies the restriction on lobbying for 2 years after vacating office to appointed school district superintendents, which currently applies to locally elected school district officers; and prohibits a district superintendent from appointing or employing a relative to work under his or her direct supervision.

The bill appropriates $850,000 in nonrecurring funds from the General Revenue Fund to the DOE to implement this act.

The bill takes effect July 1, 2018.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

Florida law specifies audit and oversight requirements for district school boards.

Fiscal Accountability

Auditor General (Sections 1 and 9)

Present Situation

The Auditor General (AG) or a Certified Public Accountant (CPA) is required to perform annual financial audits of district school boards.[1] If the AG does not perform a financial audit of a district school board, the school board must have a financial audit completed within nine months of its fiscal year end by an independent CPA.[2] The scope of financial audits includes an examination of the financial statements, the issuance of a report on compliance and internal

[1] State of Florida Auditor General, *Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2016,*(June, 2016), at 1, *available at* https://flauditor.gov/pages/pdf_files/2018-030.pdf. Section 11.45(2), F.S. and s. 218.39(1), F.S.
[2] Section 218.39(1), F.S.

control in accordance with generally accepted government auditing standards, and the issuance of a report on compliance and internal control for each major Federal program.[3]

The AG also conducts operational audits of district school boards in accordance with Government Auditing Standards at least every 3 years.[4] Operational audits must include an evaluation of management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities.[5]

The AG is required to report material weaknesses in internal control and significant control deficiencies that are disclosed during the course of a financial audit.[6] A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the financial statements would not be prevented or detected and corrected on a timely basis.[7] A significant deficiency is a deficiency, or a combination of deficiencies in internal control that is less severe than a material weakness, yet important enough to merit attention.[8] The AG must report material noncompliance or abuse that has a material effect on a financial statement audit.[9]

The AG must annually compile and transmit a summary of significant findings and financial trends to the Senate President, the Speaker of the House of Representatives, and the Legislative Auditing Committee (LAC).[10] If an audit contains any significant findings, district school boards must conduct an audit overview during a public meeting.[11]

The AG has authority to perform follow-up procedures necessary to determine a district school board's progress in addressing the findings and recommendations in the previous audit report.[12] The AG must also notify the LAC of any financial or operational audit report that indicates that a district school board failed to take full corrective action in response to a finding included in the two preceding financial or operational audits.[13]

Upon notification, the LAC may direct a school board to provide a written statement explaining the reason the school board failed to take corrective action or, if the school board intends to take full corrective action, describing the corrective action and state when it will occur.[14] If the LAC determines that the written statement is not sufficient, it may require the chair of the school

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[3] State of Florida Auditor General, *Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2016*,(June 2016), at 1, *available at* https://flauditor.gov/pages/pdf_files/2018-030.pdf. Section 11.45(1)(c), F.S.
[4] Section 11.45(2)(f), F.S.
[5] *Id.* at (1)(g).
[6] State of Florida Auditor General, *Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2016*,(June 2016), at 2, *available at* https://flauditor.gov/pages/pdf_files/2018-030.pdf.
[7] *Id*.
[8] *Id.*
[9] *Id.*
[10] Section 11.45(7)(f), F.S. *See also* s. 11.40, F.S.
[11] Section 1010.30(2), F.S.
[12] Section 11.45(2)(j), F.S.
[13] *Id.* at (7)(j)1.
[14] *Id.*

board to appear before the committee.[15] The LAC must refer the matter to the State Board of Education (state board) to proceed in accordance with its oversight enforcement authority if it determines that the school board has failed to take full corrective action for which there is no justifiable reason or has failed to comply with the LAC requests.[16]

Effect of Proposed Changes

Section 1 amends s. 11.45, F.S., to add to the AG's duties, the requirement for the AG to contact each district school board with findings and recommendations contained within the AG's previous operational audit report. Additionally, this section:

- Requires the district school board to provide the Auditor General with evidence of the initiation of corrective action within 45 days after the date it is requested by the AG and evidence of completion of corrective action within 180 days after the date it is requested by the AG.
- Specifies that if the district school board fails to comply with the AG's request or is unable to take corrective action within the required timeframe, the AG must notify the LAC.

Section 9 amends s. 1010.30, F.S., to specify that, if an AG audit contains a significant deficiency or material weakness, the district school board, the Florida College System institution board of trustees, or the university board of trustees, as applicable, must conduct an audit overview during a public meeting. The audit overview must describe the corrective action to be taken and a timeline for the completion of the corrective action.

Inspector General (Section 4)

Present Situation

Each state agency, including the DOE, is required to have an Inspector General (IG)[17] to provide a central point for the coordination of activities that promote accountability, integrity, and efficiency in government.[18] The Office of the Chief Inspector General (CIG), within the Executive Office of the Governor,[19] monitors the activities of the agency inspectors general under the Governor's jurisdiction.[20]

The DOE's IG is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts.[21] If the commissioner determines that the district school board is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office must conduct, coordinate, or request investigations into such substantiated allegations.[22]

[15] *Id* at (7)(j)2.
[16] Sections 11.45(7)(j)3, and 1008.32, F.S.
[17] Section 20.055(2), F.S.
[18] *Id*.
[19] Section 14.32(1), F.S.
[20] *Id*.
[21] Section 1001.20(4)(e), F.S.
[22] Section 1001.20(4)(e), F.S.

Effect of Proposed Changes

Section 4 amends s. 1001.20, F.S., to require the DOE's IG to investigate allegations and reports of possible fraud or abuse against a district school board made by:

- Any member of the Cabinet;
- Any presiding officer of the Senate or the House;
- A chair of a substantive or appropriations committee with appropriate jurisdiction; or
- A member of the board for which investigation is sought.

Internal Auditor (Section 7)

Present Situation

District school boards may employ an internal auditor to perform ongoing financial verification of the financial records of the school district.[23] The internal auditor must report directly to the district school board or its designee.[24]

Bay, Brevard, Broward, Clay, Duval, Escambia, Hillsborough, Lake, Lee, Leon, Marion, Martin, Miami Dade, Orange, Palm Beach, Pasco, Pinellas, and Polk district school boards employ internal auditors.[25]

On February 2, 2014, as part of its presentation to the LAC, the AG's office recommended that school districts of a specified size employ internal auditors to periodically report on the effectiveness of budgetary control procedures.[26]

Effect of Proposed Changes

Section 7 amends s. 1001.42, F.S, to require school districts receiving annual federal, state, and local funds in excess of $500 million to employ an internal auditor. The scope of the internal auditor must not be restricted and must include every functional and program area of the school system.

Additionally, this section requires the internal auditor to perform a comprehensive risk assessment of all areas of the school system every 5 years, and conduct other audits and reviews as the district school board directs to determine:

- The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.
- Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.
- The efficiency of operations.
- The reliability of financial records and reports.
- The safeguarding of assets.
- Financial solvency.
- Projected revenues and expenditures.

[23] Section 1001.42(12)(l), F.S.
[24] *Id.*
[25] Phone Interview with the Florida Office of Auditor General staff (Feb. 19, 2018).
[26] Joint Legislative Auditing Committee, *Meeting Packet, February 10, 2014 (Feb. 2014),* at 110 and 114, *available at* http://www.leg.state.fl.us/Data/Committees/Joint/JCLA/Meetingpackets/021014.pdf.

- The rate of change in the general fund balance.

This section requires the internal auditor to prepare audit reports of his or her findings and establishes penalties for failure to produce financial records to the internal auditor.[27]

Cost Accounting and Reporting (Section 8)

Present Situation

Each school district must account for expenditures of all state, local, and federal funds on a school-by-school and a district-aggregate basis in accordance with the manual developed by the DOE or as provided by law.[28] Each district must report on a district-aggregate basis expenditures for inservice training and categorical programs; and on a school-by school basis and aggregate district basis for each program funded by the state for the operation of schools.[29] The commissioner must present to the Legislature a district-by-district report of the expenditures reported.[30]

Each district must expend at least the percent of the funds generated by each of the programs listed on the aggregate total school costs for such programs, as follows:[31]

- Ninety percent for kindergarten and grades 1, 2, and 3.
- Eighty percent for grades 4, 5, 6, 7, and 8.
- Eighty percent for grades 9, 10, 11, and 12.
- Ninety percent for programs for exceptional students, on an aggregate program basis.
- Eighty percent for grades 7 through 12 career education programs, on an aggregate program basis.
- Eighty percent for students-at-risk programs, on an aggregate program basis.
- Ninety percent for juvenile justice programs, on an aggregate program basis.

Effect of Proposed Changes

Section 8 amends s. 1010.20, F.S., to modify the expenditure reporting requirements for the school districts to specify that such expenditures must be reported to the DOE and must include total operating costs and expenditures for instruction and instructional support services.

This section requires the DOE to:

- Categorize all public schools and districts into appropriate groups based primarily on average full-time equivalent (FTE) student enrollment as reported on the most recent student membership survey and in the state board rule to determine groups of peer schools and districts.
- Annually calculate the percentage of classroom expenditures to total operating cost expenditures for *each* public school, district, and for the entire state.

[27] Section 11.47(3), F.S. Any person who willfully fails or refuses to furnish or produce any book, record, paper, document, data, or sufficient information necessary to a proper audit or examination which the Auditor General or the Office of Program Policy Analysis and Government Accountability is by law authorized to perform is guilty of a misdemeanor of the first degree. Section 11.47(4), F.S.
[28] Section 1010.20(1), F.S.
[29] *Id* at (2)(a)-(b).
[30] *Id.* at (2)(c), F.S.
[31] Section 1010.20(1)-(3), F.S.

- Annually calculate the *average* percentage of classroom expenditures to total operating cost and expenditures for *all* public schools, districts, and the state.
- Develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures. The fiscal transparency tool must combine this financial data with the student performance measurements calculated as part of Florida's value-added models[32] to determine the financial efficiency of each public school and district. The results must be displayed in an easy-to-use format that enables the user to compare performance among public schools and districts.

Fiscal Transparency

School districts are required to account for expenditures for all state, local, and federal funds on a school-by-school and a district aggregate basis.[33]

District School Board Budget Transparency (Sections 7, 12, and 14)

Present Situation

Each district school board must prepare, adopt, and submit an annual operating budget to the commissioner.[34] Estimated expenditures in a school district's tentative budget cannot exceed estimated income.[35] District expenditures must be limited to amount budgeted under the classification of accounts provided for each fund and to the total amount of the budget after the same have been amended as prescribed by law and rules of the state board.[36] However, a district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board approves the expenditure and amends the budget within timelines established by school board policies.[37]

Each district school board must post on its website a plain language version of each proposed, tentative, and official budget that describes each budget item in terms that are easily understandable to the public.[38] This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.[39]

Effect of Proposed Changes

Section 14 amends s. 1011.06, F.S., to require district school boards to approve budget amendments at the district school board's next scheduled public meeting. The district school board must provide a full explanation of the budget amendments at the public meeting.

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[32] Florida's value-added models are used to measure the contribution of a teacher or school to student learning growth. Florida Department of Education, *Florida's Value Added Models (VAM) Frequently Asked Questions*, available at http://www.fldoe.org/teaching/performance-evaluation/.
[33] Section 1010.20(1), F.S.
[34] Section 1011.01(3)(a), F.S.
[35] Section 1011.02(4), F.S.
[36] Section 1011.06(1), F.S.
[37] *Id.* at (2).
[38] Section 1011.035(2), F.S.
[39] *Id.*

Section 12 amends s. 1011.035, F.S., to expand the information that each district school board must prominently post on its website to add graphical representations, for each public school within the district and for the school district, of the following:

- Summary of financial efficiency data.
- Three-year fiscal trend information on:
  - The ratio of FTE students to FTE instructional personnel.
  - The ratio of FTE students to FTE administrative personnel.
  - The total operating expenditures per FTE student.
  - The total instructional expenditures per FTE student.
  - The general administrative expenditures as a percentage of total budget.
  - The rate of change in the general fund's ending fund balance not classified as restricted.

Section 7 amends s. 1001.42, F.S., to authorizes an individual school board member to request and receive proposed, tentative, and official budget documents, including all supporting and background information.

General Funds Guidelines (Section 13 and 15)

Present Situation

The district school board must maintain a general fund ending fund balance that is sufficient to address normal contingencies.[40] If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is projected to fall below 3 percent of projected general fund revenues during the current fiscal year, the district school superintendent must provide written notification to the district school board and the Commissioner of Education.[41]

Effect of Proposed Changes

Section 13 amends s. 1011.051, F.S., to require the superintendent of a district school board that has an ending fund balance that falls below the 3 percent threshold for 2 consecutive years to reduce the district school board's administrative expenditures in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater. Section 15 amends s. 1011.09, F.S., to prohibit any district school board with an ending fund balance below the 3 percent threshold from making expenditures for travel outside of the district and other expenses enumerated in law, while the financial conditions exist.

Financial Emergency (Section 13 and 16)

Present Situation

District school boards are subject to review and oversight by the commissioner when the district is unable to timely pay current debts and liabilities.[42] A district school board is in a state of financial emergency when the district is unable to timely pay current debts and liabilities and

[40] Section 1011.051, F.S.
[41] *Id.* at (1).
[42] Section 218.503(1), F.S.

state assistance is needed for corrective action.[43] While in a state of financial emergency, the Governor or the commissioner may implement measures which:[44]

- Require commissioner approval of the district school board's budget;
- Prohibit a district school board from issuing debt;
- Require inspections and reviews of district school board records, reports and information;
- Establish a financial emergency board to oversee the activities of the district school board; and
- Require a plan of action that will cause the district school board to no longer be in a financial emergency.

Effect of Proposed Changes

Section 13 amends s. 1011.051, F.S, to require the DOE to contract with an independent third party to conduct an investigation of all accounts and records when the conditions of a financial emergency exist within a school district. The investigation must examine all accounts and records to determine the cause of the deficit, what efforts, if any, were made to avoid the deficit, and whether any of the conditions for malfeasance or misfeasance, as specified in law,[45] have occurred. The investigation must include a detailed review and analysis of documents and records, including, but not limited to, budget reports, journal entries, budget methodologies, staff e-mails, hard copy records, monthly financial statements, quarterly revenue and expenditure reports, finance staff job descriptions, and minutes from meetings. The results of the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of a future budget shortfall. A final report must be provided to the district school board, the department, the Legislative Auditing Committee, and the district's financial emergency board, if applicable.

Section 16 amends s. 1011.10, F.S., to require the withholding of each district school board member's and district school superintendent's salaries if any of the financial emergency conditions specified in law exist, until such conditions are corrected. However, the salary withholding provision do not apply to a district school board member or district superintendent elected or appointed within 1 year after the identification of the financial emergency conditions if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions.

School District Minimum Classroom Expenditure Requirements (Section 18)

Present Situation

The Legislature may require any school district that fails to meet minimum academic performance standards to increase emphasis on classroom instruction activities from operating

[43] *Id.* at (1) and (3).
[44] *Id.* at (3)(a)-(h)1.
[45] Section 1011.10, F.S. Each member of any district school board voting to incur an indebtedness against the district school funds in excess of the expenditure allowed by law, or in excess of any appropriation as adopted in the original official budget or amendments thereto, or to approve or pay any illegal charge against the funds, and any chair of a district school board or district school superintendent who signs a warrant for payment of any such claim or bill of indebtedness against any of the funds shall be personally liable for the amount, and shall be guilty of malfeasance in office and subject to removal by the Governor.

funds, including, but not limited to, those provided for the operation of schools.[46] In determining the classroom expenditure requirement, the DOE is required to calculate the total K-12 operating and classroom instruction expenditures for each district and the percentage of classroom expenditures to total operating expenditures for each district and the state.[47] School districts required to increase emphasis on classroom activities must submit a final report to the DOE explaining proposed budget actions and the district's level of compliance with spending requirements.[48]

Effect of Proposed Changes

Section 18 repeals s. 1011.64, F.S., regarding school district minimum classroom expenditure requirements. However, sections 8 and 12 require school districts to report additional classroom expenditures information.

Sections 10, 11, and 17 making conforming and cross-reference changes to correspond to the repeal of s. 1011.64, F.S.

Ethical and Other Fiscal Issues

Lobbying (Section 2)

Present Situation

A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office.[49]

Effect of Proposed Changes

Section 2 amends s. 112.313, F.S., to apply the restriction on lobbying for 2 years after vacating office to appointed school district superintendents,[50] which currently applies to locally elected school district officers.

District School Board Member Salary (Section 6)

Present Situation

Each member of the district school board must receive a base salary based on the population of the county the district school board member serves, as specified in law.[51] In addition, compensation must be made for population increments over the minimum for each population

[46] Section 1011.64(1), F.S.
[47] *Id.* at 3(b)1.
[48] *Id.* at (4).
[49] Section 112.313(14), F.S.
[50] Currently, there are 26 appointed district school superintendents and 41 elected district school superintendents. Florida Department of Education, *Florida Public School Superintendents*, http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.stml (last visited Feb. 18, 2018).
[51] Section 1001.395(1), F.S.

group, which shall be determined by multiplying the population in excess of the minimum for the group times the group rate.[52]

Effect of Proposed Changes

Section 6 amends s. 1001.395, F.S., to align school board member salaries with the beginning teacher salaries or the amount calculated by statute, whichever is less. In fiscal year 2016-17, the average salary for district school board member exceeded the beginning average salary for teachers in the following 12 of the 67 school districts in the state: Alachua ($782), Broward ($739), Dade ($850), Duval ($1,810), Hillsborough ($3,554), Lee ($1,525), Leon ($434), Marion ($528), Orange ($1,091), Palm Beach ($747), Pinellas ($544), and Volusia ($416).[53]

District School Board Member Travel Expenses (Section 5)

Present Situation

Each district school board member is reimbursed for authorized travel expenses. Any travel outside the district must also be governed by the rules of the state board.[54]

Effect of Proposed Changes

Section 5 amends s. 1001.39, F.S., to require prior approval by the district school board for reimbursement of out-of-district travel expenses that exceed $500. The district school board must confirm that such travel is for official business of the school district and complies with the rules of the state board.

This section also requires the district school board to include a detailed itemized list of all anticipated travel expenses for any request for travel outside the state. The public must be provided an opportunity to speak on the specific travel agenda item.

Financial Disclosure Fines (Section 3)

Present Situation

The Commission on Ethics (COE) determines whether a person owing a public financial disclosure fine is a public officer or public employee.[55] If the COE determines that the person is a current public officer or public employee, the commission may notify the Chief Financial Officer or governing body of the amount owed.[56]

Effect of Proposed Changes

Section 3 amends s. 112.31455, F.S., to:

- Add district school boards to the entities whom the COE may contact regarding owed fines.
- Require district school boards to withhold a specified amount of funding from employee salaries for fines for failure to timely file disclosure of financial interest.

[52] *Id*.
[53] Email, Florida Department of Education (Feb. 19, 2018).
[54] Section 1001.39, F.S.
[55] Sections 112.3144(5) and (7), and 112.3145(7), F.S.
[56] Section 112.31455(1), F.S.

- Authorize district school boards to retain a portion of the withheld funds to cover administrative costs.

School District Personnel Policies (Section 19)

Present Situation

Except as otherwise provided by law or the State Constitution, district school boards may adopt rules governing personnel matters, including the assignment of duties and responsibilities for all district employees.[57] However, a district school board member may not employ or appoint a relative to work under the direct supervision of the district school board member.[58]

Effect of Proposed Changes

Section 19 amends a. 1012.23, F.S., to specify that a district superintendent is prohibited from appointing or employing a relative, as specified in law, to work under his or her direct supervision. This section clarifies that this prohibition does not apply to employees appointed or employed before the election or appointment of a school board member or district school superintendent. The COE must accept and investigate any alleged violations of the prohibition against appointing or employing a relative.

Standards of Ethical Conduct (Section 7)

Present Situation

District school boards are required to adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.[59] The policies must require all instructional personnel and school administrators to complete specific training, establish the duty of instructional personnel and school administrators to report, and procedures for reporting misconduct that affects the health, safety, or welfare of a student.[60] Current law prohibits district school boards, instructors, and administrators from entering into confidentiality agreements regarding termination, dismissal, or resignation based on specified misconduct.[61] District school boards are prohibited from providing employment references or discussing the performance of instructors or administrators with prospective employers in another educational setting without disclosing misconduct.[62] Any part of an agreement that conceals instructor or administrator misconduct is void.[63]

Effect of Proposed Changes

Section 7 amends s. 1001.42, F.S., to extend the standards of ethical conduct to apply to administrative personnel and school officers. This section clarifies that such personnel and

[57] Section 1012.23(1), F.S.
[58] *Id.* at (2). The term "relative" includes father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. Section 112.3135(1)(d), F.S.
[59] Section 1001.42(6), F.S.
[60] *Id.*
[61] *Id.*
[62] *Id*.
[63] *Id.*

officers are subject to ethics standards, including training, reporting procedures, reference requirements and contract requirements.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Section 16 requires the salaries of school board members and the superintendent to be withheld if any of the conditions specified in s. 218.503(1), F.S. exists. The salary suspension continues until these conditions are corrected. The conditions specified in s. 218.503(1), F.S., are:

- Failure pay a short term loan or failure to make a bond debt service payment or other long-term debt payment during the fiscal year the payment is due, as a result of a lack of funds;
- Failure to pay uncontested claims from creditors within 90 days after the claim is presented, as a result of a lack of funds;
- Failure to transfer at the appropriate time, due to a lack of funds:
  - Taxes withheld on the income of employees or
  - Employer and employee contributions for social security or any retirement or benefit plan of an employee.
- Failure for one pay period to pay, due to lack of funds.

As constitutional officers, the school board members and the superintendent have legal rights to receive salary as long as they hold those offices and perform the requisite duties.[64, 65]

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

[64] Section 111.045, F.S.
[65] *see Flack v. Graham*, 453 So. 2d 819 (Fla. 1984).

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates $850,000 in nonrecurring funds from the General Revenue Fund to the Department of Education (DOE) to implement this act. According to the DOE, the state costs of implementing the bill will require approximately $250,000 in additional nonrecurring funds above the appropriation in the bill, and $300,000 in additional recurring funds. Furthermore, the fiscal transparency provisions of the bill may impose significant costs to the school districts.[66]

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 112.313, 112.31455, 1001.20, 1001.39, 1001.395, 1001.42, 1010.20, 1010.30, 1011.01, 1011.03, 1011.035, 1011.051, 1011.06, 1011.09, 1011.10, 1011.60, and 1012.23.

This bill repeals section 1011.64 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/CS by Appropriations on February 27, 2018:
The committee substitute specifies that the scope of the internal auditor must not be restricted and must include every functional and program area of the school system.

CS by Education on February 20, 2018:
The committee substitute maintains the substance of the bill with modifications to*:*

- Fiscal accountability requirements by:
  - Adding to the Auditor General's (AG's) duties, the requirement for the AG to contact each district school board with findings and recommendations contained within the AG's previous operational audit report; and specifies compliance requirements for the district school boards.

[66] Email, Florida Department of Education (Feb 22, 2018).

- Requiring the Department of Education to contract with an independent third party to conduct an investigation, which must include specified review and analysis of documents and records.

- Fiscal transparency requirements by:
  - Authorizing an individual school board member to request proposed, tentative, and official budget documents, including all supporting and background information; and requiring such documents to be provided to such board member.
  - Providing that the salary withholding provision does not apply to a district school board member or district superintendent elected or appointed within 1 year after the identification of the specified financial conditions if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions.
  - Specifying prior approval by the district school board for reimbursement of out-of-district travel expenses that exceed $500; and requiring a detailed itemized list of all anticipated travel expenses for any travel outside the state and additionally, requiring the public to be provided an opportunity to speak on the specific travel agenda item.
- Appropriates $850,000 in nonrecurring funds from the General Revenue Fund to the DOE to implement this act.

B. Amendments:

None.

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

194862

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment (with title amendment)

Delete line 281

and insert:

scope of the internal auditor shall not be restricted and shall include every

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

And the title is amended as follows:

Delete line 31

194862

and insert:

relating to the scope of such internal auditors;

By the Committee on Education; and Senator Stargel

581-03448-18 20181804c1

A bill to be entitled

An act relating to school district accountability; amending s. 11.45, F.S.; revising the duties of the Auditor General; amending s. 112.313, F.S.; prohibiting former appointed district school superintendents from conducting certain lobbying activities; amending s. 112.31455, F.S.; requiring the governing body of a district school board to be notified if an officer or employee of the body owes a certain fine; requiring the governing body of a district school board to take specified actions under such circumstances; amending s. 1001.20, F.S.; requiring the Office of Inspector General to investigate certain allegations and reports made by specified individuals; amending s. 1001.39, F.S.; requiring certain district school board member travel outside of the school district to be preapproved and meet certain criteria; providing requirements for a school board member's request for travel outside of the state; providing an opportunity for the public to speak on such travel; amending s. 1001.395, F.S.; providing that certain requirements for the salaries of district school board members apply every fiscal year, rather than one specific fiscal year; amending s. 1001.42, F.S.; providing that the standards of ethical conduct apply to administrative personnel and school officers; authorizing district school board members to request and receive specified budget information; requiring employment of internal auditors

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

581-03448-18 20181804c1

in certain school districts; revising provisions relating to the duties of such internal auditors; amending s. 1010.20, F.S.; requiring each school district to report certain expenditures to the Department of Education; providing department responsibilities; amending s. 1010.30, F.S.; requiring certain entities to provide an audit overview under certain circumstances; providing the contents of the overview; amending ss. 1011.01 and 1011.03, F.S.; conforming cross-references; amending s. 1011.035, F.S.; requiring each district school board to post on its website certain graphical representations and a link to a certain web-based tool on the department's website; providing requirements for such graphical representations; amending s. 1011.051, F.S.; requiring a district school board to limit certain expenditures by a specified amount if certain financial conditions exist for a specified period of time; requiring the department to contract with a third party to conduct an investigation under certain circumstances; providing requirements for such investigation; requiring the results of such investigation to include certain information and be provided to certain entities; amending s. 1011.06, F.S.; requiring each district school board to approve certain expenditures by amending its budget and provide a public explanation for such budget amendments; amending s. 1011.09, F.S.; providing certain expenditure limitations for a school district that meets specified

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

criteria; amending s. 1011.10, F.S.; requiring certain school districts to withhold certain district school board member and school district superintendent salaries until certain conditions are met; amending s. 1011.60, F.S.; conforming cross-references; repealing s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; amending s. 1012.23, F.S.; prohibiting a school district superintendent and district school board from appointing or employing certain individuals in certain positions; providing an exception; requiring the Commission on Ethics to investigate alleged violations; amending s. 1002.395, F.S.; conforming a cross-reference; providing a contingent appropriation; providing an effective date.

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

Section 1. Paragraph (k) of subsection (2) of section 11.45, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection, to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s. 1003.01(1), with the findings and recommendations contained within the Auditor General's previous operational audit report. The district school board shall provide the Auditor General with evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and

evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. If the district school board fails to comply with the Auditor General's request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (14) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office or appointed superintendent of a school district may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The "government body or agency" of any other county

elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The "government body or agency" of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The "government body or agency" of an elected special district officer is the special district.

(e) The "government body or agency" of an elected school district officer is the school district.

Section 3. Subsection (1) of section 112.31455, Florida Statutes, is amended to read:

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(7) to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, district school board, or special district of the total amount of any fine owed to the commission by such individual.

(a) After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, district school board, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the

commission until the fine is satisfied.

(b) The Chief Financial Officer or the governing body of the county, municipality, district school board, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

Section 4. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) *Office of Inspector General.*—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the Florida College System institution, the office shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made

by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 5. Subsection (1) of section 1001.39, Florida Statutes, is amended to read:

1001.39 District school board members; travel expenses.—

(1) In addition to the salary provided in s. 1001.395, each member of a district school board shall be allowed, from the district school fund, reimbursement of travel expenses as authorized in s. 112.061, ~~except as~~ provided that ~~in subsection (2).~~ any travel outside the district that exceeds $500 requires prior approval by the district school board to confirm that such travel is for official business of the school district and complies with ~~shall also be governed by the~~ rules of the State Board of Education. Any request for travel outside the state must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. Immediately preceding a request, the public must have an opportunity to speak on the specific travel agenda item.

Section 6. Subsection (3) of section 1001.395, Florida Statutes, is amended to read:

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, ~~for the 2010-2011 fiscal year,~~ the salary of each

district school board member shall be the amount calculated pursuant to subsection (1) or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Section 7. Subsections (6) and (7), paragraphs (b) and (l) of subsection (12), and paragraph (b) of subsection (17) of section 1001.42, Florida Statutes, are 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:

(6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS ~~ADMINISTRATORS~~.—Adopt policies establishing standards of ethical conduct for instructional personnel, administrative personnel, and school officers ~~administrators~~. The policies must require all instructional personnel, administrative personnel, and school officers ~~administrators~~, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel, administrative personnel, and school officers ~~administrators~~ to report, and procedures for reporting, alleged misconduct by other instructional or administrative personnel and school officers ~~administrators~~ which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional or administrative personnel or school officers ~~administrators, or personnel or administrators~~ who resign in lieu of termination, based in whole or in part on misconduct that affects the health,

safety, or welfare of a student, and may not provide instructional personnel, administrative personnel, or school officers ~~administrators~~ with employment references or discuss the personnel's or officers' ~~administrators'~~ performance with prospective employers in another educational setting, without disclosing the personnel's or officers' ~~administrators'~~ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel, administrative personnel, or school officers ~~administrators~~ which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify instructional personnel and administrative personnel ~~school administrators~~, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel ~~or administrators~~ are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or administrative personnel ~~school administrators~~ which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require instructional personnel and administrative personnel ~~school administrators~~ to report alleged misconduct by other instructional personnel and administrative personnel

~~school administrators~~, or that require the investigation of all reports of alleged misconduct by instructional personnel and administrative personnel ~~school administrators~~, if the misconduct affects the health, safety, or welfare of a student.

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(b) *Annual budget.*—

1. Cause to be prepared, adopt, and have submitted to the Department of Education as required by law and rules of the State Board of Education, the annual school budget, such budget to be so prepared and executed as to promote the improvement of the district school system.

2. An individual school board member may request and shall receive any proposed, tentative, and official budget documents, including all supporting and background information.

(l) *Internal auditor.*—May or, in the case of a school district receiving annual federal, state, and local funds in excess of $500 million, shall employ an internal auditor. The duties of the internal auditor shall include oversight of every functional and program area of the school system.

1. The internal auditor shall ~~to~~ perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district school board directs for determining:

a. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.

b. Compliance with applicable laws, rules, contracts, grant

agreements, district school board-approved policies, and best practices.

c. The efficiency of operations.

d. The reliability of financial records and reports.

e. The safeguarding of assets.

f. Financial solvency.

g. Projected revenues and expenditures.

h. The rate of change in the general fund balance.

2. The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.

3. Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to the provisions of s. 11.47(3) and (4).

(17) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

(b) Adopt rules to strengthen family involvement and empowerment pursuant to s. 1002.23. The rules shall be developed in collaboration with administrative personnel ~~school administrators~~, parents, teachers, and community partners.

Section 8. Subsection (2) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s.

1011.62(6).

(b) Each district shall report to the department on a school-by-school and on an aggregate district basis expenditures for:

1. Each program funded in s. 1011.62(1)(c).

2. Total operating costs as reported pursuant to s. 1010.215.

3. Expenditures for classroom instruction pursuant to the calculation in s. 1010.215(4)(b)1. and 2.

(c) The department shall:

1. Categorize all public schools and districts into appropriate groups based primarily on average full-time equivalent student enrollment as reported on the most recent student membership survey under s. 1011.62 and in state board rule to determine groups of peer schools and districts.

2. Annually calculate for each public school, district, and for the entire state, the percentage of classroom expenditures to total operating costs expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

3. Annually calculate for all public schools, districts, and the state, the average percentage of classroom expenditures to total operating costs and expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

4. Develop a web-based fiscal transparency tool that identifies public schools and districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures. The fiscal transparency tool

shall combine the data calculated pursuant to this paragraph with the student performance measurements calculated pursuant to s. 1012.34(7) to determine the financial efficiency of each public school and district. The results shall be displayed in an easy-to-use format that enables the user to compare performance among public schools and districts.

(d) ~~(c)~~ The Commissioner of Education shall present to the Legislature, prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the education system. The Commissioner of Education shall also compute cost factors relative to the base student allocation for each funded program in s. 1011.62(1)(c).

Section 9. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(2) If an audit contains a significant deficiency or material weakness ~~finding~~, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting. The audit overview shall describe the corrective action to be taken and a timeline for completion of such action.

Section 10. Paragraph (a) of subsection (3) of section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(3)(a) Each district school board and each Florida College

System institution board of trustees shall prepare, adopt, and submit to the Commissioner of Education an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of s. 200.065 ~~ss. 200.065 and 1011.64~~.

Section 11. Subsection (2) of section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

~~(2) The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement: "This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)...."~~

Section 12. Section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal ~~budget~~ transparency.—

(1) It is important for school districts to provide budgetary transparency to enable taxpayers, parents, and education advocates to obtain school district budget and related information in a manner that is simply explained and easily understandable. Budgetary transparency leads to more responsible spending, more citizen involvement, and improved accountability. A budget that is not transparent, accessible, and accurate cannot be properly analyzed, its implementation thoroughly monitored, or its outcomes evaluated.

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of total budget.

f. The rate of change in the general fund's ending fund balance not classified as restricted.

(b) A link to the web-based fiscal transparency tool developed by the department pursuant to s. 1010.20 to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

(3) Each district school board is encouraged to post the following information on its website:

(a) Timely information as to when a budget hearing will be conducted.

(b) Each contract between the district school board and the teachers' union.

(c) Each contract between the district school board and noninstructional staff.

(d) Each contract exceeding $35,000 between the school board and a vendor of services, supplies, or programs or for the purchase or lease of lands, facilities, or properties.

(e) Each contract exceeding $35,000 that is an emergency procurement or is with a single source as authorized under s. 287.057(3).

(f) Recommendations of the citizens' budget advisory committee.

(g) Current and archived video recordings of each district school board meeting and workshop.

(4) The website should contain links to:

(a) Help explain or provide background information on various budget items that are required by state or federal law.

(b) Allow users to navigate to related sites to view supporting details.

(c) Enable taxpayers, parents, and education advocates to send e-mails asking questions about the budget and enable others to view the questions and responses.

Section 13. Section 1011.051, Florida Statutes, is amended to read:

1011.051 Guidelines for general funds.—The district school board shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.

(1) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is projected to fall below 3 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. If such financial condition exists for 2 consecutive fiscal years, the superintendent shall reduce the district's administrative expenditures reported pursuant to s. 1010.215(4)(a) in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.

(2)(a) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or

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

nonspendable in the district's approved operating budget is projected to fall below 2 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to s. 218.503, the commissioner shall appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in s. 218.503(3)(g).

(b) If any of the conditions identified in s. 218.503(1) existed in the 2015-2016 school year or thereafter, the department shall contract with an independent third party to conduct an investigation of all accounts and records to determine the cause of the deficit, what efforts, if any, were made to avoid the deficit, and whether any of the conditions identified in s. 1011.10 have occurred. The investigation must include a detailed review and analysis of documents and records, including, but not limited to, budget reports, journal entries, budget methodologies, staff e-mails, hard copy records, monthly financial statements, quarterly revenue and expenditure reports, finance staff job descriptions, and minutes from meetings. The results of the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of a future budget shortfall. A final report shall be provided to the district school board, the department, the Legislative Auditing Committee, and the district's financial emergency board, if applicable.

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

Section 14. Subsection (2) of section 1011.06, Florida Statutes, is amended to read:

1011.06 Expenditures.—

(2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.—Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the district school board. A district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board complies with s. 1011.09(4) and approves the expenditure by amending ~~and amends~~ the budget at the next scheduled public meeting. The district school board must provide a full explanation of any amendments at the public meeting ~~within timelines established by school board policies~~.

Section 15. Subsection (4) of section 1011.09, Florida Statutes, is amended to read:

1011.09 Expenditure of funds by district school board.—All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the district school board subject to the provisions of law and rules of the State Board of Education.

(4) If the financial conditions in s. 1011.051 exist, a district school board ~~During the 2009-2010 fiscal year, unless otherwise specifically approved by the district school board, public funds~~ may not make expenditures ~~be expended~~ for ~~out-of-state~~ travel outside of the district or cellular phones, cellular phone service, personal digital assistants, or any

other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, while the financial conditions exist. The expenditure of public funds for art programs, music programs, sports programs, and extracurricular programs for students is a higher priority than expending funds for employee travel and cellular phones.

Section 16. Subsection (3) is added to section 1011.10, Florida Statutes, to read:

1011.10 Penalty.—

(3) If any of the conditions identified in s. 218.503(1) exist within a school district, the salary of each district school board member and district superintendent, calculated pursuant to ss. 1001.395 and 1001.47, shall be withheld until the conditions are corrected. This subsection does not apply to a district school board member or district superintendent elected or appointed within 1 year after the identification of the conditions in s. 218.503(1) if he or she did not participate in the approval or preparation of the final school district budget adopted before the identification of such conditions.

Section 17. Subsection (8) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.—Comply with~~

~~the minimum classroom expenditure requirements and associated reporting pursuant to s. 1011.64.~~

Section 18. Section 1011.64, Florida Statutes, is repealed.

Section 19. Subsection (2) of section 1012.23, Florida Statutes, is amended to read:

1012.23 School district personnel policies.—

(2) The district school superintendent or a district school board member may not appoint or employ ~~or appoint~~ a relative, as defined in s. 112.3135, to work under the direct supervision of that district school board member or district school superintendent. The limitations of this subsection do not apply to employees appointed or employed before the election or appointment of a school board member or district school superintendent. The Commission on Ethics shall accept and investigate any alleged violations of this section pursuant to the procedures contained in ss. 112.322-112.3241.

Section 20. Paragraph (d) of subsection (9) of section 1002.395, Florida Statutes, is amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(d) Annually verify the eligibility of expenditures as provided in paragraph (6)(d) using the audit required by paragraph (6)(m) and s. 11.45(2)(l) ~~s. 11.45(2)(k)~~.

Section 21. For the 2018-2019 fiscal year, the sum of $850,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Education to implement the provisions of this act.

Section 22. This act shall take effect July 1, 2018.

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Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18 (1804)
Meeting Date

1804
Bill Number (if applicable)

194862
Amendment Barcode (if applicable)

Topic Internal Auditor

Name Joy Frank

Job Title General Counsel

Address 208 S. Monroe St
Street

Tall. FL 32301
City *State* *Zip*

Phone 850-577-5784

Email JFRANK@FAPSS.org

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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Feb 27 2018
Meeting Date

1804
Bill Number (if applicable)

Topic School District Accountability

Amendment Barcode (if applicable)

Name Marie-Claire Lemon

Job Title

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Phone 850 728 7514

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 Common Ground

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/22/18
Meeting Date

1804
Bill Number (if applicable)

Topic 1804 | fiscal Transparency

Amendment Barcode (if applicable)

Name Joy Frank

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Speaking: ☐ For ☑ Against ☐ Information

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

Representing FLA Association of District School Superintents

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	HJR 7001
INTRODUCER:	Ways and Means Committee and Representative Leek and others
SUBJECT:	Supermajority Vote for State Taxes or Fees
DATE:	March 2, 2018 REVISED:

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fournier	Diez-Arguelles	AFT	**Recommend: Fav/1 amendment**
2.	Fournier	Hansen	AP	**Favorable**

I. Summary:

HJR 7001 proposes an amendment to the State Constitution providing that no state tax or fee may be imposed, authorized, raised by the Legislature, or authorized by the Legislature to be raised, except through legislation approved by two-thirds of the membership of each house of the Legislature. The joint resolution also requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject.

The joint resolution specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by the State Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed in the joint resolution will take effect on January 8, 2019, if approved by sixty percent of the voters during the 2018 general election or earlier special election.

The Revenue Estimating Conference determined that the joint resolution does not affect state revenue.[1]

Article XI, s. 5(d) of the State Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. Based on 2016 advertising costs, staff estimates full publication costs for advertising the proposed constitutional amendment to be approximately $43,732, which would likely be paid from nonrecurring General Revenue funds.

[1] Revenue Estimating Conference, Supermajority Vote for State Taxes and Fees, 2018 HB 7001, p. 138, http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page138-139.pdf (Analyzed Nov 17, 2017).

II. Present Situation:

Background

Under current law the Legislature has broad power to enact and modify the state's revenue policy through legislation, subject to state and federal constitutional constraints. Such legislation is generally subject to the normal constitutional requirements for the enactment of general law. Passage of a bill requires a majority vote in each house of the Legislature,[2] and presentation to the Governor for approval.[3] The bill becomes a law if the Governor approves it, or fails to veto it within the timeframes prescribed in the State Constitution.[4] Vetoes can be overcome by a two-thirds vote of each house of the Legislature.[5]

Corporate Income Tax

Florida's constitution requires three-fifths approval of the membership of each house of the Legislature for increases in the corporate income tax rate above 5 percent.[6]

Other Types of Bills Requiring a Supermajority Vote

There are several other types of bills that require something greater than a majority vote to become law. These include:

- Bills that would authorize the conveyance of property taken by eminent domain to a natural person or private entity require a three-fifths vote of each house of the Legislature.[7]
- Bills that would appropriate nonrecurring general revenue funds for recurring purposes cannot exceed three percent of the total general revenue funds estimated to be available unless approved by a three-fifths vote of the membership of each house of the Legislature.[8]
- Bills that would repeal court rules of practice or procedure require a two-thirds vote of the membership of each house of the Legislature.[9]
- Bills that would increase or decrease judicial offices by a number different from that certified by the Supreme Court to the Legislature.[10]
- Bills that would create special laws or general laws of local application that are prohibited by general law (but not by the constitution), or bills that would amend or repeal such a prohibition, require a three-fifths vote of the membership of each house of the Legislature.[11]

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[2] Fla. Const. Art. III, s. 7.
[3] Fla. Const. Art. III, s. 8(a).
[4] The Governor has seven days after presentation to act on a bill if the seven day period occurs during a legislative session, or fifteen days otherwise. Fla. Const. Art. III, s. 8(a).
[5] Fla. Const. Art. III, s. 8(c).
[6] Fla. Const. Art. VII, s. 5(a). The current corporate income tax rate is 5.5 percent. Section 220.11(2), F.S.
[7] Fla. Const. Art. X, s. 6(c).
[8] Fla. Const. Art. III, s. 19(3).
[9] Fla. Const. Art. V, s. 2(a).
[10] Fla. Const. Art. V, s. 9.
[11] Fla. Const. Art. III, s. 11(a)(21). The following for prohibited subject matters have been added under the authority of this constitutional provision: s. 112.67, F.S. (Pertaining to protection of public employee retirement benefits); s. 121.191, F.S. (Pertaining to state-administered or supported retirement systems); s. 145.16, F.S. (Pertaining to compensation of designated county officials); s. 189.031(2), F.S. (Pertaining to independent special districts); s. 190.049, F.S. (Pertaining to the creation of independent special districts having the powers enumerated in two or more of the paragraphs of s. 190.012, F.S.); s. 215.845, F.S. (Pertaining to the maximum rate of interest on bonds); s. 298.76(1), F.S. (Pertaining to the grant of authority,

- Bills that would create certain local mandates that would require counties or municipalities to expend funds,[12] reduce their authority to raise revenues,[13] or reduce the percentage of a state shared tax,[14] require a two-thirds vote of the membership of each house of the Legislature.
- Bills that would create or recreate a trust fund require a vote of three-fifths of the membership of each house of the Legislature.[15]
- Bills that would raise revenue above certain constitutionally prescribed limits require a two-thirds vote of the membership of each house of the Legislature.[16]
- Bills that would exempt public access from certain public records or meetings require a two-thirds vote of the membership of each house of the Legislature.[17]
- Joint resolutions proposing an amendment to the State Constitution require a three-fifths vote of the membership of each house of the Legislature.[18]
- Bills creating a special election for voter approval of a constitutional amendment proposed by joint resolution, a report of a revision commission, a constitutional convention or the taxation and budget reform commission, require a three-fourths vote of the membership of each house of the Legislature.[19]

Constitutional Amendments Approving New State Taxes or Fees

In 1996, Florida voters approved an amendment to the State Constitution raising the threshold by which amendments imposing new state taxes or fees must be approved. It provides, "No new State tax or fee may be imposed on or after November 8, 1994 by any amendment to this State Constitution unless the proposed amendment is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment is considered For purposes of this section, the phrase "new State tax or fee" means any tax or fee which would produce revenue subject to lump sum or other appropriation by the Legislature, either for the State general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994 including without limitation such taxes and fees as are the subject of proposed constitutional amendments appearing on the ballot on November 8, 1994."[20]

Other States with Supermajority Vote Requirements for Tax or Revenue Increases

Currently, 15 states (including Florida) require a supermajority vote to impose or increase some or all taxes and fees. Except for Wisconsin, these requirements are found in the states' constitutions. These requirements vary widely in their application. The following table summarizes the requirements for each affected state:

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power, rights, or privileges to a water control district formed pursuant to ch. 298, F.S.); s. 373.503(2)(b), F.S. (Pertaining to allocation of millage for water management purposes); s. 1011.77, F.S. (Pertaining to taxation for school purposes and the Florida Education Finance Program); s. 1013.37(5), F.S. (Pertaining to the "State Uniform Building Code for Public Educational Facilities Construction").

[12] Fla. Const. Art. VII, s. 18(a)
[13] Fla. Const. Art. VII, s. 18(b)
[14] Fla. Const. Art. VII, s. 18c)
[15] Fla. Const. Art. III, s. 19(f)(1).
[16] Fla. Const. Art. VII, s. (1)(e).
[17] Fla. Const. Art. I, s. 24(c).
[18] Fla. Const. Art. XI, s. 1.
[19] Fla. Const. Art. XI, s. 5(a)
[20] Id.

State	Year Adopted	Vote Requirement	Application
Arizona[21]	1992	2/3	New taxes, tax rates, fees, reduction or elimination of exemptions, etc., assessments, authorizations
Arkansas[22]	1934	3/4	Tax rates, applicable only to taxes in effect as of the effective date of the amendment
California[23]	1979	2/3	New or increased taxes, levies, exactions (not fees)
Delaware[24]	1980	3/5	New taxes and fees
Florida[25]	1971	3/5	Corporate income tax rate above 5 percent
Kentucky[26]	2000	3/5[27]	Raising revenue or appropriating funds
Louisiana[28]	1966	2/3	New taxes
Michigan[29]	1994	3/4	A law that increases the statutory limits on ad valorem taxes in effect as of 02-01-1994.
Mississippi[30]	1970	3/5	Any revenue bill, or any bill providing for assessments of property for taxation
Missouri[31]	1996	2/3	Any increase in taxes or fees that produces annual revenue increases of $50 million or more
Nevada[32]	1996	2/3	Increases in public revenue, including taxes, fees, assessments and rates, or tax base changes
Oklahoma	1992	3/4	New taxes and tax rates
Oregon[33]	1996	3/5	New taxes and tax rates
South Dakota[34]	1996	2/3	New taxes and tax rates
Wisconsin[35]	2011	2/3	Increases in sales or income tax rates (Statutory requirement)

[21] A.R.S. Const. art. 9, s. 22.
[22] AR Const. art. 5, s. 38.
[23] West's Ann. Cal. Const. art. 13A, s. 3.
[24] Del. C. Ann. Const. art. 8, s. 11.
[25] Fla. Const. art. VII, s. 5(b).
[26] KY Const. s. 36.
[27] This limitation applies to a legislative session in an odd-numbered year.
[28] LSA-Const. art. 7, s. 2.
[29] M.C.L.A. Const. art. 9, s 3.
[30] MS Const. art. 4, s 70.
[31] V.A.M.S. Const. art. 10. s. 18(e).
[32] N.R.S. Const. art 4, s. 18.
[33] OR Const. art IV, s. 25.
[34] SD Const. art. 11, s. 14.
[35] Wisconsin Statutes 13.085.

III. Effect of Proposed Changes:

This joint resolution proposes an amendment to the State Constitution that would provide that no state tax or fee may be imposed, authorized, or raised by the Legislature, or authorized by the Legislature to be raised, except through legislation approved by two-thirds of the membership of each house of the Legislature. The joint resolution defines the following terms:

- "Fee" means any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.
- "Raise" means:
  - To increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;
  - To increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or
  - To decrease or eliminate a state tax or fee exemption or credit.

The joint resolution requires that any proposed state tax or fee imposition, authorization or increase must be contained in a separate bill that contains no other subject. The joint resolution also specifies that the proposed amendment does not authorize the imposition of any state tax or fee otherwise prohibited by this Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

The amendment proposed by the joint resolution does not contain an effective date. Therefore, pursuant to Art. XI, Fla. Const., s. 5(e), it shall be effective on the first Tuesday after the first Monday in January following the election, which is January 8, 2019.

While this joint resolution does not affect existing taxes and fees, it affects the Legislature's ability to respond to future conditions.

For example, fees are typically used to recover the costs of providing a service or benefit. "User fees" are used to recover the costs of goods and services provided by the government to individuals or businesses that use them, such as highway tolls, parks admissions, and university tuition. "Regulatory fees" are used to recover the costs of providing a license or permit under laws enacted to protect health, welfare, and public safety. The joint resolution limits the Legislature's ability to impose increased costs upon those persons receiving services or benefits.

The joint resolution limits the Legislature's ability to change the state's revenue structure in response to changing circumstances even when the result of any change is revenue-neutral. Exemptions or tax credits that have outlived their intended purposes will be more difficult to repeal under this joint resolution. Also, the Legislature's ability to enact a bill to correct a court or administrative decision that results in an interpretation of a tax statute that was not intended by the Legislature will be limited.

The joint resolution limits the Legislature's ability to change legislatively established premiums and copayments associated with the State Employee Health Insurance Program or the Florida Medicaid Program.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

"The Revenue Estimating Conference adopted a zero impact for the joint resolution. This is a joint resolution proposing a constitutional amendment to be submitted to the voters, and whether the constitutional amendment passes or not, the impact is zero. If it passes, the amendment creates a new constraint on the Legislature's ability to enact, authorize or increase state taxes and fees. It does not directly impact current baseline revenue forecasts because they are based on current law and current administration and do not contain assumptions regarding future legislative changes. Future positive state and local revenue impacts from proposed legislation that could pass under current legislative authority may not occur if the amendment is approved by voters." [36]

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This resolution creates Article VII, section 19 of the State Constitution.

[36]Revenue Estimating Conference, Supermajority Vote for State Taxes and Fees, 2018 HB 7001, p. 138, http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/page138-139.pdf (Analyzed Nov 17, 2017).

IX. Additional Information:

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

None.

B. Amendments:

None.

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

House Joint Resolution

A joint resolution proposing the creation of section 19 of Article VII of the State Constitution to provide that no state tax or fee may be imposed, authorized, or raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval; providing for applicability; providing definitions; requiring any tax or fee imposed or raised under this section to be contained in a separate bill that contains no other subject.

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

That the following creation of Section 19 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 19. Supermajority vote required to impose, authorize, or raise state taxes or fees.—

(a) SUPERMAJORITY VOTE REQUIRED TO IMPOSE OR AUTHORIZE NEW STATE TAX OR FEE. No new state tax or fee may be imposed or

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

FLORIDA HOUSE OF REPRESENTATIVES

HJR 7001 2018

authorized by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(b) SUPERMAJORITY VOTE REQUIRED TO RAISE STATE TAXES OR FEES. No state tax or fee may be raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(c) APPLICABILITY. This section does not authorize the imposition of any state tax or fee otherwise prohibited by this Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

(d) DEFINITIONS. As used in this section, the following terms shall have the following meanings:

(1) "Fee" means any charge or payment required by law, including any fee for service, fee or cost for licenses, and charge for service.

(2) "Raise" means:

a. To increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;

b. To increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or

c. To decrease or eliminate a state tax or fee exemption

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

hjr7001-00

or credit.

(e) SINGLE-SUBJECT. A state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 19

SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE STATE TAXES OR FEES.—Prohibits the legislature from imposing, authorizing, or raising a state tax or fee except through legislation approved by a two-thirds vote of each house of the legislature in a bill containing no other subject. This proposal does not authorize a state tax or fee otherwise prohibited by the Constitution and does not apply to fees or taxes imposed or authorized to be imposed by a county, municipality, school board, or special district.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot if a court declares the preceding statement defective and the decision of the court is not reversed:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 19

SUPERMAJORITY VOTE REQUIRED TO IMPOSE, AUTHORIZE, OR RAISE

STATE TAXES OR FEES.—Proposing the following amendment to the State Constitution:

ARTICLE VII

FINANCE AND TAXATION

SECTION 19. Supermajority vote required to impose, authorize, or raise state taxes or fees.—

(a) SUPERMAJORITY VOTE REQUIRED TO IMPOSE OR AUTHORIZE NEW STATE TAX OR FEE. No new state tax or fee may be imposed or authorized by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(b) SUPERMAJORITY VOTE REQUIRED TO RAISE STATE TAXES OR FEES. No state tax or fee may be raised by the legislature except through legislation approved by two-thirds of the membership of each house of the legislature and presented to the Governor for approval pursuant to Article III, Section 8.

(c) APPLICABILITY. This section does not authorize the imposition of any state tax or fee otherwise prohibited by this Constitution, and does not apply to any tax or fee imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

(d) DEFINITIONS. As used in this section, the following terms shall have the following meanings:

(1) "Fee" means any charge or payment required by law,

including any fee for service, fee or cost for licenses, and charge for service.

(2) "Raise" means:

a. To increase or authorize an increase in the rate of a state tax or fee imposed on a percentage or per mill basis;

b. To increase or authorize an increase in the amount of a state tax or fee imposed on a flat or fixed amount basis; or

c. To decrease or eliminate a state tax or fee exemption or credit.

(e) SINGLE-SUBJECT. A state tax or fee imposed, authorized, or raised under this section must be contained in a separate bill that contains no other subject.

813842

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/20/2018	.	
	.	
	.	
	.	

Appropriations Subcommittee on Finance and Tax (Stargel) recommended the following:

Senate Amendment (with ballot and title amendments)

Delete everything after the resolving clause and insert:

That the following creation of Section 19 of Article VII of the State Constitution is agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

813842

FINANCE AND TAXATION

SECTION 19. Supermajority vote required to increase state tax revenues by increasing taxes.—

(a) A law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, must be approved by three-fifths of the membership of each house of the legislature.

(b) As used in this section, the term:

(1) "Expands a tax base" means broadening the scope of a tax to include additional classes of property, activity, or income, but does not include the amendment or repeal of a credit or exemption.

(2) "Net increase in state revenues" means the revenues produced by the tax increases contained in the law, minus any revenue reductions contained in the law. For purposes of this paragraph, whether a law results in a net increase is determined by the annual net revenues estimated to be collected in the first state fiscal year when all the changes in the bill are fully effective. For a law that both increases and reduces revenues, a revenue increase of less than one percent (1%) of the tax increases contained in the law is not considered a net increase in state revenues.

(c) This section does not authorize the imposition of any state tax otherwise prohibited by this constitution, and does not apply to any tax imposed by, or authorized to be imposed by, a county, municipality, school board, or special district.

====== B A L L O T S T A T E M E N T A M E N D M E N T ======
And the ballot statement is amended as follows:

813842

Delete everything after the resolving clause and insert:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 19

SUPERMAJORITY VOTE REQUIRED TO INCREASE STATE TAX REVENUES BY INCREASING TAXES.—Requires a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature. Defines the terms "expands a tax base" and "net increase in state revenues." This amendment does not apply to county, municipality, school board, or special district taxes.

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

And the title is amended as follows:

Delete everything before the resolving clause and insert:

House Joint Resolution

A joint resolution proposing the creation of Section 19 of Article VII of the State Constitution to require a law that imposes a new tax, increases the rate or amount of a tax, or expands a tax base, and that results in a net increase in state revenues, to be approved by three-fifths of the membership of each house of the Legislature.

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2.27.18
Meeting Date

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

HJR 7061
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Way & Means

Name Stephanie Owens

Job Title Legislative Advocate

Address _____ Phone 727.639.1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

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

Representing League of Women Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

HJR 7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Supermajority Vote

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St.
Street

Phone 850-321-9386

Tallahassee FL 32301
City *State* *Zip*

Email fcfep@yahoo.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing FL Center for Fiscal & Economic Policy

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)

2/27/18
Meeting Date

7001
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296
Street

Phone 941-323-2404

SARASOTA FL 34243
City *State* *Zip*

Email cullenasea@aol.com

Speaking: ☐ For ☑ Against ☐ Information

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

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27
Meeting Date

7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Supermajority Vote for Taxes and Fees

Name Andrew Hosek

Job Title Analyst

Address 200 W College
Street

Tallahassee FL
City *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Americans for Prosperity

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)

2/27
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPERMAJORITY VOTE ON TAXES

Amendment Barcode (if applicable)

Name Shawn Britton

Job Title TRUSTEE

Address 2716 Bolton Bend
Street

Phone 407-637-6744

Orlando FL 32817
City *State* *Zip*

Email

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

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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)

2/27/2018
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPER MAJORITY VOTE ON TAXES

Amendment Barcode (if applicable)

Name KEVIN BYRNE

Job Title

Address 256 SE TODD AVENUE
Street

Phone 772 979 5899

PORT ST LUCIE FL 34983
City *State* *Zip*

Email kevinjbyrne54@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPERMAJORITY VOTE ON TAXES

Amendment Barcode (if applicable)

Name FRANK RAMIREZ

Job Title

Address 25131 SW 120PL
Street

Phone (305) 801-7679

HOMESTEAD FL 33032
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ ~~No~~

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name Sandi Ancona

Job Title Teacher

Address 8823 Citrus Village Dr Apt 302
Street

Phone 813 763 8539

Tampa FL 33626
City *State* *Zip*

Email sandirose@me.com

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.

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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)

02-27-2018
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPERMAJORITY VOTE FOR STATE TAXES/FEES

Amendment Barcode (if applicable)

Name ROBERT CHAPMAN

Job Title STATE EMPLOYEE

Address 4129 LYNROCK DRIVE
Street

Phone

ZEPHYRHILLS FLORIDA
City *State* *Zip*

Email

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

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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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name Jean Clements

Job Title Teacher

Address 3134 W. Coachman AV
Street

Tampa FL 33611
City *State* *Zip*

Phone (813) 600-9759

Email jean.clements@hotmail.com

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

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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

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7001

Meeting Date *Bill Number (if applicable)*

Topic Supermajority vote on taxes *Amendment Barcode (if applicable)*

Name Nate Sanebzaman

Job Title Teacher

Address 5220 S Macdill Ave. #104 Phone
Street

Tampa FL 33611 Email
City *State* *Zip*

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

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB7001

Meeting Date *Bill Number (if applicable)*

Topic SUPERMAJORITY VOTE ON TAXES *Amendment Barcode (if applicable)*

Name ORVILLE D. ELLIOTT

Job Title RETIRED POSTAL WORKER (LC)

Address 101 - 78th Ave NE *Street* Phone 727-608-6027

ST. PETE. FL 33702 *City* *State* *Zip* Email odebr1477@aol.com

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

Representing MYSELF

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

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7001

Meeting Date *Bill Number (if applicable)*

Topic Super Majority Vote on Taxes *Amendment Barcode (if applicable)*

Name Jim Junecko

Job Title CRANE Operator

Address 441 33rd St. N. Apt. 712 Phone 407-346-3525
Street

St. Petersburg FL 33713 Email Jim.Junecko@yahoo.com
City *State* *Zip*

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.

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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)

2-27-18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic TAXES

Amendment Barcode (if applicable)

Name David Bernstein

Job Title

Address 2616 South Toronto Ave
Street

Phone 813-629-6315

Tampa FL 33629
City *State* *Zip*

Email

Speaking: ☐ For ☑ Against ☐ Information

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

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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)

2-27-18
Meeting Date

HB-7001
Bill Number (if applicable)

Topic Super Majority Vote on Taxes

Amendment Barcode (if applicable)

Name Scott A Losey

Job Title Consultant

Address 725 Shore Dr. East
Street

Oldsmar FL 34677
City *State* *Zip*

Phone 541-661-5645

Email Skye.lfs productions@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPER MAJORITY TAXES

Amendment Barcode (if applicable)

Name NORWOOD ORRICK

Job Title CET II

Address 1702 E 8TH AV
Street

Phone 813 239 9663

TAMPA FL 33605
City *State* *Zip*

Email

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

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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 27 18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority vote on taxes

Amendment Barcode (if applicable)

Name Christina Regalado

Job Title Engineer

Address 2904 N. Tampa St
Street

Phone 941-677-8666

Tampa FL 33602
City *State* *Zip*

Email chrisregalado@gmail.com

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

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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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic SUPERMAJORITY VOTE ON TAXES

Amendment Barcode (if applicable)

Name ROBERT REDMOND

Job Title TECHNICIAN/TELECOM

Address PO BOX 21088
Street

Phone 7278516342

ST PETERSBURG FL 33742
City *State* *Zip*

Email LFSBAND@GMAIL.COM

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

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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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name William Lawson

Job Title Field Representative

Address 20 South Lakewood Dr.
Street

Phone 407-257-6081

Orlando FL 32803
City *State* *Zip*

Email WMLAWSON2@GMAIL.COM

Speaking: ☐ For ☒ Against ☐ Information

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

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic SUPERMAJORITY VOTE ON TAXES

Name MICHAEL CLARK

Job Title ~~GETTER CARRIER~~

Address 916 KENMORE ST N.W.
Street

Phone 321-543-9227

PALM BAY FLA. 32907
City *State* *Zip*

Email MCLARK1957@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

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

Representing WFLC

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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Super majority Vote on taxes HB 7001
Amendment Barcode (if applicable)

Name Joey Acevedo

Job Title Bus drivers

Address 3892 lake tahoe cir
Street

Phone (561) 424-1393

wpb FL 33405
City *State* *Zip*

Email Joey1941.aol.com

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

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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)

2/27/2018
Meeting Date

HB 7001
Bill Number (if applicable)

Topic HB 7001 Super majority Vote on TAXES

Amendment Barcode (if applicable)

Name Belinda Davis

Job Title Bus operator

Address 315 N.W. 3rd Ave
Street
Delray Beach FL 33444
City *State* *Zip*

Phone 561 702-7092

Email johnnyfla315@aol.com

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

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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)

2/27/19
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name Eric Curkin

Job Title

Address 5858 Lakewalk Circle W
Street
Boynton Beach, FL 33472
City *State* *Zip*

Phone 561.777.8943

Email

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7001

Meeting Date *Bill Number (if applicable)*

Topic Supermajority Vote on taxes *Amendment Barcode (if applicable)*

Name Joyce Wesley

Job Title CWA 3106 Retiree Member

Address 1131 Fromage Cir W. Phone 904-945-7663

Street

Jacksonville FL Email jw7201@gmail.com

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☐ In Support ☒ Against

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

Representing N. FL Central Labor Council / FLARA

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)

2-27-18
Meeting Date

HJR 7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Supermajority Vote to Raise Taxes

Name Kurt Wenner

Job Title Vice President

Address 106 N. Bronough
Street
Tallhassee FL 32301
City *State* *Zip*

Phone 850-222-5052

Email kwenner@floridataxwatch.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Florida TaxWatch

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)

2/27/2018
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name Joseph Tate

Job Title

Address 5973 Copper Creek Dr
Street
Jacksonville FL 32218
City *State* *Zip*

Phone 904-673-8526

Email jojotate@bellsouth.net

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

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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)

2/22/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Tim Nungesser

Job Title Legislative Director

Address 110 East Jefferson Street
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-445-5367

Email tim.nungesser@nfib.org

Speaking: ☐ For ☐ Against ☐ Information

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

Representing National Federation of Independent Business

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)

2/27/18
Meeting Date

7001
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Rich Templin

Job Title _____

Address 135 S. Monroe
Street

Phone 850-224-6626

Tallahassee FL 32307
City *State* *Zip*

Email _____

Speaking: ☐ For ☒ Against ☐ Information

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

Representing Florida AFL-CIO

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)

2/27/18
Meeting Date

HB 7001
Bill Number (if applicable)

Topic Supermajority Vote on Taxes

Amendment Barcode (if applicable)

Name Joanne Cannon

Job Title

Address 3410-50th Stw.
Street

Bradenton, FL 34209
City *State* *Zip*

Phone 941-812-7113

Email jcann24@aol.com

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

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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)

2/27/2018
Meeting Date

HB 7007
Bill Number (if applicable)

Topic Supermajority Vote on Taxes or Fees

Amendment Barcode (if applicable)

Name Joseph Rubinow Sr

Job Title Bus Driver Disney Teamster 385

Address 9148 Swanmore Run
Street

Phone 407 462 5248

Winter Park FL 32792
City *State* *Zip*

Email JRub110@Hotmail.com

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18
Meeting Date

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

7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Larry Dupree

Job Title _____

Address 8301 N. River Highlands PL
Street

Phone 813-984-8828

Tampa FL 33617
City State Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing SEIF

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)

7-27-18
Meeting Date

7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Bob Loveitt

Job Title _____

Address 4611 Fox Hunt Dr. *Street*

Phone 813-390-5307

Tampa *City* FL *State* 33624 *Zip*

Email bloetk65@gmail

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.

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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)

2.27.18
Meeting Date

7001
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Ken Williams

Job Title

Address 7411 Meadow Dr
Street

Tampa 71 33634
City *State* *Zip*

Phone 813-886-1753

Email

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7001
Bill Number (if applicable)

Topic Supermajority Vote

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St
Street
Tallahassee
City *State* *Zip*

Phone 521-1200

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing FL Chamber of Commerce

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)

2/27/18
Meeting Date

7001
Bill Number (if applicable)

Topic Super Majority Vote for Taxes

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St
Street

Phone 224-7173

Tallahassee FL 32301
City *State* *Zip*

Email bbevis@aif.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Associated Industries of Florida

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)

FOR CONSIDERATION By the Committee on Rules

595-03525-18 20187022pb

A bill to be entitled

An act relating to firearm safety; amending s. 394.463, F.S.; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; requiring the law enforcement officer's agency to hold seized firearms and ammunition under certain circumstances; requiring law enforcement agencies to develop certain policies and procedures; authorizing a law enforcement officer to petition a court for a risk protection order under certain circumstances; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed

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595-03525-18 20187022pb

manufacturer, or licensed dealer; providing criminal penalties; providing an exception; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks, whichever occurs first; prohibiting the waiting period from being longer than a certain time; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.34, F.S.; defining the term "bump-fire stock"; prohibiting the importation, transfer, distribution, transport, sale, or giving of a bump-fire stock in this state; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in

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determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms and ammunition after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures by a certain date; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring an issuing court to forward specified information concerning a respondent to the department; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from knowingly filing a petition for such an order which contains materially false or misleading information; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing that the risk protection order provisions do

not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to development and distribute certain instructional and informational material; reenacting ss. 397.6760(2) and 790.335(3)(e), F.S., relating to the confidentiality of court records and exceptions to the prohibition of registration of firearms, respectively, to incorporate the amendment made to s. 790.065, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; and

2. Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order.

(d) A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence

against another person.

1. If a law enforcement officer seizes a firearm or any ammunition, the law enforcement officer's agency must hold the seized firearm or ammunition for at least a 72-hour period or until the person goes to the law enforcement agency to retrieve the seized firearm or ammunition. Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of such seized firearms or ammunition.

2. If the person has a firearm or any ammunition that was not seized when he or she was taken into custody, a law enforcement officer may petition the appropriate court for a risk protection order against the person pursuant to s. 790.401. ~~A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.~~

Section 2. Section 790.064, Florida Statutes, is created to read:

790.064 Firearm possession and firearm ownership disability.—

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution as those terms are defined in s. 790.065(2) may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided

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in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 3. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibition on the purchase of a firearm by a person younger than 21 years of age or the sale or transfer by a licensed importer, licensed manufacturer, or licensed dealer to a person younger than 21 years of age does not apply to a member

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of the military or naval forces of this state or of the United States or to a law enforcement officer or a correctional officer, as those terms are defined in s. 943.10.

Section 4. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is~~, which shall be~~ 3 days, excluding weekends and legal holidays, or upon the completion of the records checks required under s. 790.065, whichever occurs later ~~between the purchase and the delivery at retail of any handgun~~. "Purchase" means the transfer of money or other valuable consideration to the retailer. ~~"Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer ~~every person~~ engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm ~~handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period does ~~shall~~ not apply in the following circumstances:

(a) When a firearm ~~handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm ~~handgun~~.

(c) To a person who completes a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm ~~handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm ~~handgun~~ by fraud, false pretense, or false representation.

Section 5. Section 790.34, Florida Statutes, is created to read:

790.34 Prohibited device for firearm.—

(1) DEFINITION.—As used in this section, the term "bump-fire stock" means a gun conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire of a semiautomatic firearm to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

(2) SALE OR TRANSFER.—A person may not import into this state or, within this state, transfer, distribute, transport, sell, keep for sale, offer or expose for sale, or give a bump-fire stock to another person. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 6. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk

of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.

(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person's access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 7. Section 790.401, Florida Statutes, may be cited as "The Risk Protection Order Act."

Section 8. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Petitioner" means a law enforcement officer or a law enforcement agency who petitions a court for a risk protection order under this section.

(b) "Respondent" means the individual who is identified as the respondent in a petition filed under this section.

(c) "Risk protection order" means a temporary ex parte

order or a final order granted under this section.

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the county where the petitioner's law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by potentially purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485, or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide

notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so, and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) A petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

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2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill

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or having recurring mental health issues.

4. A violation by the respondent of a protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person, or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

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(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action must either present the evidence or recommendations in writing to the court with copies to each party and their attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;

2. The date the order was issued;

3. The date the order ends;

4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

5. The address of the court in which any responsive pleading should be filed;

6. A description of the requirements for the surrender of firearms and ammunition under subsection (7); and

7. The following statement:

"To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you

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must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner's request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by

purchasing, possessing, or receiving a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;

2. The date the order was issued;

3. The address of the court in which any responsive pleading may be filed;

4. The date and time of the scheduled hearing;

5. A description of the requirements for surrender of firearms and ammunition under subsection (7); and

6. The following statement:

"To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition in your custody, control, or possession.

You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court ruling on an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order."

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner's request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be

found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent's physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. In the event a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the

clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or

ammunition that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner 30 calendar days before the date the order ends.

(c) The petitioner may, by motion, request an extension of a risk protection order at any time within 30 calendar days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally served in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order, the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, and shall conduct a search authorized by law for such firearms and ammunition. The law enforcement officer shall take possession of all firearms and ammunition belonging to the respondent which are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent shall surrender the firearms and ammunition in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was

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present.

(c) At the time of surrender, a law enforcement officer taking possession of a firearm, any ammunition, or a license to carry a concealed weapon or firearm shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition in his or her custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition and authorizing a search of the locations where the firearms or ammunition are reasonably believed to be found and the seizure of any firearms or ammunition discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section, and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, provided that:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have

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access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has surrendered any firearms or ammunition in his or her custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures by January 1, 2019, regarding the acceptance, storage, and return of firearms or ammunition required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition that has been surrendered or seized pursuant to this section must return such surrendered firearm or ammunition requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license

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only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition.

(d) Any firearm and ammunition surrendered by a respondent pursuant to subsection (7) which remains unclaimed by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the

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respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System, any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms or ammunition, and into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only remove orders from the systems that have ended or been vacated. Entry into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall

determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who files a petition under this section knowing the information in such petition is materially false, or files with the intent to harass the respondent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other

lawful authority.

(13) LIABILITY.—Except as provided in subsection (10), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures, standard petitions and risk protection order forms in these languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a

standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section, and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order, and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days of receipt of the master copy from the Office of the State Courts Administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 9. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—

(2) This section does not preclude the clerk of the court from submitting the information required by s. 790.065 to the Department of Law Enforcement.

Section 10. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—

(3) EXCEPTIONS.—The provisions of this section shall not

apply to:

(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

Section 11. This act shall take effect October 1, 2018.

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

~~7072~~ firearms
~~7026 school safety~~
~~7022 Public Records~~

2/27/18
Meeting Date

7022
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Rachel Rosas

Job Title Stoneman Douglas Parent

Address 9619 Water View Way
Street
Parkland FL 33076
City *State* *Zip*

Phone 954-260-7354

Email rrosas@bellsouth.net

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7022
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Martha G. Persten

Job Title Coral Springs Resident

Address 10746 NW 18th Court
Street

Phone 954/993-0232

Coral Springs FL 33071
City *State* *Zip*

Email Marthica130@aol.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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7022
Bill Number (if applicable)

Topic Gun Safety

Amendment Barcode (if applicable)

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Equality 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date

70-22
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Amber Hersh

Job Title

Address 10612 NW 69 PL
Street

Phone 4045196631

Parkland FL 33076
City State Zip

Email ASAHERSH@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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

10-22
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Fire Arms Safety

Name Ranee Schafer

Job Title Parkland Parent - Teacher

Address 10555 NW 66th Dr
Street

Parkland FL 33076
City *State* *Zip*

Phone (954) 464-1657

Email ranceschafer@gmail.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing City of Parkland

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

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

7022-ZZ
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Vanessa Mehew

Job Title Parkland mother

Address 9588 Kenley Crt.
Street

Parkland FL 33076
City *State* *Zip*

Phone 786-444-3302

Email Vmehew@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

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

Representing family of Parkland

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

7/27/18
Meeting Date

7122
Bill Number (if applicable)

Topic Public/Gun/School Safety

Amendment Barcode (if applicable)

Name Sarah Francis

Job Title

Address 8204 NW 110th LN
Street
Parkland FL 33076
City *State* *Zip*

Phone 954-5926034

Email sarahgfran@comcast.net

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7022
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Paige Black

Job Title Parkland Mom

Address 7721 E. Upper Ridge Drive
Street
Parkland, FL 33067
City *State* *Zip*

Phone 954-816-7244

Email pebblock@bellsouth.net

Speaking: ☑ For ☐ Against ☐ Information

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

Representing Parkland Families

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7022

Meeting Date *Bill Number (if applicable)*

Topic _____ *Amendment Barcode (if applicable)*

Name Randi Weisselberg

Job Title Parkland Mother

Address 10386 NW 62 Dr Phone 9548298571

Street

Parkland FL 33076 Email 04girls@gmail

City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

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

Representing Parkland

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

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

722
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Ingrid Costell

Job Title _____

Address 12385 NW 81st
Street

Phone 3057429859

Parkland FL 33076
City *State* *Zip*

Email _____

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

Waive Speaking: [X] 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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date	Bill Number (if applicable)
	7022

Amendment Barcode (if applicable)

Topic _____

Name Jennifer Moiso

Job Title _____

Address 7068 NW 70th mnr (Street) Phone _____

Parkland (City) FL (State) 33067 (Zip) Email _____

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

Waive Speaking: [X] 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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/27/18
Meeting Date

7022
Bill Number (if applicable)

Topic PARKLAND

Amendment Barcode (if applicable)

Name PATRICIA Bodish

Job Title P

Address 2057 MAPLEWOOD DR
Street
CORAL SPRINGS FL 33071
City *State* *Zip*

Phone 954 701 7772

Email pbodish@gmail

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

20-22
Bill Number (if applicable)

Topic #MSD STRONG

Amendment Barcode (if applicable)

Name Robyn Lowenberg

Job Title

Address 11913 NW 82nd ST
Street

Phone 215 906-4525

PARKLAND FL 33076
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

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

Representing PARKLAND PARENT

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7022

Meeting Date *Bill Number (if applicable)*

Topic _____ *Amendment Barcode (if applicable)*

Name Sanaz Shahbazi

Job Title _____

Address 10655 N.W 69 Pl. Phone 954-646 1630

Street

Parkland FL 33076 Email bshahbazi@aol.com

City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against

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

Representing City OF Parkland

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18
Meeting Date

702
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Fire Arms

Name Pam Miller.

Job Title Parkland Parent

Address 10526 nw 66 St.
Street

Parkland FL 33076.
City *State* *Zip*

Phone (954) 461-5330

Email pamadammiller@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Parkland

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)

2-27-18
Meeting Date

7022
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Scotland Calhoun

Job Title Legal assistant

Address 4321 Andover Cay Blvd
Street

Phone 4073016769

Orland FL 32825
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

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

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

~~7022~~ 2/27/18
Meeting Date

7022
Bill Number (if applicable)

On this Amendment
Amendment Barcode (if applicable)

Topic Guns

Name Greg Pound

Job Title

Address 9166 Sunrise Dr. Phone

Street

Largo Fla 33773 Email

City *State* *Zip*

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)

2/27/18
Meeting Date

SPB 7022
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Firearms

Name Ranee Schafer

Job Title Teacher - Parkland Parent

Address 10555 NW 65th Dr.
Street

Parkland FL 33076
City *State* *Zip*

Phone (954) 464-1657

Email raneeschafer@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing Community of Parkland

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	SB 7024
INTRODUCER:	Rules Committee
SUBJECT:	Public Records/Victim of an Incident of Mass Violence
DATE:	February 26, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
		Phelps		**RC Submitted as Committee Bill**
1.	McVaney	Hansen	AP	**Favorable**

I. Summary:

SB 7024 makes the address of a victim of an incident of mass violence exempt from public records disclosure and copying requirements of Art. I, s. 24(a) of the State Constitution and s. 119.07(1), Florida Statutes. The bill defines "an incident of mass violence" as an incident in which three or more people, other than the perpetrator, are severely injured or killed by an intentional act of violence. A victim is considered to be a person killed or injured during an incident of mass violence.

The bill includes the required statement of public necessity.

The bill provides for an Open Government Sunset Review and specifies that the bill stands repealed October 2, 2023, unless the Legislature reviews and saves the exemption from repeal before that time.

An agency applying the exemption created by this bill may incur minimal costs.

A two-thirds vote of each chamber is required for passage of the bill because the bill creates a new public records exemption.

The bill takes effect upon becoming a law.

II. Present Situation:

Public Records Law

The Florida Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.[1] This applies to the official business

[1] FLA. CONST., art. I, s. 24(a).

of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.[2]

In addition to the Florida Constitution, the Florida Statutes provide that the public may access legislative and executive branch records.[3] Chapter 119, F.S., constitutes the main body of public records laws, and is known as the Public Records Act.[4] The Public Records Act states that

> [it] is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person. Providing access to public records is a duty of each agency.[5]

According to the Public Records Act, a public record includes virtually any document or recording, regardless of its physical form or how it may be transmitted.[6] The Florida Supreme Court has interpreted public records as being "any material prepared in connection with official agency business which is intended to perpetuate, communicate, or formalize knowledge of some type."[7] A violation of the Public Records Act may result in civil or criminal liability.[8]

The Legislature may create an exemption to public records requirements by passing a general law by a two-thirds vote of the House of Representatives and the Senate.[9] The exemption must explicitly lay out the public necessity justifying the exemption, and must be no broader than necessary to accomplish the stated purpose of the exemption.[10] A statutory exemption which does not meet these two criteria may be unconstitutional and may not be judicially saved.[11]

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[2] FLA. CONST., art. I, s. 24(a).
[3] The Public Records Act does not apply to legislative or judicial records. *Locke v. Hawkes*, 595 So. 2d 32 (Fla. 1992). Also see *Times Pub. Co. v. Ake*, 660 So. 2d 255 (Fla. 1995). The Legislature's records are public pursuant to s. 11.0431, F.S. Public records exemptions for the Legislature are primarily located in s. 11.0431(2)-(3), F.S.
[4] Public records laws are found throughout the Florida Statutes.
[5] Section 119.01(1), F.S.
[6] Section 119.011(12), F.S., defines "public record" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency."
[7] *Shevin v. Byron, Harless, Schaffer, Reid, and Assoc. Inc*., 379 So. 2d 633, 640 (Fla. 1980).
[8] Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.
[9] FLA. CONST., art. I, s. 24(c).
[10] FLA. CONST., art. I, s. 24(c).
[11] *Halifax Hosp. Medical Center v. New-Journal Corp.,* 724 So. 2d 567 (Fla. 1999). In *Halifax Hospital*, the Florida Supreme Court found that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption. *Id*. at 570. The Florida Supreme Court also declined to narrow the exemption in order to save it. *Id.* In *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004), the court found that the intent of a statute was to create a public records exemption. The *Baker County Press* court found that since the law did not contain a public necessity statement, it was unconstitutional. *Id*. at 196.

When creating a public records exemption, the Legislature may provide that a record is 'confidential and exempt' or 'exempt.'[12] Records designated as 'confidential and exempt' may be released by the records custodian only under the circumstances defined by the Legislature. Records designated as 'exempt' may be released at the discretion of the records custodian under certain circumstances.[13]

Open Government Sunset Review Act

The Open Government Sunset Review Act (referred to hereafter as the "OGSR") prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.[14] The OGSR provides that an exemption automatically repeals on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption.[15] In practice, many exemptions are continued by repealing the sunset date rather than reenacting the exemption.

The OGSR provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.[16] An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivision to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;[17]
- Releasing sensitive personal information would be defamatory or would jeopardize an individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;[18] or
- It protects trade or business secrets.[19]

The OGSR also requires specified questions to be considered during the review process.[20] In examining an exemption, the OGSR asks the Legislature to carefully question the purpose and necessity of reenacting the exemption.

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[12] If the Legislature designates a record as confidential, such record may not be released to anyone other than the persons or entities specifically designated in the statutory exemption. *WFTV, Inc. v. The School Board of Seminole*, 874 So. 2d 48 (Fla. 5th DCA 2004).

[13] *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

[14] Section 119.15, F.S. Section 119.15(4)(b), F.S., provides that an exemption is considered to be substantially amended if it is expanded to include more information or to include meetings. The OGSR does not apply to an exemption that is required by federal law or that applies solely to the Legislature or the State Court System pursuant to s. 119.15(2), F.S.

[15] Section 119.15(3), F.S.

[16] Section 119.15(6)(b), F.S.

[17] Section 119.15(6)(b)1., F.S.

[18] Section 119.15(6)(b)2., F.S.

[19] Section 119.15(6)(b)3., F.S.

[20] Section 119.15(6)(a), F.S. The specified questions are:

1. What specific records or meetings are affected by the exemption?
2. Whom does the exemption uniquely affect, as opposed to the general public?
3. What is the identifiable public purpose or goal of the exemption?
4. Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
5. Is the record or meeting protected by another exemption?

If, in reenacting an exemption, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.[21] If the exemption is reenacted without substantive changes or if the exemption is narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to sunset, the previously exempt records will remain exempt unless provided for by law.[22]

Public Records and Information about a Victim

General exemptions from public records disclosure are provided in s. 119.071, F.S. Certain information that is received or held by an agency regarding an agency investigation including a criminal investigation is protected from disclosure under public records law. The following are examples of exemptions that apply to information about a victim:

- Any document that reveals the identity, home or employment telephone number, home or employment address, or personal assets of the victim of a crime and identifies that person as the victim of a crime received by an agency that regularly receives information from or concerning victims of a crime, is exempt from public records requirements;[23]
- Criminal intelligence or criminal investigative information that reveals the identity of a victim of child abuse, human trafficking of a child, or a sexual offense is confidential and exempt from public records requirements[24]; and
- Personal identifying information of an alleged victim in an allegation of sexual harassment is confidential and exempt from public records requirements.[25]

Although an exemption may apply to protect from disclosure addresses of victims in certain instances, current law does not specifically make exempt the address of a victim of an incident of mass violence.

III. Effect of Proposed Changes:

This bill creates a public records exemption in s. 119.071(2), F.S., relating to agency investigations, for the address of a victim of a certain crime. Specifically, the bill makes exempt from public disclosure the address of a victim of an incident of mass violence.

The bill defines an incident of mass violence as an incident in which three or more people, not including the perpetrator, are severely injured or killed by an intentional act of violence by a perpetrator. Further, the bill defines a victim as a person who is injured or killed by an incident of mass violence.

In its statement of public necessity, the bill provides as justification that without the exemption the victim may be harassed, taken advantage of, or otherwise subjected to additional pain and suffering. After an incident of mass violence, victims are in a vulnerable state as they assist law

6. Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

[21] FLA. CONST. art. I, s. 24(c).
[22] Section 119.15(7), F.S.
[23] Section 119.071(2)(j)1., F.S.
[24] Section 119.071(2)(h)1. a. and b., F.S.
[25] Section 119.071(n), F.S.

enforcement with the investigation and try to recover from the traumatic event. The public availability of the victim's address may be used to locate the victim or the victim's family. Therefore, without the exemption, victims and their families may encounter media intrusions at their homes and other unwelcome intrusions into their privacy.

The bill provides for an Open Government Sunset Review and specifies that the bill will stand repealed on October 2, 2023, unless the Legislature reviews the exemption and saves it from repeal before that date.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

B. Public Records/Open Meetings Issues:

Voting Requirement

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of each chamber for newly created or expanded public records exemptions to pass. This bill creates a new public records exemption. Therefore, a two-thirds vote is required for passage.

Public Necessity Statement

Article I, s. 24(c) of the Florida Constitution requires a public necessity statement for a newly created or expanded public-records exemption. The Florida Constitution provides that an exemption must state with specificity the public necessity of the exemption. The public necessity statement provides that without the exemption the victim may be harassed, taken advantage of, or otherwise subjected to additional pain and suffering. After an incident of mass violence, victims are in a vulnerable state as they assist law enforcement with the investigation and try to recover from the traumatic event. The public availability of the victim's address may be used to locate the victim or the victim's family. Therefore, without the exemption, victims and their families may encounter media intrusions at their homes and other unwelcome intrusions into their privacy.

Breadth of Exemption

Article I, s. 24(c) of the Florida Constitution requires a newly created public records exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates an exemption for the address of a victim of an incident of mass violence, and defines as an incident of mass violence an incident in which three or more people other than the perpetrator are killed or severely injured. Further, the bill limits as a victim a person who is injured or killed during the incidence of mass violence. The bill appears

to be no broader than necessary to accomplish the public necessity for the public records exemption.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

An agency may incur an indeterminate but de minimus cost in administering the exemption in this bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 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 the Committee on Rules

595-03732-18 20187024__

A bill to be entitled

An act relating to public records; amending s. 119.071, F.S.; creating an exemption from public records requirements for the address of a victim of an incident of mass violence; providing definitions; providing for future legislative review and repeal of the exemption; amending s. 119.011, F.S.; designating the address of a victim of an incident of mass violence as criminal intelligence information and criminal investigative information; providing a statement of public necessity; providing an effective date.

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

Section 1. Paragraph (o) is added to subsection (2) of section 119.071, Florida Statutes, to read:

119.071 General exemptions from inspection or copying of public records.—

(2) AGENCY INVESTIGATIONS.—

(o) The address of a victim of an incident of mass violence is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. For purposes of this paragraph, the term "incident of mass violence" means an incident in which three or more people, not including the perpetrator, are severely injured or killed by an intentional act of violence of another. For purposes of this paragraph, the term "victim" means a person killed or injured during an incident of mass violence, not including the perpetrator. This paragraph is subject to the Open

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

595-03732-18 20187024__

Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. Paragraph (c) of subsection (3) of section 119.011, Florida Statutes, is amended to read:

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

(3)

(c) "Criminal intelligence information" and "criminal investigative information" shall not include:

1. The time, date, location, and nature of a reported crime.

2. The name, sex, age, and address of a person arrested or of the victim of a crime except as provided in s. 119.071(2)(h) or (o).

3. The time, date, and location of the incident and of the arrest.

4. The crime charged.

5. Documents given or required by law or agency rule to be given to the person arrested, except as provided in s. 119.071(2)(h) or (m), and, except that the court in a criminal case may order that certain information required by law or agency rule to be given to the person arrested be maintained in a confidential manner and exempt from the provisions of s. 119.07(1) until released at trial if it is found that the release of such information would:

a. Be defamatory to the good name of a victim or witness or would jeopardize the safety of such victim or witness; and

b. Impair the ability of a state attorney to locate or prosecute a codefendant.

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

6. Informations and indictments except as provided in s. 905.26.

Section 3. The Legislature finds that it is a public necessity that the address of victims of an incident of mass violence be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. After an incident of mass violence has occurred, victims of such an incident are in a vulnerable state as they assist law enforcement with the investigation of the incident and try to recover from the events that occurred. In some instances, the victim may have been killed or injured leaving their families to deal with the aftermath of the crime. The public availability of such victim's address may be used to locate the victim or the victim's family. The availability of such information has allowed people to take advantage of the victims or their families by subjecting the victims or their families to media intrusions at their homes and other unwelcome intrusions into their privacy. Therefore, it is necessary that the address of victims of incidents of mass violence be protected to ensure that persons affected by such incidents are not harassed, taken advantage of, or otherwise subjected to additional pain and suffering.

Section 4. This act shall take effect upon becoming a law.

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

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2-27-18.
Meeting Date

702M
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Records

Name Pam Miller.

Job Title Parkland Parent

Address 10526 NW 66 St.
Street

Parkland FL 33076.
City *State* *Zip*

Phone (954) 461-5330

Email Pamandam miller@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

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

Representing City of Parkland.

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

5/27/18
Meeting Date

7024
Bill Number (if applicable)

Topic PARKLAND

Amendment Barcode (if applicable)

Name Patricia Kraska

Job Title

Address 2057 Maplewood Dr
Street

Phone 954-741-7779

Coral Springs FL 33071
City *State* *Zip*

Email pkraska@aol.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing PARKLAND

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

7/27/18
Meeting Date

724
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sarah Francis

Job Title Mom / Audiologist

Address 8204 NW 110th LN
Street
Parkland FL 33076
City *State* *Zip*

Phone 9545926034

Email sarahgfran@comcast.net

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7024

Meeting Date *Bill Number (if applicable)*

Topic _____ *Amendment Barcode (if applicable)*

Name Ingrid Costell

Job Title _____

Address 12385 NW 81 St Phone 305 742 9858

Street

Parkland FL 33076 Email _____

City *State* *Zip*

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

Meeting Date	Bill Number (if applicable)
	7024

Amendment Barcode (if applicable)

Topic _____

Name Jennifer Maiso

Job Title _____

Address 7068 NW 74th Mnr (Street) Phone _____

Parkland FL 33067 (City / State / Zip) Email _____

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)

Duplicate

Public Records

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7024
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Rachel Rosas

Job Title Stoneman Douglas Parent

Address 9619 Waterview Way
Street
Parkland FL 33076
City *State* *Zip*

Phone 954-260-7354

Email rrosas@bellsouth.net

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

Waive Speaking: [X] 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/27/18
Meeting Date

7024
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Martha G Persten

Job Title Coral Springs Resident

Address 10746 NW 18th Court
Street

Phone 9/993-0232

Coral Springs FL 33071
City *State* *Zip*

Email Marthia130@aol.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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

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

7/27/18
Meeting Date

70-24
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sanaz Shahbazi

Job Title _____

Address 10655 N.W 69 Pl.
Street

Phone 954-646-1630

Parkland FL 33076
City *State* *Zip*

Email bshahbazi@aol.com

Speaking: ☑ For ☐ Against ☐ Information

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

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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

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

S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/SB 7026
INTRODUCER:	Appropriations Committee and Rules Committee
SUBJECT:	Public Safety
DATE:	February 28, 2018 REVISED:

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
Androff, Bouck, Cellon	Phelps		**RC Submitted as Committee Bill**
McVaney	Hansen	AP	**Fav/CS**

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7026 provides law enforcement, the courts, and schools with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence. The bill also promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level. Specifically, the bill:

- Creates the Medical Reimbursement Program for Victims of Mass Shootings to reimburse trauma centers from the medical costs of treating victims for injuries associated with a mass shooting.
- Authorizes a law enforcement officer who is taking a person into custody for an involuntary examination under the Baker Act to seize and hold a firearm or ammunition the person possesses at the time of being taken into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.
- Allows an officer who is taking a person into custody at his or her residence to seek the voluntary surrender of firearms or ammunition kept in the residence not already seized.
- Prohibits a person who has been adjudicated mentally defective or who has been committed to a mental institution from owning or possessing a firearm until a court orders otherwise.
- Requires a three-day waiting period for all firearms, not just handguns or until the background check is complete, whichever is later.
- Prohibits a person under 21 years of age from purchasing a firearm.
- Prohibits a licensed firearm dealer, importer, or manufacturer, from making or facilitating the sale or transfer of a firearm to a person under the age of 21. This prohibition does not apply

to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer or to a member of the military.

- Prohibits a bump-fire stock from being imported, transferred, distributed, transported, sold, keeping for sale, offering or exposing for sale, or given away within the state.
- Creates a process for a law enforcement officer or law enforcement agency to petition a court for a risk protection order to temporarily prevent persons who are at high risk of harming themselves or others from accessing firearms when a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.
- Provides a court can issue a risk protection order for up to 12 months.
- Allows a court to issue temporary ex parte risk protection order in certain circumstances.
- Requires the surrender of all firearms and ammunition if a risk protection order or ex parte risk protection order is issued.
- Provides a process for a risk protection order to be vacated or extended.
- Establishes the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement (FDLE) to investigate system failures in the Parkland school shooting and prior mass violence incidents, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools (office) within the Florida Department of Education (DOE) and specifies the purpose of the office is to serve as the state education agency's primary coordinating division for promoting and supporting safe-learning environments.
- Creates the Florida Sheriff's Marshal Program within the DOE as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.
- Codifies the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET) as a function of the DOE in partnership with other state, regional, and local entities to facilitate collaboration and communication between the specified entities.
- Establishes the Public School Emergency Response Learning System Program to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools.
- Establishes the "FortifyFL" program and requires the FDLE to procure a mobile suspicious activity reporting tool that allows students and the community to report information anonymously about specified activities or the threat of such activities to appropriate public safety agencies and school officials.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility, and:
  - Requires each district school board to designate a district school safety specialist to serve as the district's primary point of public contact for public school safety functions.
  - Requires each school district to designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction.
- Creates the mental health assistance allocation to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs and to connect students and families with appropriate services.
- Clarifies the applicability of public records exemptions for security systems and plans.

Local law enforcement agencies may incur additional expense resulting from the law enforcement officer's participation in the newly-created risk protection order process and related administration of the firearms and ammunition seizure, storage and release. These costs are expected to be insignificant.

The school safety provisions contained in the bill may have a significant fiscal impact.

The bill appropriates $200 million in nonrecurring and $200 million in recurring funds from the General Revenue Fund to implement the bill provisions.

The bill takes effect upon becoming a law.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in Section III. Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

Mass Shootings in Recent History

On February 14, 2018, a mass shooting occurred at Marjory Stoneman Douglas High School in Parkland, Florida, which left 17 people dead.[1] It was the deadliest school shooting since the December 2012 Sandy Hook Elementary School shooting in Connecticut that resulted in the death of 28 people.

The Parkland shooter was 19 years of age and used an AR-15 semi-automatic rifle during the shooting spree, the same type of firearm used during the Sandy Hook shooting and the Pulse Nightclub shooting in Orlando that left 49 dead and 53 injured on June 12, 2016.[2]

Broward County Sheriff Scott Israel has said that the sheriff's office received about 20 calls for service over the past few years regarding the Parkland shooter and his younger brother.[3] Apparently, the Federal Bureau of Investigation (FBI) had received information in 2017 about a YouTube comment ("I'm going to be a professional school shooter.") that some had attributed to the Parkland shooter. However, the identity of the person who posted the comment could not be

[1] Time, *Sheriff's Office Had Received About 20 Calls Regarding Suspect: The Latest on the Florida School Shooting*, Lisa Marie Segarra, Katie Reilly, Eli Meixler, and Jennifer Calfas, Updated February 18, 2018, available at http://time.com/5158678/what-to-know-about-the-active-shooter-situation/ (last visited February 22, 2018).
[2] *Id*.; National Public Radio, *3 Hours in Orlando: Piecing Together an Attack and Its Aftermath*, Ariel Zambelich and Alyson Hurt, June 26, 2016, available at https://www.npr.org/2016/06/16/482322488/orlando-shooting-what-happened-update (last visited February 22, 2018).
[3] Time, *Sheriff's Office Had Received About 20 Calls Regarding Suspect: The Latest on the Florida School Shooting*, Lisa Marie Segarra, Katie Reilly, Eli Meixler, and Jennifer Calfas, Updated February 18, 2018, available at http://time.com/5158678/what-to-know-about-the-active-shooter-situation/ (last visited February 22, 2018).

ascertained by the FBI.[4] It has also been reported that the FBI failed to investigate a tip it received in January 2018 concerning the Parkland shooter.[5]

It has been reported that the Parkland shooter had been expelled from Marjory Stoneman Douglas High School for disciplinary reasons and that he may have had what could be described as a hard time fitting in at school.[6] It has also been reported that the Parkland shooter began legally buying firearms, including the one used during the Valentine's Day shooting, on or around his eighteenth birthday in September 2016, and that he had collected at least seven rifles during that time.[7]

Effect of Proposed Changes

The Legislature finds there is a need to comprehensively address the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

Trauma Centers

The regulation of trauma centers in Florida is established under part II of ch. 395, F.S. Trauma centers treat individuals who have incurred single or multiple injuries because of blunt or penetrating means or burns, and who require immediate medical intervention or treatment. Currently, there are 36 verified and provisional trauma centers in the state.[8] A hospital may operate as a provisional trauma center based on approval of the Department of Health pending verification of full compliance with trauma center standards for the applicable category of trauma center.[9]

Trauma centers in Florida are divided into three categories including Level I, Level II, and Pediatric trauma centers.

- A Level I trauma center has formal research and education programs for the enhancement of trauma care; serves as a resource facility to Level II trauma centers, pediatric trauma centers, and general hospitals; and meets the Level I trauma center standards for adult and pediatric patients.[10]

[4] *Id*.
[5] CBS News, FBI's deputy director admits there was "a mistake made" regarding tip on Florida shooter, Paula Reid, Rebecca Shabad, and Emily Tillett, February 22, 2018, available at https://www.cbsnews.com/news/fbis-deputy-director-admits-there-was-a-mistake-made-regarding-tip-on-florida-shooter/ (last visited February 23, 2018).
[6] *Id*.
[7] Miami Herald, *Before the school killings, the shooter bought an arsenal of rifles, authorities say*, Jay Weaver and Daniel Chang, February 20, 2018, available at http://www.miamiherald.com/news/local/article201236649.html (last visited February 22, 2018).
[8] Department of Health, *Senate Bill 1876 Analysis* (January 17, 2018) (on file with the Senate Committee on Criminal Justice).
[9] Section 395.4025(5) and (6), F.S.
[10] Section 395.4001(6), F.S.

- A Level II trauma center serves as a resource to general hospitals and meets the trauma center standards for a Level II trauma center for adult patients.[11]
- A Pediatric trauma center meets the pediatric trauma center standards.[12, 13]

Effect of Proposed Changes

The bill creates the Medical Reimbursement Program for Victims of Mass Shootings to reimburse trauma centers verified or designated pursuant to s. 395.4025, F.S., for the medical costs of treating victims for injuries associated with a mass shooting. The bill defines a "mass shooting" to mean an incident in which four or more people are killed or injured by firearms in one or more locations in close proximity.

The Medical Reimbursement Program for Victims of Mass Shootings requires the Department of Legal Affairs to reimburse such trauma centers based on a department-approved fee schedule for the documented medical costs of treating victims for injuries associated with a mass shooting. A trauma center that requests a reimbursement through the program must accept the reimbursement as payment in full and may not bill the victim of a mass shooting or his or her family.

Second Amendment

The Second Amendment to the United States Constitution states, "[a] well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."[14] Courts have consistently held that the Second Amendment is fully applicable to the states through the due process clause of the Fourteenth Amendment.[15]

State laws restricting gun possession and ownership have consistently been challenged on constitutional grounds. In *District of Columbia v. Heller*, a landmark case on interpreting the Second Amendment, a special police officer brought action to enjoin the District of Columbia from enforcing gun-control statutes.[16] In *Heller*, the Court found that while the Second Amendment confers an individual right to keep and bear arms, that right is not unlimited.[17] The Court held that the Second Amendment does not protect the right of citizens to carry arms for any sort of confrontation, but rather that it guarantees the individual right to possess and carry weapons in case of confrontation.[18] The Court struck down the District of Columbia's ban on handgun possession in the home and the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock because both provisions made it impossible for citizens to use arms for the core lawful purpose of self-defense, making such provisions unconstitutional.[19]

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[11] Section 395.4001(7), F.S.
[12] Section 395.4001(9), F.S.
[13] For Level I, Level II, and pediatric trauma center standards *see* http://www.floridahealth.gov/licensing-and-regulation/trauma-system/_documents/traumacntrstandpamphlet150-9-2009rev1-14-10.pdf (last visited on February 26, 2018).
[14] U.S. CONST. amend II.
[15] *McDonald v. Chicago*, 561 U.S. 742, 778 (2010).
[16] 554 U.S. 570 (2008).
[17] *Id.* at 595.
[18] *Id.* at 592 and 595.
[19] *Id.* at 570.

The Court in *Heller* determined that the Second Amendment protects only "the sorts of weapons" that are "in common use" and "typically possessed by law-abiding citizens for lawful purposes."[20] From *Heller*, courts have derived a two-prong approach to Second Amendment challenges. First, the court considers whether the challenged law imposes a burden on conduct falling within the scope of the Second Amendment's guarantee.[21] If it does not, the inquiry is complete.[22] If it does, the court must evaluate the law under some form of means-end scrutiny. If the law passes muster under that standard, it is constitutional. If it fails, it is invalid.[23] In Second Amendment challenges, courts have consistently invoked intermediate scrutiny, which provides that a challenged law must further an important government interest and must do so by means that are substantially related to that interest in order to be upheld.[24] If the law passes muster under this standard, then it survives intermediate scrutiny and is constitutional.[25]

Since *Heller*, overbroad prohibitions on gun possession have been struck down, but more narrowly tailored restrictions on possession and control of guns have been upheld. The court in *Kachalsky v. County of Westchester* applied intermediate scrutiny to a state law that restricted individuals' ability to carry firearms in public.[26] The *Kachalsky* court held that the state's ability to regulate firearms is qualitatively different in public from in the home.[27]

Subsequently, in *New York State Rifle and Pistol Association, Inc. v. Cuomo*, the court was faced with two appeals challenging gun-control legislation enacted by the New York and Connecticut legislatures.[28] The court held that laws prohibiting possession of certain semiautomatic assault rifles and large-capacity magazines did not violate the Second Amendment.[29] The court also found that while semiautomatic assault weapons and large-capacity magazines are commonly owned by many law-abiding Americans, such weapons are not nearly as popularly owned and used for self-defense as the handgun.[30] Thus, the court applied intermediate scrutiny and found that prohibitions on semiautomatic assault weapons and large-capacity magazines were substantially related to the achievement of a compelling governmental interest in public safety and crime prevention.[31]

Firearm Purchase Process

Firearms are available for purchase from primarily two groups of people: private citizens and federally-licensed gun dealers. A private citizen does not necessarily engage in a business selling firearms but is able to sell firearms at a gun show or elsewhere. A federal firearms licensee (FFL) is licensed by the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) to sell or

[20] *Heller*, 554 U.S. at 625, 627.
[21] *Hope v. State*, 163 Conn. App. 36, 42 (Conn. App. Ct. 2016).
[22] *Id.*
[23] *Id.*
[24] *State v. DeCiccio*, 315 Conn. 79, 144 (Conn. 2014).
[25] *Id.*
[26] 701 F.3d 81 (2d. Cir. 2012).
[27] *Id.* at 94.
[28] 804 F.3d 242, at 247 (2d. Cir. 2015).
[29] *Id.*
[30] *Id.* at 258.
[31] *Id.* at 261.

transfer a firearm. An individual must be licensed with the ATF to engage in the business of firearms.[32] A private citizen does not necessarily have to follow the processes required of FFLs.

Private Firearm Sale "Loophole"

The widely-used term "gun show loophole" refers to the difference between the way private sales or transfers of firearms occur as compared to the requirements that must be met by FFLs. A FFL must have FDLE conduct a background check for all firearm purchases and deliveries and wait 3 days between the purchase and delivery of all handgun sales; a person conducting a private transaction is not subject these requirements.

Background Checks

FFL's must facilitate a background check on a person making a firearm purchase from the dealer. The National Instant Criminal Background Check System (NICS) was established for dealers to contact by telephone, or other electronic means, for information to be supplied immediately on whether the transfer of a firearm would be in violation of 18 U.S.C. s. 922(g) or (n), or state law.[33]

In Florida, the Florida Department of Law Enforcement (FDLE) acts as the contact for a FFL initiating a background check.[34] The background check for firearm purchases queries five FDLE and FBI Criminal Justice Information Systems.[35] Of the 990,314 inquiries the FDLE received in 2017, over 96 percent received an initial decision approving the firearm transfer at the time the transaction was processed. [36]

All FFLs who sell firearms in Florida to persons must:

- Obtain a completed form which provides the purchaser's identification information and verify identification by inspecting a photo ID;
- Collect a fee from the purchaser for processing the criminal history check of the purchaser;
- Contact the FDLE by means of a toll-free telephone number to conduct a criminal history check; and
- Receive an approval number from the FDLE and record the number on the consent form.[37]

Firearm Purchase Disqualifiers

Under 18 U.S.C. s. 922(g), a person is disqualified from purchasing a firearm if the person:

- Is convicted of a crime punishable by imprisonment exceeding one year;
- Is a fugitive from justice;
- Is a unlawful user or addicted to any controlled substance as defined in 21 U.S.C s. 802;
- Has been adjudicated as a mental defective or has been committed to any mental institution;

[32] Bureau of Alcohol, Tobacco, Firearms, and Explosives, *Types of Federal Firearms Licenses,* available at https://www.atf.gov/resource-center/types-federal-firearms-licenses-ffls (last visited February 21, 2018).
[33] FBI, *About NICS*, available at https://www.fbi.gov/services/cjis/nics/about-nics (last visited February 21, 2018).
[34] Thirteen states have agencies that act as full "Points of Contact." *Id.*
[35] FDLE, *Criminal Justice Information Services PowerPoint,* October 2017, (on file with Senate Committee on Criminal Justice).
[36] Email from the FDLE staff to Senate Committee on Criminal Justice staff on February 21, 2018 (on file with Senate Committee on Criminal Justice).
[37] Section 790.065(1), F.S. Other FFLs are exempt from this provision.

- Is an illegal alien;
- Has been discharged from the Armed Forces under dishonorable conditions;
- Has renounced his or her U.S. citizenship;
- Is subject to a court order restraining the person from harassing, stalking or threatening an intimate partner or child of the intimate partner; or
- Has been convicted of a misdemeanor crime of domestic violence.

In Florida, s. 790.065(2)(a), F.S., disqualifies a person from purchasing a firearm if the person:
- Has been convicted of a felony and is prohibited from receipt or possession of a firearm pursuant to s. 790.23, F.S.[38]
- Has been convicted of a misdemeanor crime of domestic violence,[39] and therefore is prohibited from purchasing a firearm.
- Has had an withhold of adjudication or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other court set conditions have been fulfilled or an expunction has occurred.
- Has been adjudicated mentally defective, or has been committed to a mental institution by a court or by voluntary admission to a mental institution after having been involuntarily examined where additional criteria are met.[40]

The FDLE must also determine if a person has any of the following in his or her background check that disqualifies him or her from purchasing a firearm:
- Has been indicted or had an information filed against her or him for a felony offense.
- Has had an injunction for protection against domestic violence under s. 741.30, F.S., entered against him or her.
- Has had an injunction for protection against repeat violence under s. 784.046, F.S., entered against him or her.
- Has been arrested for a dangerous crime as specified in s. 907.041(4)(a), F.S.[41]
- Has been arrested for any of the offenses enumerated in s. 790.065, F.S.[42]

[38] Section 790.23(1), F.S., provides that anyone who has been convicted of a felony in Florida, another state or a crime against the U.S. that would be a felony, or has committed a delinquent act in Florida or another state that would be a felony if committed by an adult and the person is under 24 years old is prohibited from possessing a firearm.
[39] Section 741.28, F.S., defines domestic violence as any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
[40] Section 790.065(2)(a)4., F.S.
[41] Section 907.041(4)(a), F.S., specifies the following as a dangerous crime: arson; aggravated assault; aggravated battery; illegal use of explosives; child abuse or aggravated child abuse; abuse of an elderly person or disabled adult, or aggravated abuse of an elderly person or disabled adult; aircraft piracy; kidnapping; homicide; manslaughter; sexual battery; robbery; carjacking; lewd, lascivious, or indecent assault or act upon or in presence of a child under the age of 16 years; sexual activity with a child, who is 12 years of age or older but less than 18 years of age, by or at solicitation of person in familial or custodial authority; burglary of a dwelling; stalking and aggravated stalking; act of domestic violence as defined in s. 741.28, F.S., home invasion robbery; act of terrorism as defined in s. 775.30, F.S.; manufacturing any substances in violation of ch. 893, F.S.; attempting or conspiring to commit any such crime; and human trafficking.
[42] Section 790.065(2)(c), F.S., lists the following offenses: criminal anarchy under ss. 876.01 and 876.02, F.S.; Extortion under s. 836.05, F.S., explosives violations under s. 552.22(1) and (2), F.S.; controlled substances violations under ch. 893 F.S.; resisting an officer with violence under s. 843.01, F.S.; weapons and firearms violations under ch. 790, F.S.; treason under s. 876.32, F.S.; assisting self-murder under s. 782.08, F.S.; sabotage under s. 876.38, F.S.; stalking or aggravated stalking under s. 784.048, F.S.

The FDLE has 24 working hours to make such determinations as to whether the potential buyer is prohibited from receiving or possessing a firearm.[43] Section 790.065(2)(c)2., F.S., defines working hours to mean from the hours from 8 a.m. to 5 p.m. Monday through Friday excluding legal holidays.

The FDLE reports the following numbers and reasons for not approving a firearm sale during 2017:

- 4,170 for a felony conviction;
- 717 for being under indictment;
- 556 for being a fugitive from justice;
- 920 for being user or addicted to any controlled substance;
- 871 for having been adjudicated as a mental defective or having been committed to any mental institution;
- 449 for being an illegal alien;
- 11 for having been dishonorably discharged from the Armed Forces;
- 3 for renouncing his or her U.S. citizenship;
- 1,185 for being subject to a protection order;
- 1,174 for a misdemeanor crime of domestic violence; and
- 2,587 for a state disqualifier.[44]

Firearm Purchase Disability

A person who has been adjudicated mentally defective or has been committed to a mental institution cannot purchase a firearm in Florida until the firearm disability is removed by the court.[45]

The term "adjudicated mentally defective" means a determination by a court that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease, is a danger to himself or herself or to others or lacks the mental capacity to contract or manage his or her own affairs. The phrase includes a judicial finding of incapacity,[46] an acquittal by reason of insanity of a person charged with a criminal offense, and a judicial finding that a criminal defendant is not competent to stand trial.[47]

"Committed to a mental institution" means involuntary commitment, commitment for mental defectiveness or mental illness, and commitment for substance abuse. The phrase includes

[43] Section 790.065(2)(c)2., F.S.
[44] The numbers reflect non-approvals as of February 21, 2018. E-mail from the FDLE staff to the Senate Committee on Criminal Justice, February 21, 2018 (on file with Senate Committee on Criminal Justice).
[45] Section 790.065(2)(a)4., F.S.
[46] Section 744.331(6)(a), F.S., provides that a court should consider the person's unique needs and abilities and may only remove those rights that the court finds the person does not have the capacity to exercise.
[47] Section 790.065(2)(a)4.b., F.S.

involuntary inpatient placement,[48] involuntary outpatient placement,[49] involuntary[50] assessment and stabilization,[51] and involuntary substance abuse treatment,[52] but does not include a person in a mental institution for observation or discharged from a mental institution based upon the initial review by the physician or a voluntary admission to a mental institution.[53] The term also includes when a person has been involuntary examined under the Baker Act statute but then consents to voluntary inpatient or outpatient treatment if certain conditions are met.[54]

[48] Section 394.4655, F.S., provides a person may be ordered for involuntary impatient placement if he or she has a mental illness and because of his or her mental illness: has refused voluntary inpatient placement for treatment after sufficient and conscientious explanation and disclosure of the purpose of inpatient placement for treatment; or is unable to determine for himself or herself whether inpatient placement is necessary; and is incapable of surviving alone or with the help of willing and responsible family or friends, including available alternative services, and, without treatment, is likely to suffer from neglect or refuse to care for himself or herself, and such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; or there is substantial likelihood that in the near future he or she will inflict serious bodily harm on self or others, as evidenced by recent behavior causing, attempting, or threatening such harm; and all available less restrictive treatment alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate.

[49] Section 397.6818, F.S., provides a person may be ordered to involuntary outpatient services if the person is18 years of age or older; has a mental illness; is unlikely to survive safely in the community without supervision, based on a clinical determination; has a history of lack of compliance with treatment for mental illness; the person has: at least twice within the immediately preceding 36 months been involuntarily admitted to a receiving or treatment facility as defined in s. 394.455, F.S., or has received mental health services in a forensic or correctional facility; or engaged in one or more acts of serious violent behavior toward self or others, or attempts at serious bodily harm to himself or herself or others, within the preceding 36 months; as a result of his or her mental illness, unlikely to voluntarily participate in the recommended treatment plan and has refused voluntary services for treatment after sufficient and conscientious explanation and disclosure of why the services are necessary or is unable to determine for himself or herself whether services are necessary; in view of the person's treatment history and current behavior, is in need of involuntary outpatient services in order to prevent a relapse or deterioration that would be likely to result in serious bodily harm to himself or herself or others, or a substantial harm to his or her well-being as set forth in s. 394.463(1), F.S., it is likely that the person will benefit from involuntary outpatient services; and all available, less restrictive alternatives that would offer an opportunity for improvement of his or her condition have been judged to be inappropriate or unavailable.

[50] A person meets the criteria for involuntary admission if there is good faith reason to believe that the person is substance abuse impaired or has a co-occurring mental health disorder and, because of such impairment or disorder: has lost the power of self-control with respect to substance abuse; and is in need of substance abuse services and, by reason of substance abuse impairment, his or her judgment has been so impaired that he or she is incapable of appreciating his or her need for such services and of making a rational decision in that regard, although mere refusal to receive such services does not constitute evidence of lack of judgment with respect to his or her need for such services; or without care or treatment, is likely to suffer from neglect or refuse to care for himself or herself; that such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and that it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services, or there is substantial likelihood that the person has inflicted, or threatened to or attempted to inflict, or, unless admitted, is likely to inflict, physical harm on himself, herself, or another. Section 397.675, F.S.

[51] A person who meets the criteria for involuntary admission may be admitted for a period of 5 days to a hospital or licensed detoxification facility or addictions receiving facility, for involuntary assessment and stabilization. Sections 397.6811(1), and 397.6818, F.S.

[52] A person who meets the criteria for involuntary admission may be the subject of petition of a for involuntary treatment if the person has been placed under a protective custody within the previous 10 days; has been subject to an emergency admission within the previous 10 days; has been assessed by a qualified professional within 5 days; has been subject to involuntary assessment and stabilization within the previous 12 days; or has been subject to alternative involuntary admission within the previous 12 days. Sections 397.693 and 397.6957, F.S.

[53] Section 790.065(2)(a)4., F.S

[54] Section 790.065(2)(a)4.b.(II), F.S.

A person with a firearm disability may petition the court that adjudicated or committed him or her to have the firearm disability removed. The petition must be served on the state attorney of the county in which the person was adjudicated or committed. The petitioner can choose whether the hearing is open or closed. The petitioner and the state attorney present evidence. The court must make written findings. For the firearm disability to be removed, the court must find that the petitioner will not be likely to act in a manner that is dangerous to public safety and that removing the firearm disability would not be contrary to the public interest. If the court denies the petition, the person must wait one year from the date of the final order denying the removal of the firearm disability to petition the court again for such relief.[55]

Effect of Proposed Changes

The bill provides that a person who has been adjudicated mentally defective or who has been committed to a mental institution as those terms are defined in s. 790.065(2)(a)4., F.S., may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

The bill provides a process for the person who has the firearm disability related to possession and ownership of a firearm to petition a court to have the disability removed. This mirrors the process provided in s. 790.065(2), F.S., as it relates to the firearm purchase disability.

Three-Day Waiting Period

Article I, section 8(b) of the Florida Constitution requires a three-day waiting period between the purchase and delivery at retail of handguns. Specifically, the Florida Constitution provides:

> There shall be a mandatory period of three days, excluding weekends and legal holidays, between the purchase and delivery at retail of any handgun. For the purposes of this section, 'purchase' means the transfer of money or other valuable consideration to the retailer, and 'handgun' means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Holders of a concealed weapon permit as prescribed in Florida law shall not be subject to the provisions of this paragraph.[56]

Section 790.0655, F.S., implements article I, section 8(b), of the Florida Constitution.[57] The three-day waiting period only applies to handgun sales transacted by retailers, not private sales. A retailer includes every person engaged in the business of making sales at retail or for distribution, use, or consumption, or storage to be used or consumed in this state.[58]

The Florida Constitution and s. 790.0655, F.S., exempt the following circumstances from the three-day handgun waiting period:

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[55] Section 790.065(2)(a)4.d., F.S.
[56] FLA. CONST. art. I, s. 8(b).
[57] There is a mandatory 3-day waiting period, which is 3 days, excluding weekends and legal holidays, between the purchase and the delivery at retail of any handgun. “Purchase” means the transfer of money or other valuable consideration to the retailer. “Handgun” means a firearm capable of being carried and used by one hand, such as a pistol or revolver. Section 790.0655, F.S.
[58] Section 790.0655, F.S.

- A holder of a concealed weapons permit as defined in s. 790.06; F.S., and
- To a trade-in of another handgun.

It is a third degree felony for any retailer, or any employee or agent of a retailer, to deliver a handgun before the expiration of the three-day waiting period.[59]

Effect of Proposed Changes

The three-day waiting period between the purchase of and the delivery of a handgun as provided in s. 790.0655, F.S., is amended by the bill to create a three-day waiting period for all firearms, not just handguns.

Additionally, the bill extends the waiting period beyond three days if more time is necessary to complete the firearm purchase background check.

The bill adds a new exception to the waiting period requirement for a person who completes minimum of a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state, if that person is not purchasing a handgun.

Age Restrictions on Purchase and Use of Firearms

Federal law prohibits FFLs from selling a handgun to a person less than 21 years of age.[60]

Florida law prohibits the sale or transfer of a firearm to a minor by *any* person although ownership of the firearm may be transferred to the minor with a parent or guardian's permission. A person who violates this prohibition commits a third degree felony.[61]

In Florida, it is unlawful for any firearm dealer to sell or transfer to a minor any firearm, pistol, Springfield rifle or other repeating rifle, bowie knife or dirk knife, brass knuckles, or electric weapon or device. A firearm dealer who violates this provision commits a second degree felony.[62]

A minor under 18 years of age may not possess a firearm in Florida, other than an unloaded firearm at his or her home. There are exceptions to the general rule for these circumstances:

- The minor is engaged in a lawful hunting activity and is:
  - At least 16 years of age; or
  - Under 16 years of age and supervised by an adult.

[59] Subject to the exceptions noted above and provided in s. 790.0655(2), F.S. A third degree felony is punishable by up to five years imprisonment and up to a $5,000 fine. Sections 775.082, 775.083, and 775.084, F.S

[60] 18 U.S.C. s. 922(8)(b)1, specifically provides that it shall be unlawful for any licensed importer, licensed manufacturer, licensed dealer, or licensed collector to sell or deliver any firearm or ammunition to any individual who the licensee knows or has reasonable cause to believe is less than eighteen years of age, and, if the firearm, or ammunition is other than a shotgun or rifle, or ammunition for a shotgun or rifle, to any individual who the licensee knows or has reasonable cause to believe is less than twenty-one years of age.

[61] Section 790.17, F.S.

[62] Section 790.18, F.S. A second degree felony is punishable by up to 15 years imprisonment and up to a $10,000 fine. Sections 775.082 and 775.083, F.S.

- The minor is engaged in a lawful marksmanship competition or practice or other lawful recreational shooting activity and is:
  - At least 16 years of age or
  - Under 16 years of age and supervised by an adult who is acting with the consent of the minor's parent or guardian.
- The firearm is unloaded and is being transported by the minor directly to or from an event authorized above.[63]

Effect of the Proposed Changes

The bill amends s. 790.065, F.S., to raise the age from 18 to 21 years of age for all firearm purchases. The bill also prohibits the sale or transfer of a firearm to a person under the age of 21 from being made or facilitated by a licensed firearm dealers, importer, or manufacturer. A person who violates this prohibition commits a third degree felony.

The prohibition on the purchase of a firearm by a person younger than 21 years of age or the sale or transfer by a licensed importer, licensed manufacturer, or licensed dealer to a person younger than 21 years of age does not apply to a member of the military or naval forces of this state or of the United States or to a law enforcement or correctional officer as defined in s. 943.10, F.S.

Bump-Fire Stocks

A bump stock (or bump-fire stock) is a piece of plastic or metal molded that attaches to the lower end of a rifle. The device allows a semi-automatic rifle to mimic a fully automatic rifle firing rate. This can allow a person to fire dozens of rounds in seconds by harnessing the gun's natural recoil without much concern for accuracy, as the recoil from simulated automatic fire would make it difficult to hit specific targets at a long range. A rifle with this type of mechanism works best with a high-capacity magazine that can hold between 60 and 100 rounds and a hand grip that allows a shooter to push the rifle away from the body to bounce, or bump, the weapon into the trigger finger.[64] Experts have stated that semi-automatic rifles with bump stocks could fire hundreds of rounds per minute.[65]

The shooter at the October 2017 Las Vegas music festival had 12 rifles with bump stocks, which allowed him to kill 59 people and injure more than 500 others.[66]

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[63] Section 790.22(3), F.S.

[64] The Washington Post, *Trump recommended outlawing bump stocks. Here's what they are.* Julie Vitkovskaya and Alex Horton, February 20, 2018, available at https://www.washingtonpost.com/news/checkpoint/wp/2017/10/05/what-are-bump-stocks/?utm_term=.c0d30fa732a8 (last visited February 22, 2018) and Fox News, *What are bump stocks? How they work and why Trump wants them banned*, Jennifer Earl, February 21, 2018, available at http://www.foxnews.com/us/2018/02/20/what-are-bump-stocks-how-work-and-why-trump-wants-them-banned.html (last visited February 23, 2018).

[65] Fox News, *What are bump stocks? How they work and why Trump wants them banned*, Jennifer Earl, February 21, 2018, available at http://www.foxnews.com/us/2018/02/20/what-are-bump-stocks-how-work-and-why-trump-wants-them-banned.html (last visited February 23, 2018).

[66] *Id.*; *See also* The Washington Post, *At least 59 killed in Las Vegas shooting rampage, more than 500 others injured*, Matt Zapotosky, Devlin Barrett and Mark Berman, October 3, 2017, available at https://www.msn.com/en-us/news/breakingnews/at-least-59-killed-in-las-vegas-shooting-rampage-more-than-500-others-injured/ar-AAsM6kd (last visited February 22, 2018).

While machine guns are regulated under the National Firearms Act, the ATF concluded that bump stocks did not convert a semi-automatic firearm into one that is fully automatic, which would make it equivalent to machine guns. Currently, bump stocks are legal and not regulated by the ATF.[67]

Other States, Congress, Presidential Memorandum

Following the Las Vegas shooting and the recent shooting at Marjory Stoneman Douglas High School in Parkland, Florida, much public attention has been focused on bump stock-type devices.

Congress has not passed any legislation to restrict bump stocks, but there is a bill filed that would require persons who possess bump-fire stocks to register them with the Secretary of the Treasury.[68]

At least four states have banned the possession and sale of bump-fire stocks, although the definitions and descriptions of the devices vary.[69] At least 15 states are considering legislation that would ban bump stocks.[70]

Additionally, President Trump issued a Memorandum on February 20, 2018, directing the Department of Justice to propose a rule banning "all devices that turn legal weapons into machine guns."[71]

Effect of Proposed Changes

The bill defines "bump-fire stock" as a gun conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or increase the rate of fire of a semiautomatic firearm to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

The bill prohibits the importation, transfer, distribution, transport, sale, keeping for sale, offering or exposing for sale, or giving away of a bump-fire stock. A violation of the prohibition is a felony of the third degree.

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[67] Federal Register: The Daily Journal of the United States Government, *Application of the Definition of Machinegun to "Bump Fire" Stocks and Other Similar Devices*, available at https://www.federalregister.gov/documents/2017/12/26/2017-27898/application-of-the-definition-of-machinegun-to-bump-fire-stocks-and-other-similar-devices (last visited February 22, 2018). *Id.*

[68] House Bill 4168, filed October 31, 2017. H.R.4168 – Closing the Bump-Stock Loophole Act, available at https://www.congress.gov/bill/115th-congress/house-bill/4168 (last visited February 23, 2018).

[69] These states are: California (Sections 32900, 32990, and 16930, California Penal Code.); Michigan (Section 750.224e., Michigan Penal Code); Minnesota (Section 690.67, Minnesota Statutes); and New Jersey Senate Bill 3477 (SCS), signed by the Governor January 16, 2018, P.L. 2017, c. 323.

[70] The Washington Post, *Facing congressional inaction, states move to ban bump stocks*, January 18, 2018, available at https://www.washingtonpost.com/national/2018/01/18/facing-congressional-inaction-states-move-to-ban-bump-stocks/?utm_term=.bbcb450f232f (last visited February 22, 2018).

[71] Presidential Memorandum on the Application of the Definition of Machinegun to "Bump Fire" Stocks and Other Similar Devices, Issued February 20, 2018, available at https://www.whitehouse.gov/presidential-actions/presidential-memorandum-application-definition-machinegun-bump-fire-stocks-similar-devices/ (last visited February 22, 2018).

Baker Act

In 1971, the Legislature adopted the Florida Mental Health Act, otherwise known as the Baker Act.[72] The Baker Act authorizes treatment programs for mental, emotional, and behavioral disorders. The Baker Act requires programs to include comprehensive health, social, educational, and rehabilitative services to persons requiring intensive short-term and continued treatment to facilitate recovery. Additionally, the Baker Act provides protections and rights to individuals examined or treated for mental illness. Legal procedures are addressed for mental health examination and treatment, including voluntary admission, involuntary admission, involuntary inpatient treatment, and involuntary outpatient treatment.

Receiving Facility

Individuals in acute mental or behavioral health crisis may require emergency treatment to stabilize their condition. Emergency mental health examination and stabilization services may be provided on a voluntary or involuntary basis.[73] Involuntary patients must be taken to a receiving facility, which is a public or private facility or hospital designated by the Department of Children and Families (DCF) to receive and hold or refer, as appropriate, involuntary patients under emergency conditions for mental health evaluation and to provide treatment or transportation to the appropriate service provider. A county jail is not a receiving facility.[74]

Criteria for Taking a Person to a Receiving Facility for Involuntary Examination

An involuntary examination includes an examination performed under s. 394.463, F.S.[75] The purpose of the examination is to determine whether a person qualifies for involuntary services.[76] Involuntary services include court-ordered outpatient services or inpatient placement for mental health treatment.[77] Section 394.463, F.S., provides that a person may be taken to a receiving facility for involuntary examination if there is reason to believe that the person has a mental illness[78] and because of his or her mental illness:

- The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; **or**
- The person is unable to determine for himself or herself whether examination is necessary; **and**
- Either of the following applies:
  - Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial

[72] Section 394.451, F.S. The act was created by ch. 71-131, L.O.F., and is codified in Part I of ch. 394, F.S. (ss. 394.451-394.47892, F.S.).
[73] Sections 394.4625 and 394.463, F.S.
[74] Section 394.455(39), F.S.
[75] Section 394.455(22), F.S.
[76] *Id*.
[77] Section 394.455(23), F.S.
[78] "Mental illness" means an impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living. For purposes of Part I of ch. 394, F.S., the term does not include a developmental disability as defined in ch. 393, F.S., intoxication, or conditions manifested only by antisocial behavior or substance abuse. Section 394.455(28), F.S.

harm to his or her well-being, and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services.
- There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself, herself, or others in the near future, as evidenced by recent behavior.[79]

Initiation of Involuntary Examination

There are three means of initiating an involuntary examination. First, a court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination and specifying the findings on which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer or other designated agent of the court takes the person into custody and delivers him or her to an appropriate, or the nearest, facility within the designated receiving system for examination.[80]

Second, a law enforcement officer must take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, facility for examination. The officer executes a written report detailing the circumstances under which the person was taken into custody, which is made a part of the patient's clinical record.[81]

Third, a physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means, such as voluntary appearance for outpatient evaluation, are not available, a law enforcement officer takes the person named in the certificate into custody and delivers him or her to the appropriate, or nearest, facility for examination. The law enforcement officer executes a written report detailing the circumstances under which the person was taken into custody. The certificate and the law enforcement officer's report are made a part of the patient's clinical record.[82]

Transportation to a Receiving Facility

The Baker Act requires each county to designate a single law enforcement agency within the county to transfer the person in need of services to a receiving facility for involuntary examination.[83] If the person is in custody based on noncriminal or minor criminal behavior that meets the statutory guidelines for involuntary examination under s. 394.463, F.S., the law enforcement officer must transport the person to the appropriate facility within the designated receiving system pursuant to a transportation plan or an exception granted by the DCF Secretary or to the nearest receiving facility if neither apply[84]

[79] Section 394.463(1), F.S.
[80] Section 394.463(2)(a)1., F.S.
[81] Section 394.463(2)(a)2., F.S.
[82] Section 394.463(2)(a)3., F.S.
[83] Section 394.462(1)(a), F.S.
[84] Section 394.462(1)(g), F.S.

If the person is arrested for a felony and it appears the person meets the statutory guidelines for involuntary examination or placement under Part I of ch. 394, F.S., the person must first be processed in the same manner as any other criminal suspect. Thereafter, the law enforcement officer must immediately notify the appropriate facility within the designated receiving system pursuant to a transportation plan or an exception granted by the DCF Secretary or to the nearest receiving facility if neither apply. The receiving facility is responsible for promptly arranging for the examination and treatment of the person, but is not required to admit a person charged with a crime for whom the facility determines and documents that it is unable to provide adequate security.[85]

If the law enforcement officer believes the person has an emergency medical condition, the person may be transported first to a hospital for emergency medical treatment, regardless of whether the hospital is a designated receiving facility.[86]

A designated law enforcement agency may decline to transport a person to a receiving facility only if:

- The jurisdiction designated by the county has contracted on an annual basis with an emergency medical transport service or private transport company for transportation of persons to receiving facilities pursuant to this section at the sole cost of the county; and
- The law enforcement agency and the emergency medical transport service or private transport company agree that the continued presence of law enforcement personnel is not necessary for the safety of the person or others.[87]

The appropriate facility within the designated receiving system pursuant to a transportation plan or an exception granted by the DCF Secretary, or the nearest receiving facility if neither apply, must accept a person brought by a law enforcement officer, or an emergency medical transport service or private transport company authorized by the county, for involuntary examination pursuant to s. 394.463, F.S.[88]

Time Limitations for Conducting an Involuntary Examination

Specified time periods apply to holding a person in a receiving facility for involuntary examination. Generally, the examination period must be for up to72 hours.[89] However, for a minor, the examination must be initiated within 12 hours after the minor arrives at the facility.[90] Within the examination period or, if the examination period ends on a weekend or holiday, no later than the next working day thereafter, one of the following actions must be taken, based on the individual needs of the patient:

- The patient must be released, unless he or she is charged with a crime, in which case law enforcement will resume custody;
- The patient must be released into voluntary outpatient treatment;

[85] Section 394.462(1)(h), F.S. If the facility is unable to provide adequate security, examination or treatment of the person is provided where he or she is held. *Id.*
[86] Section 394.462(1)(i), F.S.
[87] Section 394.462(1)(b)1., F.S.
[88] Section 394.462(1)(k), F.S.
[89] Section 394.463(2)(g), F.S.
[90] *Id.*

- The patient must be asked to give consent to be placed as a voluntary patient if placement is recommended; or
- A petition for involuntary placement must be filed in circuit court for outpatient or inpatient treatment.[91]

Effect of Proposed Changes

The bill amends s. 394.463, F.S., to authorize a law enforcement officer who is taking a person into custody for an involuntary examination under a court's ex parte order under the Baker Act to seize and hold a firearm or ammunition the person possesses if the person:

- Poses a potential danger to himself or herself or others; and
- Has made a credible threat of violence against another person.

If the law enforcement officer takes custody of the person at his or her residence and he or she meets the above stated criteria, the officer may seek a voluntary surrender of firearms or ammunition kept in the residence not already seized. If such firearms or ammunition are not voluntarily surrendered, or of the person has other firearms or ammunition that were not voluntarily surrendered the law enforcement officer may petition a court for a risk protection order pursuant to a newly-created procedure in the bill.

Any seized or voluntarily surrendered firearm or ammunition must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from an inpatient treatment provided or ordered under s. 394.463(1)(g), F.S. However, the firearms or ammunition will not be released if a risk protection order has been entered directing the law enforcement agency to hold the firearms or ammunition for a longer period. The agency must develop policies and procedures relative to the seizure, storage, and return of the firearms or ammunition provided for in the bill.

Gun Violence Protective Orders

Gun violence protective order laws, also known as gun violence restraining orders and extreme risk protection orders, operate as a temporary restraint on a person's possession of his or her guns. Specifically, gun violence protective order laws enable law enforcement, and in some states, family and household members, to petition a court to remove a person's access to guns if

[91] *Id.* A person for whom an involuntary examination has been initiated who is being evaluated or treated at a hospital for an emergency medical condition must be examined by a facility within the examination period specified in s. 394.463(2)(g), F.S. The examination period begins when the patient arrives at the hospital and ceases when the attending physician documents that the patient has an emergency medical condition. If the patient is examined at a hospital providing emergency medical services by a professional qualified to perform an involuntary examination and is found as a result of that examination not to meet the criteria for involuntary outpatient services or involuntary inpatient placement, the patient may be offered voluntary services or placement, if appropriate, or released directly from the hospital providing emergency medical services. Section 394.463(2)(h), F.S. One of the following must occur within 12 hours after the patient's attending physician documents that the patient's medical condition has stabilized or that an emergency medical condition does not exist: the patient must be examined by a facility and released; or the patient must be transferred to a designated facility in which appropriate medical treatment is available. However, the facility must be notified of the transfer within two hours after the patient's condition has been stabilized or after determination that an emergency medical condition does not exist. Section 394.463(2)(i), F.S.

he or she poses an imminent danger to self or others.[92] With a court-ordered gun violence protective order, a person's access to firearms is blocked temporarily until they can demonstrate that there is no longer a risk.[93]
Under federal law, as discussed above, a person who has committed a violent act towards others is not prohibited from possessing guns unless he or she is the subject of a domestic violence restraining order, has been convicted of a felony, or has been convicted of a domestic violence misdemeanor.[94] Additionally, federal law provides that a person suffering from mental illness is not prohibited from purchasing and possessing a gun unless he or she has been formally, and involuntarily, committed to a mental institution, or undergone some other formalized court proceeding regarding his or her mental illness.[95]

Individual states have begun to implement laws that restrict a person's access to possession and control of firearms. Connecticut became the first state to pass a law providing for a gun violence protective order in 1999.[96] The state's risk-warrant law grants law enforcement or a state attorney the authority to remove temporarily firearms from individuals when there is probable cause to believe they pose a significant risk of harm to themselves or to others.[97] Indiana, California, Oregon, and Washington have also implemented a gun violence protective order-type law.[98] Gun violence protective orders or "red flag" laws are currently pending in 18 states.[99]

A nationwide study of mass shootings from 2009 to 2016 indicated that in at least 42 percent of those incidents, the attacker exhibited dangerous warning signs prior to the shooting.[100] A recent analysis of Connecticut's risk-warrant law demonstrates that risk-based firearm removal laws provide effective tools to save lives. Specifically, research estimates that for every 10-20 risk-warrants issued, one life is saved.[101] Research also indicates that 29 percent of gun owners who had a risk-warrant ordered against them went on to receive mental health and substance abuse services in the state system.[102] Additionally, a study of Connecticut's risk-warrant laws found

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[92] Giffords Law Center to Prevent Gun Violence, *Gun Violence Protective Orders*, available at http://lawcenter.giffords.org/gun-laws/policy-areas/who-can-have-a-gun/gun-violence-protective-orders/ (last visited February 22, 2018).
[93] ABC News, *How a Temporary Restraining Order for Guns Could Help Stop Mass Shootings*, Andy Fies, February 16, 2018, available at http://abcnews.go.com/US/temporary-restraining-order-guns-stop-mass-shootings/story?id=51042163 (last visited February 21, 2018).
[94] 18 U.S.C. s. 922(d)(9).
[95] 18 U.S.C. s. 922(d)(4).
[96] Section 29-38C, Conn. Gen. Stat.
[97] The Educational Fund to Stop Gun Violence, *Data Behind Extreme Risk Protective Order Policies*, September 2017, available at http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf (last visited February 21, 2018).
[98] Section 35-47-14, Ind. Code Ann.; Section 18100 Cal. Penal Code; SB 719, 2017 Regular Session (Oregon 2017); Section 7.94.010, Wash. Rev. Code Ann.
[99] Everytown for Gun Safety, *Red Flag Laws: Helping Prevent Mass Shootings*, February 15, 2018, available at https://everytownresearch.org/red-flag-laws-helping-prevent-mass-shooting/ (last visited February 21, 2018).
[100] Everytown for Gun Safety, *Analysis of Recent Mass Shootings*, available at https://everytownresearch.org/wp-content/uploads/2017/04/Analysis_of_Mass_Shooting_062117.pdf (last visited February 21, 2018).
[101] The Educational Fund to Stop Gun Violence, *Data Behind Extreme Risk Protective Order Policies*, available at http://efsgv.org/wp-content/uploads/2017/09/CT-Risk-Warrant-Data-One-pager-ERPO-9-15-17-FINAL.pdf (last visited February 21, 2018).
[102] *Id.*

that, 99 percent of warrants issued from 1999 to 2013, which led to the confiscation of at least one gun, resulted in the gun owner receiving psychiatric treatment.[103]

States with a gun violence protective order-type law have a process outlined in statute for obtaining a court order. Typically, before a gun violence protective order may be issued, the person is entitled to a full legal proceeding. However, an emergency order may be issued when a person poses an immediate danger. Standard protocol for obtaining a gun violence protective order or similar type of restraining order requires a family or household member or a law enforcement officer or agency to submit a petition that alleges that the gun owner poses a significant danger to themselves or to others by virtue of his or her custody or control of a firearm.[104]

Notice must be issued to the gun owner, or respondent, to make them aware of the impending court hearing, with certain exceptions provided if such notice would put others at risk of imminent danger or harm. At the hearing, the petitioner must establish that the respondent poses a significant danger of causing personal injury to themselves or to others. In the event that the petitioner meets the burden of proof, the court must issue a protection order. Though gun violence protective order-type laws vary between each state, they are uniform in the duration of such issued order – one year.[105]

Upon entering an order to restrain temporarily a gun owner from his or her firearms, the respondent must surrender his or her firearms. Additionally, the order must detail that the respondent has a right to request one hearing to terminate the order every 12-month period that such order is in effect.[106]

The question of constitutionality of such protective orders has been raised with respect to the Second Amendment to the United States Constitution. In *Heller*, the United States Supreme Court recognized that the Second Amendment protects "the right of law-abiding, responsible citizens to use arms in defense of hearth and home."[107] However, in the same case, the Supreme Court also recognized that the Second Amendment does not confer the "right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose," and that legislatures may use a variety of regulatory measures to prevent violence associated with firearms.[108]

The Supreme Court stated that lawful regulatory measures implemented by the legislatures include "longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms."[109] In

[103] The New York Times, *In Wake of Florida Massacre, Gun Control Advocates Look to Connecticut*, Lisa W. Foderaro and Kristin Hussey, February 17, 2018, available at https://www.nytimes.com/2018/02/17/nyregion/florida-shooting-parkland-gun-control-connecticut.html (last visited February 21, 2018).
[104] *See* Section 35-47-14, Ind. Code Ann.; Section 18100 Cal. Penal Code; SB 719, 2017 Regular Session (Oregon 2017); Section 7.94.010, Wash. Rev. Code Ann.
[105] *Id.*
[106] *Id.*
[107] 554 U.S. 570, 635 (2008).
[108] *Id.* at 626, 636 (2008).
[109] *Id.* at 626-27.

Hope v. State, the court held that the Connecticut risk-warrant law did not implicate the Second Amendment because it does not restrict the right of law-abiding, responsible citizens to use arms in defense of their homes.[110] The court in *Hope* echoed the Supreme Court's sentiments in *Heller*, reasoning that Connecticut's risk-warrant statute was an example of the longstanding "presumptively lawful regulatory measures" that can be adopted by legislatures.[111]

Additionally, similar measures have been upheld in California. In *City of San Diego v. Boggess*, the court held that the protections of the Second Amendment do not extend to persons whose firearms are seized because they were found to be a danger to themselves by reason of their mental health.[112] Furthermore, the court reasoned that the government is not prohibited from regulating the possession of guns by persons proven to be dangerous due to mental illness and further held that such regulations do not appear to be in direct conflict with the Second Amendment.[113] The court held that California case law has affirmed that the state may ensure that firearms are not in the hands of someone who may use them dangerously.[114]

Effect of Proposed Changes

The bill creates a process for a law enforcement officer to petition a court for a temporary ex parte risk protection order and a final risk protection order in s. 790.401, F.S. The intent of the process and court intervention is to temporarily prevent persons from accessing firearms when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior. The process strikes a balance between the rights of the person (respondent) including due process of law, and reducing death or injury as a result of his or her use of firearms during a mental health crisis.

The court must find by clear and convincing evidence based on the following considerations that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm to issue a risk protection order:

- A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm;
- An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others;
- Evidence of the respondent being seriously mentally ill or having recurring mental health issues;
- A violation by the respondent of a protection order or a no contact order issued under ss. 741.30, 784.046, or 784.0485, F.S.;
- A previous or existing risk protection order issued against the respondent;
- A violation of a previous or existing risk protection order issued against the respondent;

[110] 163 Conn.App. 36, 43 (Conn. App. Ct. 2016).
[111] *Id.*
[112] 216 Cal.App.4th 1494, at 1505-06 (Cal. Ct. App. 2013).
[113] *Id.* at 1506.
[114] *Id.*

- Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28, F.S.;
- The respondent's ownership of, access to, or intent to possess firearms;
- The unlawful or reckless use, display, or brandishing of a firearm by the respondent;
- The recurring use of, or threat to use, physical force by the respondent against another person, or the respondent stalking another person;
- Whether the respondent, in this state or any other state, has been arrested, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence;
- Corroborated evidence of the abuse of controlled substances or alcohol by the respondent;
- Evidence of recent acquisition of firearms by the respondent; and
- Any relevant information from family and household members concerning the respondent.

If the court issues a risk protection order it may do so for a period that it deems appropriate, up to and including but not exceeding 12 months.

The bill allows a petitioner to request a temporary ex parte risk protection order be issued before the hearing for a risk protection order has occurred. The court must find that the respondent poses a significant danger of causing personal injury to himself or herself or to others in the near future by having in his or her custody or control or by purchasing, possessing or receiving a firearm or ammunition to issue an ex parte temporary risk protection order.

Upon issuance of a risk protection order, including a temporary ex parte risk protection order, the court must order the respondent to surrender to the local law enforcement agency all firearms and ammunition in the respondent's custody, control, or possession, and any license to carry a concealed weapon or firearm issued under s. 790.06, F.S.

The law enforcement officer serving a risk protection order, including a temporary ex parte risk protection order, must request that the respondent immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm. The law enforcement officer must take possession of all firearms and ammunition belonging to the respondent that are surrendered.

Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent must surrender the firearms and ammunition in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present.

Notwithstanding ss. 933.02 and 933.018, F.S., a law enforcement officer may seek a search warrant from a court to conduct a search for firearms or ammunition if the officer has probable cause to believe that there are firearms or ammunition in the respondent's custody, control, or possession that have not been surrendered.

At the time of surrender, a law enforcement officer taking possession of a firearm, any ammunition, or a license to carry a concealed weapon or firearm must issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and must provide a copy of the receipt to the respondent. Within 72 hours after service of the order, the law enforcement officer serving the order shall file the original receipt with the court and ensure that his or her law enforcement agency retains a copy of the receipt. All law enforcement agencies must develop policies and procedures by January 1, 2019, regarding the acceptance, storage, and return of firearms or ammunition required to be surrendered.

Upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition as required by a risk protection order or temporary ex parte risk protection order, the court must determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition in his or her custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant authorizing a search of the locations where the firearms or ammunition are reasonably believed to be found and the seizure of any firearms or ammunition discovered pursuant to such search.

The respondent may submit one written request for a hearing to vacate a risk protection order starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any. The respondent shall have the burden of proving by clear and convincing evidence that the he or she does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

The petitioner may request, by motion, an extension of a risk protection order at any time within 30 calendar days before the end of the order. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate or to another extension order by the court.

If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition that has been surrendered or seized must return such surrendered firearm or ammunition requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06, F.S.

A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition.

A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient:

- Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;
- Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and
- Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

Also within 24 hours after issuance, the clerk of the court shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System, any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms or ammunition, and into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only remove orders from the systems that have ended or been vacated. Entry into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

The issuing court shall forward, within three business days after issuance of a risk protection order or temporary ex parte risk protection order, all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered.

A person who files a petition knowing the information in such petition is materially false, or files with the intent to harass the respondent, commits a first degree misdemeanor.[115]

A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by a risk protection order commits a felony of the third degree.

The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019.

School Safety

Present Situation

Office of Safe Schools

The Office of Safe Schools within the Florida Department of Education (DOE) serves to promote and support safe learning environments by addressing issues of student safety and academic success on state, district, and school levels.[116]

District School Board Responsibilities

A district school board must 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.[117] Among other duties, the district school board is required to:[118]

- Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats, for all the public schools of the district that comprise grades K-12. District school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.
- Establish model emergency management and emergency preparedness procedures, including emergency notification procedures for the following life-threatening emergencies:
  - Weapon-use and hostage situations.
  - Hazardous materials or toxic chemical spills.
  - Weather emergencies, including hurricanes, tornadoes, and severe storms.
  - Exposure as a result of a manmade emergency.

[115] A first degree misdemeanor is punishable by up to one year in jail and up to a $1,000 fine. Sections 775.082 and 775.083, F.S.
[116] Florida Department of Education, *Office of Safe Schools*, http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/index.stml (last visited Feb. 23, 2018).
[117] Section 1006.07, F.S.
[118] *Id.* at (4).

Superintendent Responsibilities

The district superintendent must recommend plans to the district school board for the proper attention to health, safety, and other matters that will best promote the welfare of students.[119]

Florida Safe Schools Assessment Tool

Each district school board is required to use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices.[120] Based on these self-assessment findings, the district school superintendent must provide to the district school board recommendations that identify strategies and activities that the district school board should implement in order to improve school safety and security.[121]

Annually each district school board must receive the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings.[122] Each district school superintendent must report the self-assessment results and school board action to the commissioner within 30 days after the district school board meeting.[123]

The 2013 General Appropriations Act[124] required the DOE to contract with a security consulting firm that specializes in development of risk assessment software solutions with experience in conducting security assessments of public facilities firm to provide a risk assessment tool for conducting security assessments for use by school officials at each public school site in the state. The tool was intended to help school officials to identify threats, vulnerabilities and appropriate safety controls for the schools that they supervise. The assessment was required to address, at a minimum, the following issues:[125]

- School emergency and crisis preparedness planning;
- Security, crime and violence prevention policies and procedures;
- Physical security measures;
- Professional development training needs;
- An examination of support service roles in school safety, security, and emergency planning;
- School security and school police staffing, operational practices, and related services;
- School-community collaboration on school safety;
- Return on investment analysis of the recommended physical security controls.

The system was also required to generate written automated reports on assessment findings for review by the DOE and school and district officials.[126] A final report on implementation was

[119] Section 1006.08(1), F.S.
[120] Section 1006.07(6), F.S.
[121] Section 1006.07(6), F.S.
[122] *Id.*
[123] *Id.*
[124] Specific Appropriation 102A, ch. 2013-40, L.O.F.
[125] *Id.*
[126] *Id.*

required to identify the positive school safety measures in place at the time of the assessment, as well as the areas for continued school safety planning and improvement.[127]

Safe Schools Allocation

Safe Schools funds are to be used by school districts to help them comply with the sections of Florida law dedicated to school discipline and school safety (sections 1006.07 through 1006.148, F.S.), with priority given to establishing a school resources officer program pursuant to section 1006.12, F.S.[128]

For the 2017-18 fiscal year, $64,456,019 is appropriated for Safe Schools activities with each school district receiving a guaranteed minimum of $62,660.[129] From the remaining appropriation, two-thirds must be allocated to school districts based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement and one-third must be allocated based on each district's share of the state's total unweighted student enrollment.[130]

Effect of Proposed Changes

Legislative Intent

The bill provides legislative intent that the provisions of the Florida education code be liberally constructed by the State Board of Education (SBE), the Commissioner of Education, district school boards, district school superintendents, and law enforcement agencies to the end that student discipline and school safety policy objectives may be effective.

Additionally, the bill provides legislative intent that school district and law enforcement personnel be authorized to take necessary actions to ensure the fundamental protection and safety of public school students, personnel, and visitors, notwithstanding any other provision of the Florida education code.

Marjory Stoneman Douglas High School Public Safety Commission

The bill creates the Marjory Stoneman Douglas High School Public Safety Commission (commission) within the Florida Department of Law Enforcement.[131] The bill requires the commission to convene before June 1, 2018.

Membership, Chair, and Staff

The bill specifies that the commission must be composed of fifteen members: five appointed by the President of the Senate, five appointed by the Speaker of the House of Representatives, and five appointed by the Governor. The bill specifies that appointments must be made before April 30, 2018. Additionally, the bill requires the Secretary of Children and Families, the Secretary of

[127] *Id.*
[128] Section 1011.62,(15), F.S.
[129] Chapter 2017-234, Laws of Florida. Section 6 (11)
[130] Section 1011.62,(15), F.S.
[131] The bill specifies that the commission is defined as a body created by specific statutory enactment within a department and exercising limited quasi-legislative or quasi-judicial powers, or both, independently of the head of the department. Section 20.03, F.S.

Juvenile Justice, the Secretary of Health Care Administration, the Commissioner of Education and the executive director must serve as ex officio, nonvoting members of the commission.

The bill specifies that members serve at the pleasure of the officer who appointed the member. The bill provides that a vacancy on the task force must be filled in the same manner as the original appointment.

The bill provides that the Commissioner of the Florida Department of Law Enforcement (FDLE) must chair the commission, the FDLE General Counsel must serve as the commission's general counsel, and FDLE staff, as assigned by the chair, must assist the commission in performing its duties.

Meetings

The bill specifies that the commission must meet as necessary to conduct the commission's work at the call of the chair and at a time designated by him or her at locations throughout the state. The bill authorizes the commission to conduct its meetings through teleconferences or other similar means.

The bill provides that members of the task force are entitled to receive reimbursement for per diem and travel expenses as provided in law.

Responsibilities

The bill specifies that the commission must investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents and develop recommendations for system improvements. The bill provides that, at a minimum, the commission must analyze evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state and other states, and:

- Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and any contract providers of such agencies and entities.
- Investigate any failures in incident responses by local law enforcement agencies and school resource officers. As a part of this investigation, the commission must:
    - Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.
    - Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.
    - Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.
    - Make specific recommendations for improving law enforcement and school resource officer incident response in the future.
- Investigate any failures in interactions with perpetrators preceding mass violence incidents. As a part of this investigation, the commission must:
    - Identify the history of interactions between perpetrators and government entities such as schools, law enforcement agencies, courts and social service agencies, and identify any

failures to adequately communicate or coordinate regarding indicators of risk or possible threats.
  - Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.
  - Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.
  - Identify available state and local tools and resources for enhancing communication and coordination regarding indicators of risk or possible threats, including but not limited to the Florida Department of Law Enforcement Fusion Center or the Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.

Powers

The bill provides that:

- The commission has the power to investigate and specifies that the commission may delegate the authority to administer oaths and affirmations to its investigators.
- The commission has standing to petition the court for a subpoena to compel the attendance of witnesses to testify before the commission. Additionally, the bill grants the commission standing to petition the court to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its power. The bill states that the commission must specify in the petition to the court for a subpoena, the relevancy of such information to the performance of the commission's duties or to the exercise of the commission's powers.
- The chair and any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter that concerning which the commission desires evidence. The bill specifies that in the case of a refusal to obey a subpoena issued by the court to any person, the commission may make application to any Florida circuit court which must have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. The bill specifies that the failure to obey such order may be punished by the court as contempt.

Additionally, the bill authorizes the commission to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of the commission's duties and requires such agencies to provide such assistance in a timely manner.

The bill provides that, notwithstanding any other law, the commission is authorized to request and to be provided with access to any information or records, including confidential and exempt information or records, that pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and that are necessary for the commission to carry out its duties. The bill specifies that information or records obtained by the commission that are otherwise confidential and exempt must retain such confidential and exempt status and prohibits the commission from disclosing any such information or records.

Report

The bill requires the commission to submit an initial report on the commission's findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2019, and authorizes the commission to issue reports annually thereafter. The bill provides that on July 1, 2023, the commission sunsets and the statute authorizing the commission is repealed.

Office of Safe Schools

The bill codifies the Office of Safe Schools (office), within the DOE. The bill provides that the office is fully accountable to the Commissioner of Education but must cooperate and coordinate with the Board of Governors of the State University System, public and nonpublic postsecondary institutions, school districts, public and nonpublic schools, state and local agencies, community organizations, and other organizations and persons, as directed by the commissioner.

Purpose

The bill specifies that the purpose of the office is to serve as the state education agency's primary coordinating division assigned to promote and support safe-learning environments by addressing issues of student safety and academic success at the state, district, and school levels. The bill states that the office must, at a minimum:

- Function as the state's primary contact for the coordination of activities, information, and reporting related to the implementation of the student discipline and school safety requirements in law related to education support for learning and student services, as well as other requirements of law pertaining to school safety partnerships and responsibilities, as assigned by the commissioner.
- Function as the state contact and state education agency coordination office for school district safety specialist and primary emergency operations contact staff assigned by Florida College System institutions, state universities, and other entities identified by the commissioner.
- Coordinate with state and local agencies, school district personnel, and safety and security experts to establish safe school and security standards, review school safety and security plans, establish guidelines regarding school district appointments to and functions of public school threat assessment teams and district school safety specialists, and update risk assessment procedures, as appropriate.
- Develop and implement a training program for district school safety specialties designated or appointed by a district school board. Such training program elements must include, but are not limited to:
    - School safety specialist participation in active shooter situation training;
    - Campus safety tours performed pursuant to s. 1006.07(7), F.S.;
    - Program activities of the Public School Emergency Response Learning System Program; and
    - Training associated with the Florida Safe Schools Assessment Tool.

District School Board Responsibilities

Emergency Drills

The bill requires a school district to formulate and prescribe policies and procedures for emergency drills for hostage and active shooter situations and establish model emergency management and emergency preparedness procedures for active shooter situations. The bill specifies that active shooter situation training must be conducted by the law enforcement agency or agencies that are designated as the first responders to the school's campus.

Security Assessment

The bill also requires each school district to conduct security risk assessments at each public school, conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the DOE, and develop a plan that includes having a secure, single point of entry onto school grounds, using a format prescribed by the DOE.

Safety in Construction Planning

Additionally, the bill requires a district school board or governing board to allow the law enforcement agency or agencies that are designated as first responders to the school's or districts' campus tour such campuses once every 3 years and to document any recommended changes to school safety and emergency issues by the law enforcement agency based on a campus tour.

District School Safety Specialist

The bill requires a district school board to designate or appoint a district school safety specialist to serve at the direction of the superintendent as the district's primary point of public contact regarding the district's coordination, communication, and implementation of policies, procedures, responsibilities, and reporting related to district and public school safety functions. The bill specifies that the school safety specialist must:

- Coordinate with the Office of Safe Schools.
- Facilitate the collection and dissemination of information among and between the school district, school personnel, students and their families, state and local law enforcement agencies, community health entities, and other state and community partners.
- Maintain records and reports and facilitate the implementation of policies regarding the respective duties and responsibilities of the school districts, superintendents, and principals and reporting regarding student discipline and school safety requirements.
- Oversee and coordinate threat assessment teams and provide a coordinated approach to evaluating and responding to students who pose, or appear to pose, a credible potential threat of violence or harm to themselves or others.
- Perform other responsibilities assigned by the superintendent and requested by the Office of Safe Schools to facilitate and coordinate the effective implementation of student discipline and school safety requirements.

Threat Assessment Team

The bill requires each school district to designate a threat assessment team, in accordance with guidelines established by the Office of Safe Schools, at each school in the district. The threat assessment team must operate under the direction of the district school safety specialist.

Florida Sheriff's Marshal Program

The bill establishes the Florida Sheriff's Marshal Program (Marshal Program) within the DOE's Office of Safe Schools as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.

The bill specifies that the purpose of the Marshal Program is to provide comprehensive firearm safety and proficiency training for selected faculty and staff to provide security on campus during an active assailant incident.[132] Additionally, the bill provides that public school faculty and staff who voluntarily participate in and complete the Marshal Program, as recommended by the school district, are designated as special deputy sheriffs with all rights, responsibilities, and obligations[133] in carrying concealed firearms on campus.

The bill establishes program eligibility and participation requirements, which must, at a minimum, include that:

- A school district may sponsor and recommend to the sheriff public school faculty and staff members as candidates for voluntary participation in the program. The sheriff must establish timelines and requirements for participation through a partnership agreement with the sponsoring school district superintendent. To be eligible for consideration and recommendation for the Marshal Program, a candidate must be licensed to carry a concealed weapon or firearm in accordance with law.[134]
- The sheriff may approve a candidate to participate in the program as a sheriff's marshal after screening, which includes performing criminal background checks, drug testing, and a psychological evaluation.
- Upon successful completion of the program, a sheriff's marshal may be appointed by the sheriff as a special deputy sheriff[135] for the limited purpose of responding to an active assailant incident on a campus[136] of his or her school district during an active assailant incident.

The bill requires that a partnership agreement[137] must provide that a special deputy sheriff:

[132] The bill defines an "active assailant incident" as a situation in which an armed assailant is posing an immediate deadly threat to persons on the premises or campus of a public school.
[133] Qualifications of sheriff deputies and special deputies are established in s. 30.09, F.S.
[134] Section 790.06, F.S.
[135] The bill specifies that a "special deputy sheriff" means a program participant who has successfully completed the program and who is appointed as a law enforcement officer in the same manner as a deputy sheriff as provided in s. 30.072(2), F.S. and certified under ch. 943, F.S.
[136] The bill defines a campus as a school, as defined in s. 1003.01(2), F.S., and facilities and school plants operated and controlled by a public school district in accordance with s. 1003.02, F.S..
[137] The bill specifies that a "Partnership agreement" means a jointly-approved contract between the sheriff operating the program and the superintendent of a participating school district sponsor.

- Must participate in and complete the program's professional training requirements as a precondition to meeting the legal requirements of chapter 30 of the Florida Statutes to be eligible to carry a concealed firearm on a campus of his or her sponsoring school district.
- May not act in any law enforcement capacity outside of an active assailant incident on a school district campus and does not have any authority in a law enforcement capacity off campus in any way, except as otherwise expressly authorized by law.
- May carry concealed, approved firearms on campus. The firearms must be specifically purchased and issued for the sole purpose of the program. Only concealed carry safety holsters and firearms approved by the sheriff may be used under the program.
- Must successfully complete training with the sheriff's office before his or her appointment as a special deputy sheriff, including meeting the requirements of this section.

However, the bill specifies that the appointment of a person as a special deputy sheriff does not entitle the person to the special risk category that applies to law enforcement officers established under law.[138]

The bill requires that all training must be conducted by Criminal Justice Standards Training Commission (CJSTC)-certified instructors, with ongoing and annual proficiency retraining conducted by the sheriff, as specified in the agreement.

The required instruction must include 132 total hours of comprehensive firearm safety and proficiency training in the following topics:
- Firearms: An 80-hour block of instruction based on the CJSTC Law Enforcement Academy training model and be enhanced to include 10 percent to 20 percent more rounds fired by each program participant beyond the minimum average of approximately 1,000 training rounds associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.
- Firearms precision pistol: A 16-hour block of instruction.
- Firearms discretionary shooting: A 4-hour block of instruction using state-of-the-art simulator exercises.
- Active shooter or assailant: An 8-hour block of instruction.
- Defensive tactics: A 4-hour block of instruction.
- Legal or high liability: A 20-hour block of instruction.
- An optional 16-hour precision pistol course as additional training.

The bill specifies that the sheriff or the district superintendent may deny or terminate a sheriff's marshal or special deputy sheriff's participation in the program for any reason, including, but not limited to, any of the following circumstances:
- An arrest or filing of criminal charges against a program participant by a law enforcement agency.
- The service of process on the program participant as the respondent of an injunction for protection.
- The involuntarily placement of the program participant in a treatment facility for a mental health examination under The Baker Act.

[138] Special risk membership is established for the purposes of the Florida Retirement System. Section 121.0515, F.S.

- A violation of sheriff office policies, orders, or requirements by the program participant.
- A violation of the school district's code of conduct or employee handbook or policy by the program participant.

To implement the Marshal program, the bill requires that:
- The sheriff must maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each program participant.
- Each program participant must be distinctly and visually identifiable to responding law enforcement officers, faculty, staff, and students, in the case of any active assailant incident on a sponsoring school district's campus.
- Each sheriff's marshal must execute a volunteer agreement with the sheriff's office outlining duties and responsibilities.
- A sponsoring school district must conduct awareness training about the program for all school district faculty and staff members.
- Specific implementation requirements, responsibilities, and other aspects of implementation must be specified in a partnership agreement.

The bill specifies that costs of participation in the Marshal program must be established in the partnership agreement. Funding may be provided by the Legislature to support school district and sheriff office administration, sponsorship, participation, and implementation of the marshal program.

Florida Safe Schools Assessment Tool

The bill requires the DOE to contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which will be established as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment required in law.[139]

The bill requires school officials at each school district and public school site in the state to use the FSSAT to conduct security assessments for use by school officials at each school district and public school site in the state.

The bill requires the FSSAT to address, at a minimum, all of the following components:
- School emergency and crisis preparedness planning;
- Security, crime, and violence prevention policies and procedures;
- Physical security measures;
- Professional development training needs;
- An examination of support service roles in school safety, security, and emergency planning;
- School security and school police staffing, operational practices, and related services;
- School and community collaboration on school safety; and
- A return on investment analysis of the recommended physical security controls.

[139] Section 1006.07(6), F.S.

The bill specifies that the DOE must require by contract that the security consulting firm:

- Generate written automated reports on assessment findings for review by the department and school and district officials;
- Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
- Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

The bill requires that, by December 1, 2018, and annually by that date, the DOE must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The bill specifies that the report must include a summary the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

Additionally, the bill requires that data and information related to security risk assessments and the security information contained in the required annual report are confidential and exempt from public records requirements.

Safe Schools Allocation

The bill modifies the safe schools allocation to expand the school district's authorized uses of the funds to incorporate newly created programs, including the Public School Emergency Response Learning System Program, Florida Sheriff's Marshal Program, and the Florida Safe Schools Assessment Tool, in addition to other school safety requirements in law, with priority given to satisfying the requirement of establishing or assigning at least one safe-school officer at each school facility within the district.

Coordination and System Improvements

Present Situation

Educational Multiagency Services for Student with Severe Emotional Disturbance

Florida law provides that an intensive integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills.[140] District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, forming a multiagency network to provide support for students with severe emotional disturbance.[141]

[140] Section 1006.04(1)(a), F.S.
[141] *Id.*

School Resource Officers and School Safety Officers

District school boards may establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with law, by which personnel are employed by either the school district or a law enforcement agency.[142]

School resource officers are certified law enforcement officers[143] who are employed by a law enforcement agency.[144] School resource officers must abide by district school board policies and must consult with and coordinate activities through the school principal, but are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency.[145]

School safety officers are certified law enforcement officers and employed either by a law enforcement agency or by the district school board.[146] If the district school board employs the officer, the district school board is the employing agency and must comply with the statutory provisions regarding law enforcement.[147] A district school board may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district.[148] Additionally, a school safety officer has the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests.[149] A school safety officer has the authority to carry weapons when performing his or her official duties.[150]

Florida law authorizes a district school board to enter into mutual aid agreements with one or more law enforcement agencies.[151] The district school board and the law enforcement agency, as mutually agreed to, may pay a school safety officer's salary jointly.[152]

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[142] Section 1006.12(1), F.S.
[143] "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. Section 943.10(1), F.S.
[144] In this section, a "law enforcement agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. *Id.* at (4).
[145] Section 1006.12(1)(b), F.S.
[146] *Id.* at (2)(a), F.S.
[147] *Id.* Chapter 943 governs the Florida Department of Law Enforcement.
[148] Section 1006.12(2)(b).
[149] *Id.* at (2)(c), F.S.
[150] *Id.*
[151] Section 1006.12(2)(d), F.S.
[152] *Id.*

Student Crime Watch Program

A district school board, must by resolution of the board, implement a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within the schools.[153]

Effect of Proposed Changes

Multiagency Services Network for Students with Severe Emotional Disturbances

The bill codifies the Multiagency Services Network for Students with Severe Emotional Disturbances (SEDNET) as a function of the DOE in partnership with other state, regional, and local partners as a statewide network of regional projects comprised of major child-serving agencies, community-based service providers, and students and their families. The bill provides that the fundamental goal of SEDNET and its partners is to facilitate the process of cross system collaboration and inclusion of families as full partners. The bill requires, at a minimum, that SEDNET must:

- Focus on developing interagency collaboration and sustaining partnerships among professionals and families in the education, mental health, substance abuse, child welfare, and juvenile justice systems serving children and youth with, and at risk of, emotional and behavioral disabilities.
- Provide technical assistance and support in building service capacity within regional areas and collaborate in related state level activities affecting systems of care.
- Serve as a collaborative resource for school districts, agencies, and families working to promote positive educational and community-based outcomes for children.

The bill specifies that the Legislature may provide funding for the DOE to award grants to district school boards for statewide planning and development of SEDNET. The bill also authorizes state departments and agencies to use appropriate funds for SEDNET.

Safe-School Officer

For the protection and safety of school personnel, property, students, and visitors, the bill requires each district school board and school district superintendent to cooperate with law enforcement to establish or assign one or more safe-school officers at each school facility within the district. The bill provides that the school district may implement a school resource officer, school safety officer, the Florida Sherriff's Marshal Program, or a combination of these options to fulfill this obligation.

The bill modifies the requirements for school resource or safety officers to require such officers to undergo criminal background checks, drug testing, and a psychological evaluation.

School Safety Awareness Program

The bill names the school safety awareness program as "FortifyFL," as recommended by students of Marjory Stoneman Douglas High School. The bill requires the Florida Department of Law Enforcement (FDLE), in collaboration with the Department of Legal Affairs in the Office of the Attorney General, to competitively procure a mobile suspicious activity reporting tool

[153] Section 1006.07(3), F.S.

(reporting tool) that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or the threat of such activities to appropriate public safety agencies and school officials. The bill requires that, at a minimum, the FDLE must receive reports electronically through the reporting tool that is available on both Android and Apple devices.

The bill requires that the reporting tool must notify the reporting party of the following information:

- That the reporting party may provide his or her report anonymously.
- That if the reporting party chooses to disclose his or her identity, such information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain such information as confidential.

The bill specifies that information received by the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

The bill requires that law enforcement dispatch centers, school districts, schools, and other entities identified by the FDLE shall be made aware of the mobile suspicious activity reporting tool. Additionally, the bill requires the FDLE, in collaboration with the Division of Victims Services within the Office of the Attorney General and the Office of Safe Schools within the Florida Department of Education (DOE), to develop and provide a comprehensive training and awareness program on the use of the reporting tool.

Public School Emergency Response Learning System Program

The bill establishes the Public School Emergency Response Learning System Program (program) within the DOE's Office of Safe Schools to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools. The program requires local law enforcement agencies to partner with participating public preschools, public child care providers, or public school districts and schools.

The bill requires that training, notifications, and resources be available for school personnel and students and families, which must, at a minimum, include:

- Activities and direct training to mitigate risk and save lives in emergency situations, such as lockdown, bomb threat, active shooter, and other emergency situations.
- Vital local notification systems implemented to alert schools of imminent danger.
- Other resources provided in conjunction with the training including, but not limited to, an emergency plan flip chart, communication cards, instructional resources, activity books for children and teachers, and certificates of training and completion.

The bill requires that a school district must include in its emergency notification procedures established in law[154] any program participant who notifies the district of his or her desire to participate.

[154] Section 1006.07, F.S.

Additionally, the bill requires each program participant to develop a preemptive plan of action that includes multiple options for addressing various situations based on the form of danger present and the unique needs and circumstances of each school and its faculty, staff, students, and visitors.

The bill may provide for enhanced collaboration and communication between public schools and local law enforcement entities to appropriately address emergency situations.

The bill authorizes the Legislature to provide funding to implement the Public School Emergency Alert Response Learning System Program.

Mental Health

Present Situation

Mental Health Services in Schools

The Department of Education (DOE), through the Bureau of Exceptional Education and Student Services and the Office of Safe Schools, promotes a system of support, policies, and practices that focus on prevention and early intervention to improve student mental health and school safety. Florida law requires instructional staff members of the public schools to teach comprehensive health education that addresses concepts of mental and emotional health as well as substance use and abuse.[155] Student services personnel, which includes school psychologists, school social workers, and school counselors, are classified as instructional personnel responsible for advising students with regard to their personal and social adjustments, and provide direct and indirect services at the district and school level.[156]

Effect of Proposed Changes

The Mental Health Services Allocation

The purpose of the mental health assistance allocation is to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive school-based mental health programs that:

- Increase awareness of mental health issues among children and school-age youth;
- Train educators and other school staff in detecting and responding to mental health issues; and
- Connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

The mental health assistance allocation must be allocated in the annual general appropriations act (GAA) to each eligible school district and developmental research school based on each entity's proportionate share of FEFP base funding. The district funding allocation must include a minimum amount as specified in the GAA. Charter schools are eligible for a proportionate share of district funding for this program upon the submission and approval of a plan that includes

[155] Section 1003.42(2)(n), F.S.
[156] Section 1012.01(2)(b), F.S.

specified elements. The mental health assistance funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses, except for personnel hired to implement the required mental health assistance allocation plans.

Prior to the distribution of the allocation, a school district is required to annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval. Similarly, a charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval in order to receive the allocation. After the charter school's governing board approves the plan, it must be provided to the school district for submission to the Commissioner of Education. School districts must submit approved plans to the commissioner by August 1 of each fiscal year.

The required mental health assistance allocation plan must include, at a minimum, each of the following elements:

- A contract or memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services to provide a behavioral health presence and services at district schools. Services may include, but are not limited to:
  - Mental health screenings and assessments;
  - Individual, family, and group counseling;
  - Psychiatric or psychological services;
  - Trauma-informed care;
  - Mobile crisis services; and
  - Behavior modification.
- Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training for all school personnel who have contact with students. Training topics should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention. The training must cover:
  - Risk factors and warning signs for mental health and addiction concerns;
  - Strategies for providing assistance to individuals in both crisis and non-crisis situations; and
  - The use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community.
- A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate.

School districts and charter schools are *strongly encouraged* to include in the required mental health assistance allocation plan each of the following elements:

- Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and

- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.

Beginning September 30, 2019, and annually thereafter, each entity that receives a mental health assistance allocation must submit a final report to the commissioner, in a format prescribed by the Florida Department of Education (DOE), on its program outcomes and expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

- Students who receive screenings or assessments.
- Students who are referred for services or assistance.
- Students who receive services or assistance.
- Parents or guardians notified.
- School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the required mental health assistance allocation plan.

The establishment of the mental health assistance allocation program may assist school districts in providing comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age youth. This may improve student mental health and school safety.

Public Records Exemptions

Present Situation

Florida law provides that education records of students, as defined in the federal Family Educational Rights and Privacy Act (FERPA), and the federal regulations issued pursuant thereto, are confidential and exempt from state public records laws.[157]

Effect of Proposed Changes

The bill clarifies that Florida law does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

[157] Sections 1002.221 and 1002.225, F.S.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

CS/SB 7026 appropriates $200,000,000 in recurring funds from the General Revenue Fund for the 2018-2019 fiscal year to be allocated as follows:

- $100 million to the Department of Education (DOE) in the Aid to Local Government Grants and Aids -- Florida Education Finance Program to fund the mental health assistance allocation.
- $500,000 to the DOE to implement the Florida Sheriff's Marshal Program.
- Three full-time equivalent positions, with an associated salary rate of 150,000, are authorized and the sum of $344,393 in recurring funds is appropriated to the DOE to fund the Office of Safe Schools.
- $75 million to the DOE in the Aid to Local Government Grants and Aids -- Florida Education Finance Program for the safe schools allocation in addition to the safe schools allocations funds appropriated in the General Appropriations Act.
    - $13,675,820 of such funds must be added equally to each school district and developmental research school to provide a district minimum amount of $250,000.
    - Notwithstanding s. 1011.62(15), F.S., the balance of such funds must be allocated to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district must use these funds exclusively for hiring or contracting for safe-school officers.
- $100,000 to the DOE to competitively procure the active shooter training component of the school safety specialist training program.
- $100,000 to the Florida Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool. The tool must be implemented by January 31, 2019.
- Five full-time equivalent positions, with an associated salary rate of $345,000, are authorized and the recurring sum of $600,000 is appropriated to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.
- $7,159,895 to DCF to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. DCF must consider the

geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.

- $18,321 to the DOE to provide for the benefits awarded pursuant to s. 112.1915, F.S. to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.
- 67 full-time equivalent positions, with an associated salary rate of 3,685,000, are authorized and $6,177,391 in recurring funds are appropriated from the General Revenue fund to DCF to hire case managers who will be assigned to each Sheriff's Office in the state.
- $10 million to the Department of Legal Affairs to reimburse trauma centers for documented medical costs of treating victims of mass shootings through the Medical Reimbursement Program for Victims of Mass Shootings. The bill also directs 10 percent of the annual fees collected for new and renewal concealed weapons or firearm licenses to be transferred from the Licensing Trust Fund to the Department of Legal Affairs to fund the Medical Reimbursement Program for Victims of Mass Shootings.

The bill appropriates $200 million in nonrecurring funds from the General Revenue Fund for the 2018-2019 fiscal year to be allocated as follows:

- $500,000 to the DOE for the design and construction of a memorial honoring the victims who lost their lives at Marjory Stoneman Douglas High School on February 14, 2018.
- $15 million to the DOE, combined with an equal amount of local matching funds, for the purpose of replacing Building 12 at Marjory Stoneman Douglas High School, as listed in the Florida Inventory of School Houses.
- $67 million to the DOE to implement the Florida Sheriff's Marshal Program.
- $90,688,152 to the DOE to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed by August 1, 2018, by a school district or charter school. The DOE must submit the grant guidelines by August 31, 2018, which must include an application submission deadline by December 1, 2018, and the specific evaluation criteria, to all school districts and charter schools. The DOE must award grants by January 15, 2019.
- $300,000 to the Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool. The tool must be implemented by January 31, 2019.
- $50,000 is appropriated to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.
- $9.8 million to the Department of Children and Families (DCF) to competitively procure for additional community action teams to ensure reasonable access among all counties. DCF must consider the geographic location of existing community action teams and select providers to serve the areas of greatest need.
- $11,140,105 to DCF to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. DCF must consider the

geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.
- $296,743 in nonrecurring funds is appropriated from the General Revenue fund to DCF to hire case managers who will be assigned to each Sheriff's Office in the state.
- $225,000 to the DOE to provide for the benefits awarded pursuant to s. 112.1915, F.S. to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.
- $5 million to the DOE to competitively procure for the development or acquisition of the Threat Monitoring System. The DOE must collaborate with the school districts to identify the requirements and functionality of the Threat Monitoring System and must make such resources available to the school districts by December 1, 2018.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.15, 394.463, 790.065, 790.0655, 1002.221, 1002.225, 1006.04, 1006.07, 1006.12, and 1011.62.

This bill creates the following sections of the Florida Statutes: 16.63, 397.6760, 790.064, 790.335, 790.34, 790.401, 943.082, 943.687, 1000.051, 1001.217, 1006.05, 1006.149, 1006.1491, and 1006.1493.

This bill reenacts the following sections of the Florida Statutes: 397.6760 and 790.335.

This bill creates twenty undesignated sections of Florida Law.

IX. Additional Information:

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

CS by Appropriations on February 27, 2018:
The committee substitute:
- Authorizes law enforcement to seek voluntary surrender of firearms and ammunition being kept in the person's residence at the time he or she is taken into custody for the Baker Act.
- Provides that firearms and ammunition being held under the bill must be available for return no more than 24 hours after the person can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient treatment provided or ordered as a result of the involuntary exam, unless

a court has issued a risk protection order requiring that the firearms and ammunition must be held for a longer period.

- Specifies that a law enforcement officer may seek a search warrant from a court to conduct a search for firearms or ammunition if the officer has probable cause to believe there are firearms or ammunition in the respondent's custody, control or possession that have not been surrendered.
- Establishes the "Fortify FL" program and requires the Florida Department of Law Enforcement to collaborate with the Office of the Attorney General to procure a mobile suspicious activity reporting tool and to develop training and awareness programs for the reporting tool.
- Clarifies that information or records that the Marjory Stoneman Douglas High School Public Safety Commission (commission) may request, and must be provided, to carry out the commission's duties, includes both confidential and exempt information.
- Appropriates $200 million in recurring and $200 million in nonrecurring funds from the General Revenue Fund to implement the bill provisions.

B. Amendments:

None.

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

114252

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 281 - 297

and insert:

(d)1. A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.

114252

2. If the law enforcement officer takes custody of the person at the person's residence and the criteria in subparagraph 1. have been met, the law enforcement officer may seek the voluntary surrender of firearms or ammunition kept in the residence which have not already been seized under subparagraph 1. If such firearms or ammunition are not voluntarily surrendered, or if the person has other firearms or ammunition that were not seized or voluntarily surrendered when he or she was taken into custody, a law enforcement officer may petition the appropriate court under s. 790.401 for a risk protection order against the person.

3. Firearms or ammunition seized or voluntarily surrendered under this paragraph must be made available for return no later than 24 hours after the person taken into custody can document that he or she is no longer subject to involuntary examination and has been released or discharged from any inpatient treatment provided or ordered under paragraph (g), unless a risk protection order entered under s. 790.401 directs the law enforcement agency to hold the firearms or ammunition for a longer period.

4. Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of firearms or ammunition held under this paragraph.

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

And the title is amended as follows:

Delete lines 10 - 15

and insert:

authorizing a law enforcement officer to seek the

114252

voluntary surrender of firearms and ammunition kept in the residence if the law enforcement officer takes custody of the person at the person's residence and certain criteria are met; authorizing the law enforcement officer to petition an appropriate court for a risk protection order under certain circumstances; requiring that firearms and ammunition seized or voluntarily surrendered be returned within a certain timeframe under specified circumstances; requiring law enforcement agencies to develop policies and procedures relating to the seizure, storage, and return of firearms and ammunition; creating

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 330 - 382
and insert:
Section 7. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (12), subsections (1), (3), and (10) of that section are amended, and a new subsection (11) is added to that section, to read:
790.065 Sale and delivery of firearms.—
(1)(a) A licensed importer, licensed manufacturer, or

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licensed dealer may not sell or deliver from her or his inventory at her or his licensed premises any firearm to another person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector, until she or he has:

1. Obtained a completed form from the potential buyer or transferee, which form shall have been adopted ~~promulgated~~ by the Department of Law Enforcement and provided by the licensed importer, licensed manufacturer, or licensed dealer, which shall include the name, date of birth, gender, race, and social security number or other identification number of such potential buyer or transferee and has inspected proper identification including an identification containing a photograph of the potential buyer or transferee.

2. Collected a fee from the potential buyer for processing the criminal history check of the potential buyer. The fee shall be established by the Department of Law Enforcement and may not exceed $8 per transaction. The Department of Law Enforcement may reduce, or suspend collection of, the fee to reflect payment received from the Federal Government applied to the cost of maintaining the criminal history check system established by this section as a means of facilitating or supplementing the National Instant Criminal Background Check System. The Department of Law Enforcement shall, by rule, establish procedures for the fees to be transmitted by the licensee to the Department of Law Enforcement. All such fees shall be deposited into the Department of Law Enforcement Operating Trust Fund, but shall be segregated from all other funds deposited into such trust fund and must be accounted for separately. Such segregated funds must not be used for any purpose other than the operation

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of the criminal history checks required by this section. The Department of Law Enforcement, each year before ~~prior to~~ February 1, shall make a full accounting of all receipts and expenditures of such funds to the President of the Senate, the Speaker of the House of Representatives, the majority and minority leaders of each house of the Legislature, and the chairs of the appropriations committees of each house of the Legislature. In the event that the cumulative amount of funds collected exceeds the cumulative amount of expenditures by more than $2.5 million, excess funds may be used for the purpose of purchasing soft body armor for law enforcement officers.

3. Requested, by means of a toll-free telephone call, the Department of Law Enforcement to conduct a check of the information as reported and reflected in the Florida Crime Information Center and National Crime Information Center systems as of the date of the request.

4. Received a unique approval number for that inquiry from the Department of Law Enforcement, and recorded the date and such number on the consent form.

(b) However, if the person purchasing, or receiving delivery of, the firearm is a holder of a valid concealed weapons or firearms license pursuant to ~~the provisions of~~ s. 790.06 or holds an active certification from the Criminal Justice Standards and Training Commission as a "law enforcement officer," a "correctional officer," or a "correctional probation officer" as defined in s. 943.10(1), (2), (3), (6), (7), (8), or (9), this subsection does not apply.

(c) This subsection does not apply to the purchase, trade, or transfer of a rifle or shotgun by a resident of this state

668020

when the resident makes such purchase, trade, or transfer from a licensed importer, licensed manufacturer, or licensed dealer in another state.

(d)1. If neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties to the transaction must complete the sale, lease, or transfer through a licensed dealer as follows:

a. The seller, lessor, or transferor must deliver the firearm to a licensed dealer, who shall process the sale, lease, or transfer as if she or he were the seller, lessor, or transferor, except that the seller, lessor, or transferor who is not a licensed dealer may remove the firearm from the business premises of the licensed dealer while the background check is being conducted and while the waiting period requirement set forth in s. 790.0655 is being met. Other than allowing the unlicensed seller or transferor to remove the firearm from the licensed dealer's business premises, the licensed dealer shall comply with all requirements of federal and state law which would apply if she or he were the seller, lessor, or transferor of the firearm;

b. The licensed dealer shall conduct a background check on the buyer or other transferee as provided in this section and, unless the transaction is prohibited, and after all other legal requirements are met, including those set forth in s. 790.0655, the licensed dealer shall either:

(I) Deliver the firearm to the seller, lessor, or transferor, who shall complete the transaction and deliver the firearm to the buyer; or

(II) If the seller, lessor, or transferor has removed the

668020

firearm from the licensed dealer's business premises, contact the seller, lessor, or transferor to let her or him know that he or she may complete the transaction and deliver the firearm to the buyer.

c. If the licensed dealer cannot legally complete the transaction, the dealer must:

(I) Return the firearm to the seller, lessor, or transferor; or

(II) If the seller, lessor, or transferor has removed the firearm from the licensed dealer's business premises, contact the seller, lessor, or transferor to let her or him know that the transaction is prohibited, and that the seller, lessor, or transferor may not deliver the firearm to the buyer; and

d. The licensed dealer may require the buyer or other transferee to pay a fee covering the administrative costs incurred by the licensed dealer for facilitating the transfer of the firearm, plus applicable fees pursuant to federal and state law.

2. This paragraph does not apply to:

a. The activities of the United States Marshals Service, members of the United States Armed Forces or the National Guard, or federal officials required to carry firearms while engaged in performing their official duties; or

b. The following activities, unless the lawful owner knows or has reasonable cause to believe that federal, state, or local law prohibits the transferee from purchasing or possessing firearms, or that the transferee is likely to use the firearm for unlawful purposes:

(I) The delivery of a firearm to a gunsmith for service or

668020

repair, or the return of the firearm to its owner by the gunsmith;

(II) The transfer of a firearm to a carrier, warehouseman, or other person engaged in the business of transportation or storage, to the extent that the receipt, possession, or having on or about the person any firearm is in the ordinary course of business and in conformity with federal, state, and local laws, and not for the personal use of any such person;

(III) The loan of a firearm solely for the purpose of shooting at targets, if the loan occurs on the premises of a properly licensed target facility and if the firearm is at all times kept within the premises of the target facility;

(IV) The loan of a firearm to a person who is under 18 years of age for lawful hunting, sporting, or educational purposes while under the direct supervision and control of a responsible adult;

(V) The loan of a firearm to a person who is 18 years of age or older if the firearm remains in the person's possession only while the person is accompanying the lawful owner and using the firearm for lawful hunting, sporting, or recreational purposes; or

(VI) The loan of a firearm to an adult family member of the lawful owner of the firearm if the lawful owner resides with the family member but is not present in the residence, provided that the family member does not maintain control over the firearm for more than 10 consecutive days.

~~(3) In the event of scheduled computer downtime, electronic failure, or similar emergency beyond the control of the Department of Law Enforcement, the department shall immediately~~

668020

~~notify the licensee of the reason for, and estimated length of, such delay. After such notification, the department shall forthwith, and in no event later than the end of the next business day of the licensee, either inform the requesting licensee if its records demonstrate that the buyer or transferee is prohibited from receipt or possession of a firearm pursuant to Florida and Federal law or provide the licensee with a unique approval number. Unless notified by the end of said next business day that the buyer or transferee is so prohibited, and without regard to whether she or he has received a unique approval number, the licensee may complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.~~

~~(10) A licensed importer, licensed manufacturer, or licensed dealer is not required to comply with the requirements of this section in the event of:~~

~~(a) Unavailability of telephone service at the licensed premises due to the failure of the entity which provides telephone service in the state, region, or other geographical area in which the licensee is located to provide telephone service to the premises of the licensee due to the location of said premises; or the interruption of telephone service by reason of hurricane, tornado, flood, natural disaster, or other act of God, war, invasion, insurrection, riot, or other bona fide emergency, or other reason beyond the control of the licensee; or~~

~~(b) Failure of the Department of Law Enforcement to comply with the requirements of subsections (2) and (3).~~

(11) A person younger than 21 years of age may not purchase

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a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibition on the purchase of a firearm by a person younger than 21 years of age or the sale or transfer by a licensed importer, licensed manufacturer, or licensed dealer to a person younger than 21 years of age does not apply to a member of the military or naval forces of this state or of the United States or to a law enforcement officer or a correctional officer, as those terms are defined in s. 943.10.

Section 8. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is~~, which shall be~~ 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later. The mandatory waiting period applies to the delivery of a firearm through a private sale facilitated through a licensed dealer under s. 790.065(1)(d) ~~between the purchase and the delivery at retail of any handgun~~. "Purchase" means the transfer of money or other valuable consideration to the retailer. ~~"Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed

668020

dealer ~~every person~~ engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm ~~handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period does ~~shall~~ not apply in the following circumstances:

(a) When a firearm ~~handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm ~~handgun~~.

(c) To a person who completes a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state, unless that person is purchasing a handgun.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a retailer, to deliver a firearm ~~handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm ~~handgun~~ by fraud, false pretense, or false representation.

Section 9. Paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is amended to read:

790.335 Prohibition of registration of firearms; electronic records.—

(3) EXCEPTIONS.—The provisions of this section shall not

668020

apply to:

(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(3)(a) ~~s. 790.065(4)(a)~~.

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

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

And the title is amended as follows:

Delete lines 27 - 41

and insert:

s. 790.065, F.S.; requiring that, if neither party to a prospective firearms sale, lease, or transfer is a licensed dealer, the parties complete the sale, lease, or transfer through a licensed dealer; specifying procedures and requirements for a licensed dealer, a seller, lessor, or transferor, and a buyer, lessee, or transferee, including a required background check; authorizing a licensed dealer to charge a buyer or transferee specified fees; providing applicability; deleting provisions authorizing a licensee to complete the sale or transfer of a firearm to a person without receiving notification from the Department of Law Enforcement informing the licensee as to whether such person is prohibited from receipt or possession of a

668020

firearm or providing a unique approval number under certain circumstances; deleting provisions exempting a licensed importer, licensed manufacturer, or licensed dealer from the sale and delivery requirements, under certain circumstances; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing an exception; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; applying the mandatory 3-day waiting period to private sales of firearms facilitated through a licensed dealer; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; amending s. 790.335, F.S.; conforming a cross-reference;

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LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment (with title amendment)

Between lines 382 and 383
insert:

Section 9. Section 790.335, Florida Statutes, is amended to read:

~~790.335 Prohibition of registration of firearms; electronic records.—~~

~~(1) LEGISLATIVE FINDINGS AND INTENT.—~~

~~(a) The Legislature finds and declares that:~~

941870

~~1. The right of individuals to keep and bear arms is guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.~~

~~2. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a law enforcement tool and can become an instrument for profiling, harassing, or abusing law-abiding citizens based on their choice to own a firearm and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution. Further, such a list, record, or registry has the potential to fall into the wrong hands and become a shopping list for thieves.~~

~~3. A list, record, or registry of legally owned firearms or law-abiding firearm owners is not a tool for fighting terrorism, but rather is an instrument that can be used as a means to profile innocent citizens and to harass and abuse American citizens based solely on their choice to own firearms and exercise their Second Amendment right to keep and bear arms as guaranteed under the United States Constitution.~~

~~4. Law-abiding firearm owners whose names have been illegally recorded in a list, record, or registry are entitled to redress.~~

~~(b) The Legislature intends through the provisions of this section to:~~

~~1. Protect the right of individuals to keep and bear arms as guaranteed under both the Second Amendment to the United States Constitution and s. 8, Art. I of the State Constitution.~~

~~2. Protect the privacy rights of law-abiding firearm owners.~~

~~(2) PROHIBITIONS.—No state governmental agency or local~~

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~~government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, public or private, shall knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms.~~

~~(3) EXCEPTIONS.—The provisions of this section shall not apply to:~~

~~(a) Records of firearms that have been used in committing any crime.~~

~~(b) Records relating to any person who has been convicted of a crime.~~

~~(c) Records of firearms that have been reported stolen that are retained for a period not in excess of 10 days after such firearms are recovered. Official documentation recording the theft of a recovered weapon may be maintained no longer than the balance of the year entered, plus 2 years.~~

~~(d) Firearm records that must be retained by firearm dealers under federal law, including copies of such records transmitted to law enforcement agencies. However, no state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of such state or other governmental entity or any other person, private or public, shall accumulate, compile, computerize, or otherwise collect or convert such written records into any form of list, registry, or database for any purpose.~~

~~(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of~~

941870

~~records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(4)(a).~~

~~2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.~~

~~(f) Firearm records, including paper pawn transaction forms and contracts on firearm transactions, required by chapters 538 and 539.~~

~~1. Electronic firearm records held pursuant to chapter 538 may only be kept by a secondhand dealer for 30 days after the date of the purchase of the firearm by the secondhand dealer.~~

~~2. Electronic firearm records held pursuant to chapter 539 may only be kept by a pawnbroker for 30 days after the expiration of the loan that is secured by a firearm or 30 days after the date of purchase of a firearm, whichever is applicable.~~

~~3. Except as required by federal law, any firearm records kept pursuant to chapter 538 or chapter 539 shall not, at any time, be electronically transferred to any public or private entity, agency, business, or enterprise, nor shall any such records be copied or transferred for purposes of accumulation of such records into lists, registries, or databases.~~

~~4. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit firearm transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539; however, the law enforcement agencies may not electronically submit such records to any other person or entity and must destroy such records within 60 days after~~

941870

~~receipt of such records.~~

~~5. Notwithstanding subparagraph 3., secondhand dealers and pawnbrokers may electronically submit limited firearms records consisting solely of the manufacturer, model, serial number, and caliber of pawned or purchased firearms to a third-party private provider that is exclusively incorporated, exclusively owned, and exclusively operated in the United States and that restricts access to such information to only appropriate law enforcement agencies for legitimate law enforcement purposes. Such records must be destroyed within 30 days by the third-party provider. As a condition of receipt of such records, the third-party provider must agree in writing to comply with the requirements of this section. Any pawnbroker or secondhand dealer who contracts with a third-party provider other than as provided in this act or electronically transmits any records of firearms transactions to any third-party provider other than the records specifically allowed by this paragraph commits a felony of the second degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(g) Records kept by the Department of Law Enforcement of NCIC transactions to the extent required by federal law and a log of dates of requests for criminal history record checks, unique approval and nonapproval numbers, license identification numbers, and transaction numbers corresponding to such dates.~~

~~(h) Records of an insurer that, as a condition to providing insurance against theft or loss of a firearm, identify such firearm. Such records may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity. The insurer may not keep a record of such firearm more than 60 days after the policy of insurance expires or after~~

941870

~~notification by the insured that the insured is no longer the owner of such firearm.~~

~~(i) Lists of customers of a firearm dealer retained by such dealer, provided that such lists do not disclose the particular firearms purchased. Such lists, or any parts thereof, may not be sold, commingled with records relating to other firearms, or transferred to any other person or entity.~~

~~(j) Sales receipts retained by the seller of firearms or by a person providing credit for such purchase, provided that such receipts shall not serve as or be used for the creation of a database for registration of firearms.~~

~~(k) Personal records of firearms maintained by the owner of such firearms.~~

~~(l) Records maintained by a business that stores or acts as the selling agent of firearms on behalf of the lawful owner of the firearms.~~

~~(m) Membership lists of organizations comprised of firearm owners.~~

~~(n) Records maintained by an employer or contracting entity of the firearms owned by its officers, employees, or agents, if such firearms are used in the course of business performed on behalf of the employer.~~

~~(o) Records maintained pursuant to s. 790.06 by the Department of Agriculture and Consumer Services of a person who was a licensee within the prior 2 years.~~

~~(p) Records of firearms involved in criminal investigations, criminal prosecutions, criminal appeals, and postconviction motions, civil proceedings relating to the surrender or seizure of firearms including protective~~

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~~injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.~~

~~(q) Paper documents relating to firearms involved in criminal cases, criminal investigations, and criminal prosecutions, civil proceedings relating to the surrender or seizure of firearms including protective injunctions, Baker Act commitments, and sheriff's levies pursuant to court judgments, and voluntary surrender by the owner or custodian of the firearm.~~

~~(r) Noncriminal records relating to the receipt, storage or return of firearms, including, but not limited to, records relating to firearms impounded for storage or safekeeping, receipts proving that a firearm was returned to the rightful owner and supporting records of identification and proof of ownership, or records relating to firearms impounded pursuant to levies or court orders, provided, however, that such records shall not be compiled, sorted, or otherwise arranged into any lists, indexes, or registries of firearms or firearms owners.~~

~~(4) PENALTIES.—~~

~~(a) Any person who, or entity that, violates a provision of this section commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) Except as required by the provisions of s. 16, Art. I of the State Constitution or the Sixth Amendment to the United States Constitution, no public funds shall be used to defend the unlawful conduct of any person charged with a violation of this section, unless the charges against such person are dismissed or such person is determined to be not guilty at trial.~~

941870

~~Notwithstanding this paragraph, public funds may be expended to provide the services of the office of public defender or court-appointed conflict counsel as provided by law.~~

~~(c) The governmental entity, or the designee of such governmental entity, in whose service or employ a list, record, or registry was compiled in violation of this section may be assessed a fine of not more than $5 million, if the court determines that the evidence shows that the list, record, or registry was compiled or maintained with the knowledge or complicity of the management of the governmental entity. The Attorney General may bring a civil cause of action to enforce the fines assessed under this paragraph.~~

~~(d) The state attorney in the appropriate jurisdiction shall investigate complaints of criminal violations of this section and, where evidence indicates a violation may have occurred, shall prosecute violators.~~

~~(5) ELECTRONIC RECORDS.—Secondhand dealers and pawnbrokers who electronically submit firearms transaction records to the appropriate law enforcement agencies as required by chapters 538 and 539 shall submit the name of the manufacturer and caliber information of each firearm in Florida Crime Information Center coding, and shall include the model and serial number of each firearm.~~

~~(6) CONSTRUCTION.—This section shall be construed to effectuate its remedial and deterrent purposes. This section may not be construed to grant any substantive, procedural privacy right or civil claim to any criminal defendant, and a violation of this section may not be grounds for the suppression of evidence in any criminal case.~~

941870

Section 10. Section 790.336, Florida Statutes, is amended to read:

~~790.336 Lists, records, or registries to be destroyed.—Any list, record, or registry maintained or under construction on the effective date of this act shall be destroyed, unless prohibited by law, within 60 calendar days after this act becomes law. Thereafter, failure to destroy any such list, record, or registry may result in prosecution under this act.~~

Section 11. Paragraph (b) of subsection (5) and paragraph (b) of subsection (9) of section 409.175, Florida Statutes, are amended to read:

409.175 Licensure of family foster homes, residential child-caring agencies, and child-placing agencies; public records exemption.—

(5)

(b) The requirements for the licensure and operation of a child-placing agency shall also include compliance with the requirements of s. 63.0422 ~~ss. 63.0422 and 790.335~~.

(9)

(b) Any of the following actions by a home or agency or its personnel is a ground for denial, suspension, or revocation of a license:

1. An intentional or negligent act materially affecting the health or safety of children in the home or agency.

2. A violation of the provisions of this section or of licensing rules promulgated pursuant to this section.

3. Noncompliance with the requirements for good moral character as specified in paragraph (5)(a).

4. Failure to dismiss personnel found in noncompliance with

requirements for good moral character.

5. Failure to comply with the requirements of s. 63.0422 ~~ss. 63.0422 and 790.335~~.

Section 12. Paragraph (a) of subsection (6) of section 790.0625, Florida Statutes, is amended to read:

790.0625 Appointment of tax collectors to accept applications for a concealed weapon or firearm license; fees; penalties.—

(6)(a) A tax collector appointed under this section may not maintain a list or record of persons who apply for or are granted a new or renewal license to carry a concealed weapon or firearm. A tax collector who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 ~~violation of this paragraph is subject to s. 790.335~~.

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

And the title is amended as follows:

Between lines 41 and 42

insert:

repealing s. 790.335, F.S., relating to the prohibition of registration of firearms and the treatment of electronic records; repealing s. 790.336, F.S., relating to lists, records, or registries required to be destroyed; amending ss. 409.175 and 790.0625, F.S.; conforming provisions to changes made by the act;

366940

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 382 and 383
insert:

Section 1. Section 790.30, Florida Statutes, is created to read:

790.30 Assault weapons.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Assault weapon" means:

1. A selective-fire firearm capable of fully automatic,

366940

semiautomatic, or burst fire at the option of the user or any of the following specified semiautomatic firearms:

a. Algimec AGM1.

b. All AK series, including, but not limited to, the following: AK, AK-47, AK-74, AKM, AKS, ARM, MAK90, MISR, NHM90, NHM91, Rock River Arms LAR-47, SA 85, SA 93, Vector Arms AK-47, VEPR, WASR-10, and WUM.

c. All AR series, including, but not limited to, the following: AR-10, AR-15, Armalite AR-180, Armalite M-15, AR-70, Bushmaster XM15, Colt AR-15, DoubleStar AR rifles, DPMS tactical rifles, Olympic Arms, Rock River Arms LAR-15, and Smith & Wesson M&P15 rifles.

d. Barrett 82A1 and REC7.

e. Beretta AR-70 and Beretta Storm.

f. Bushmaster automatic rifle.

g. Calico Liberty series rifles.

h. Chartered Industries of Singapore SR-88.

i. Colt Sporter.

j. Daewoo K-1, K-2, Max-1, and Max-2.

k. FAMAS MAS .223.

l. Federal XC-900 and SC-450.

m. FN FAL (or FN LAR) and FN FNC.

n. FN FS2000, FN PS90, and FN SCAR.

o. Galil and UZI Sporter, Galil sniper rifle (Galatz), Galil Sporter, UZI, or Vector Arms UZI.

p. Goncz High-Tech carbine.

q. Hi-Point carbine.

r. HK-91, HK-93, HK-94, HK-PSG-1, and SP-89.

s. Kel-Tec RFB, Sub-2000, and SU series.

366940

t. M1 carbine.
u. M2HB and TNW M230.
v. Ruger Mini-14 with folding stock.
w. SAR-8, SAR-4800, and SR9.
x. SIG 57 AMT and 500 Series.
y. Sig Sauer MCX rifle.
z. SKS capable of accepting a detachable magazine.
aa. SLG 95.
bb. SLR 95 and 96.
cc. Spectre automatic carbine.
dd. Springfield Armory BM59, G-3, and SAR-48.
ee. Sterling MK-6 and MK-7.
ff. Steyr AUG.
gg. Thompson series, including Thompson T5.
hh. Weaver Arms Nighthawk.

2. All of the following handguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. AK-47 pistol and Mini AK-47 pistol.
b. AR-15 pistol.
c. Australian Automatic Arms SAP pistol.
d. Bushmaster automatic pistol.
e. Calico Liberty series pistols.
f. Chiappa Firearms Mfour-22.
g. Colefire Magnum.
h. DSA SA58 PKP FAL.
i. Encom MK-IV, MP-9, and MP-45.
j. Feather AT-9 and Mini-AT.
k. German Sport 522 PK.

366940

l. Goncz High-Tech Long pistol.

m. Holmes MP-83.

n. Intratec AB-10, TEC-9, TEC-22 Scorpion, and TEC-DC9.

o. I.O. Inc. PPS-43C.

p. Iver Johnson Enforcer.

q. Kel-Tec PLR-16 pistol.

r. MAC-10, MAC-11, Masterpiece Arms MPA pistol series, and Velocity Arms VMA series.

s. Scarab Skorpion.

t. Sig Sauer P556 pistol.

u. Spectre automatic pistol.

v. Thompson TA5 series pistols.

w. UZI pistol and Micro-UZI pistol.

x. Wilkinson "Linda" pistol.

3. All of the following shotguns, copies, duplicates, or altered facsimiles with the capability of any such weapon thereof:

a. Armscor 30 BG.

b. Franchi LAW-12 and SPAS-12.

c. Kel-Tec KSG.

d. Remington TAC-2 and TACB3 FS.

e. Saiga.

f. Streetsweeper.

g. Striker 12.

h. USAS-12.

4. A part or combination of parts that converts a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

366940

5. A semiautomatic firearm not listed in this paragraph which meets the criteria of one of the following sub-subparagraphs:

a. A semiautomatic rifle that has an ability to accept a detachable magazine and that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon or any feature functioning as a protruding grip that can be held by the nontrigger hand or a thumbhole stock.

(III) A bayonet mount.

(IV) A flash suppressor or threaded barrel designed to accommodate a flash suppressor.

(V) A grenade launcher.

(VI) A shroud that is attached to the barrel, or that partially or completely encircles the barrel and allows the bearer to hold the firearm with the nontrigger hand without being burned, but excluding a slide that encloses the barrel.

b. A semiautomatic pistol that has an ability to accept a detachable magazine and that has one or more of the following:

(I) The capacity to accept an ammunition magazine that attaches to the pistol at any location outside the pistol grip.

(II) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer.

(III) A slide that encloses the barrel and that allows the shooter to hold the firearm with the nontrigger hand without being burned.

(IV) A manufactured weight of 50 ounces or more when the pistol is unloaded.

366940

(V) A semiautomatic version of an automatic firearm.

(VI) Any feature capable of functioning as a protruding grip that can be held by the nontrigger hand.

(VII) A folding, telescoping, or thumbhole stock.

c. A semiautomatic shotgun that has one or more of the following:

(I) A folding or telescoping stock.

(II) A pistol grip that protrudes conspicuously beneath the action of the weapon.

(III) A thumbhole stock.

(IV) A fixed-magazine capacity in excess of 5 rounds.

(V) An ability to accept a detachable magazine.

d. A semiautomatic pistol or a semiautomatic, centerfire, or rimfire rifle with a fixed magazine that has the capacity to accept more than 10 rounds of ammunition.

e. A part or combination of parts designed or intended to convert a firearm into an assault weapon, or any combination of parts from which an assault weapon may be assembled if those parts are in the possession or under the control of the same person.

(b) "Detachable magazine" means an ammunition feeding device that can be removed from a firearm without disassembly of the firearm action.

(c) "Fixed magazine" means an ammunition feeding device contained in, or permanently attached to, a firearm in such a manner that the device cannot be removed without disassembly of the firearm action.

(d) "Large-capacity magazine" means any ammunition feeding device with the capacity to accept more than 7 rounds, or any

366940

conversion kit, part, or combination of parts from which such a device can be assembled if those parts are in the possession or under the control of the same person, but does not include any of the following:

1. A feeding device that has been permanently altered so that it cannot accommodate more than 7 rounds;

2. A .22 caliber tube ammunition feeding device; or

3. A tubular magazine that is contained in a lever-action firearm.

(e) "Licensed gun dealer" means a person who has a federal firearms license.

(2) SALE OR TRANSFER.—

(a) A person may not import into the state or, within this state, distribute, transport, sell, keep for sale, offer or expose for sale, or give an assault weapon or large-capacity magazine. Except as provided in paragraph (b), any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 2 years.

(b) A person may not transfer, sell, or give an assault weapon or large-capacity magazine to a person under 18 years of age. Any person who violates this paragraph commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 6 years.

(c) Paragraph (a) does not apply to:

1. The sale of assault weapons or large-capacity magazines to the Department of Law Enforcement, to a law enforcement agency, as defined in s. 934.02, to the Department of

366940

Corrections, or to the military, air, or naval forces of this state or the United States for use in the discharge of their official duties.

2. A person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4) which is disposed of as authorized by the probate court, if the disposition is otherwise authorized under this section.

3. The transfer by bequest or intestate succession of an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4).

(3) POSSESSION.—

(a) Except as provided in subsection (5) or otherwise provided in this section or authorized by any other law, a person may not, within this state, possess an assault weapon or large-capacity magazine. Any person who violates this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, with a mandatory minimum term of imprisonment of 1 year.

(b) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by a member or employee of the Department of Law Enforcement, a law enforcement agency, as defined in s. 934.02, the Department of Corrections, or the military, air, or naval forces of this state or of the United States for use in the discharge of his or her official duties; nor does this section prohibit the possession or use of an assault weapon or large-capacity magazine by a sworn member of one of these agencies when on duty and when the use is within

the scope of his or her duties.

(c) Paragraph (a) does not apply to the possession of an assault weapon or large-capacity magazine by any person before July 1, 2019, if all of the following are applicable:

1. The person is eligible to apply for a certificate of possession for the assault weapon or large-capacity magazine by July 1, 2019;

2. The person lawfully possessed the assault weapon or large-capacity magazine before October 1, 2018; and

3. The person is otherwise in compliance with this section and the applicable requirements of this chapter for possession of a firearm.

(d) Paragraph (a) does not apply to a person who is the executor or administrator of an estate that includes an assault weapon or large-capacity magazine for which a certificate of possession has been issued under subsection (4), if the assault weapon or large-capacity magazine is possessed at a place set forth in subparagraph (4)(c)1. or as authorized by the probate court.

(4) CERTIFICATE OF POSSESSION.—

(a) Any person who lawfully possesses an assault weapon or large-capacity magazine before October 1, 2018, shall apply by October 1, 2019, or, if such person is a member of the military, air, or naval forces of this state or of the United States and cannot apply by October 1, 2019, because he or she is or was on official duty outside this state, shall apply within 90 days after returning to the state, to the Department of Law Enforcement for a certificate of possession with respect to such assault weapon or large-capacity magazine. The certificate must

366940

contain a description of the assault weapon or large-capacity magazine which identifies the assault weapon or large-capacity magazine uniquely, including all identification marks; the full name, address, date of birth, and thumbprint of the owner; and any other information as the department may deem appropriate. The department shall adopt rules no later than January 1, 2019, to establish procedures with respect to the application for, and issuance of, certificates of possession under this section.

(b)1. An assault weapon or large-capacity magazine lawfully possessed in accordance with this section may not be sold or transferred on or after January 1, 2019, to any person within this state other than to a licensed gun dealer, as provided in subsection (5); or by a bequest or intestate succession.

2. A person who obtains title to an assault weapon or large-capacity magazine for which a certificate of possession has been issued under this subsection shall, within 90 days after obtaining title, apply to the Department of Law Enforcement for a certificate of possession, render the assault weapon or large-capacity magazine permanently inoperable, sell the assault weapon or large-capacity magazine to a licensed gun dealer, or remove the assault weapon or large-capacity magazine from the state.

3. A person who moves into the state and who is in lawful possession of an assault weapon or large-capacity magazine, shall, within 90 days, either render the assault weapon or large-capacity magazine permanently inoperable, sell the assault weapon or large-capacity magazine to a licensed gun dealer, or remove the assault weapon or large-capacity magazine from this state, unless the person is a member of the military, air, or

366940

naval forces of this state or of the United States, is in lawful possession of an assault weapon or large-capacity magazine, and has been transferred into the state after October 1, 2019.

(c) A person who has been issued a certificate of possession for an assault weapon or large-capacity magazine under this subsection may possess it only if the person is:

1. At the residence, the place of business, or any other property owned by that person, or on a property owned by another person with the owner's express permission;

2. On the premises of a target range of a public or private club or organization organized for the purpose of practicing shooting at targets;

3. On a target range that holds a regulatory or business license for the purpose of practicing shooting at that target range;

4. On the premises of a licensed shooting club;

5. Attending an exhibition, display, or educational project on firearms which is sponsored by, conducted under the auspices of, or approved by a law enforcement agency or a nationally or state-recognized entity that fosters proficiency in, or promotes education about, firearms; or

6. Transporting the assault weapon or large-capacity magazine between any of the places mentioned in this paragraph, or from or to any licensed gun dealer for servicing or repair pursuant to paragraph (7)(b), provided the assault weapon or large-capacity magazine is transported as required by subsection (7).

(5) CERTIFICATE OF TRANSFER.—If an owner of an assault weapon or large-capacity magazine sells or transfers the weapon

366940

or magazine to a licensed gun dealer, he or she must, at the time of delivery of the weapon, execute a certificate of transfer and cause the certificate to be mailed or delivered to the Department of Law Enforcement. The certificate must contain:

(a) The date of sale or transfer.

(b) The name and address of the seller or transferor and the licensed gun dealer and their social security numbers or driver license numbers.

(c) The licensed gun dealer's federal firearms license number.

(d) A description of the weapon, including the caliber of the weapon and its make, model, and serial number.

(e) Any other information the Department of Law Enforcement prescribes.

The licensed gun dealer shall present his or her driver license or social security card and federal firearms license to the seller or transferor for inspection at the time of purchase or transfer. The Department of Law Enforcement shall maintain a file on all certificates of transfer at its headquarters.

(6) RELINQUISHMENT.—An individual may arrange in advance to relinquish an assault weapon or large-capacity magazine to a law enforcement agency, as defined in s. 934.02, or the Department of Law Enforcement. The assault weapon or large-capacity magazine must be transported in accordance with subsection (7).

(7) TRANSPORTATION.—

(a) A licensed gun dealer who lawfully purchases for resale an assault weapon or large-capacity magazine pursuant to subsection (2) may transport the assault weapon or large-

366940

capacity magazine between licensed gun dealers or out of this state, but no person shall carry a loaded assault weapon concealed from public view, or knowingly have in any motor vehicle owned, operated, or occupied by him or her a loaded or unloaded assault weapon, unless such weapon is kept in the trunk of such vehicle or in a case or other container that is inaccessible to the operator of or any passenger in such vehicle. Any person who violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any licensed gun dealer may display the assault weapon or large-capacity magazine at any gun show or sell it to a resident outside this state.

(b) Any licensed gun dealer may transfer possession of any assault weapon or large-capacity magazine received pursuant to paragraph (a) to a gunsmith for purposes of accomplishing service or repair of the same. Transfers are permissible only to a gunsmith who is:

1. In the licensed gun dealer's employ; or

2. Contracted by the licensed gun dealer for gunsmithing services, provided the gunsmith holds a dealer's license issued pursuant to chapter 44 of Title 18 the United States Code, 18 U.S.C. ss. 921 et seq., and the regulations issued pursuant thereto.

(8) CIRCUMSTANCES IN WHICH MANUFACTURE OR TRANSPORTATION NOT PROHIBITED.—This section does not prohibit any person, firm, or corporation engaged in the business of manufacturing assault weapons or large-capacity magazines in this state from manufacturing or transporting assault weapons or large-capacity magazines in this state for sale within this state in accordance

with subparagraph (2)(c)1. or for sale outside this state.

(9) EXCEPTION.—This section does not apply to any firearm modified to render it permanently inoperable.

Section 2. Paragraph (a) of subsection (3) of section 775.087, Florida Statutes, is amended to read:

775.087 Possession or use of weapon; aggravated battery; felony reclassification; minimum sentence.—

(3)(a)1. Any person who is convicted of a felony or an attempt to commit a felony, regardless of whether the use of a firearm is an element of the felony, and the conviction was for:

a. Murder;

b. Sexual battery;

c. Robbery;

d. Burglary;

e. Arson;

f. Aggravated battery;

g. Kidnapping;

h. Escape;

i. Sale, manufacture, delivery, or intent to sell, manufacture, or deliver any controlled substance;

j. Aircraft piracy;

k. Aggravated child abuse;

l. Aggravated abuse of an elderly person or disabled adult;

m. Unlawful throwing, placing, or discharging of a destructive device or bomb;

n. Carjacking;

o. Home-invasion robbery;

p. Aggravated stalking; or

q. Trafficking in cannabis, trafficking in cocaine, capital

366940

388 importation of cocaine, trafficking in illegal drugs, capital
389 importation of illegal drugs, trafficking in phencyclidine,
390 capital importation of phencyclidine, trafficking in
391 methaqualone, capital importation of methaqualone, trafficking
392 in amphetamine, capital importation of amphetamine, trafficking
393 in flunitrazepam, trafficking in gamma-hydroxybutyric acid
394 (GHB), trafficking in 1,4-Butanediol, trafficking in
395 Phenethylamines, or other violation of s. 893.135(1);
396
397 and during the commission of the offense, such person possessed
398 a semiautomatic firearm and its high-capacity detachable box
399 magazine, an assault weapon and its large-capacity magazine as
400 defined in s. 790.30, or a machine gun as defined in s. 790.001,
401 shall be sentenced to a minimum term of imprisonment of 15
402 years.
403 2. Any person who is convicted of a felony or an attempt to
404 commit a felony listed in subparagraph (a)1., regardless of
405 whether the use of a weapon is an element of the felony, and
406 during the course of the commission of the felony such person
407 discharged a semiautomatic firearm and its high-capacity box
408 magazine, an assault weapon and its large-capacity magazine as
409 defined in s. 790.30, or a "machine gun" as defined in s.
410 790.001 shall be sentenced to a minimum term of imprisonment of
411 20 years.
412 3. Any person who is convicted of a felony or an attempt to
413 commit a felony listed in subparagraph (a)1., regardless of
414 whether the use of a weapon is an element of the felony, and
415 during the course of the commission of the felony such person
416 discharged a semiautomatic firearm and its high-capacity box

magazine, an assault weapon and its large-capacity magazine as defined in s. 790.30, or a "machine gun" as defined in s. 790.001 and, as the result of the discharge, death or great bodily harm was inflicted upon any person, the convicted person shall be sentenced to a minimum term of imprisonment of not less than 25 years and not more than a term of imprisonment of life in prison.

Section 3. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, section 27.366, Florida Statutes, is reenacted to read:

27.366 Legislative intent and policy in cases meeting criteria of s. 775.087(2) and (3).—It is the intent of the Legislature that convicted criminal offenders who meet the criteria in s. 775.087(2) and (3) be sentenced to the minimum mandatory prison terms provided therein. It is the intent of the Legislature to establish zero tolerance of criminals who use, threaten to use, or avail themselves of firearms in order to commit crimes and thereby demonstrate their lack of value for human life. It is also the intent of the Legislature that prosecutors should appropriately exercise their discretion in those cases in which the offenders' possession of the firearm is incidental to the commission of a crime and not used in furtherance of the crime, used in order to commit the crime, or used in preparation to commit the crime. For every case in which the offender meets the criteria in this act and does not receive the mandatory minimum prison sentence, the state attorney must explain the sentencing deviation in writing and place such explanation in the case file maintained by the state attorney.

366940

Section 4. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (1) of section 921.0024, Florida Statutes, is reenacted to read:

921.0024 Criminal Punishment Code; worksheet computations; scoresheets.—

(1)

(b) WORKSHEET KEY:

Legal status points are assessed when any form of legal status existed at the time the offender committed an offense before the court for sentencing. Four (4) sentence points are assessed for an offender’s legal status.

Community sanction violation points are assessed when a community sanction violation is before the court for sentencing. Six (6) sentence points are assessed for each community sanction violation and each successive community sanction violation, unless any of the following apply:

1. If the community sanction violation includes a new felony conviction before the sentencing court, twelve (12) community sanction violation points are assessed for the violation, and for each successive community sanction violation involving a new felony conviction.

2. If the community sanction violation is committed by a violent felony offender of special concern as defined in s. 948.06:

a. Twelve (12) community sanction violation points are assessed for the violation and for each successive violation of

366940

felony probation or community control where:

I. The violation does not include a new felony conviction; and

II. The community sanction violation is not based solely on the probationer or offender's failure to pay costs or fines or make restitution payments.

b. Twenty-four (24) community sanction violation points are assessed for the violation and for each successive violation of felony probation or community control where the violation includes a new felony conviction.

Multiple counts of community sanction violations before the sentencing court shall not be a basis for multiplying the assessment of community sanction violation points.

Prior serious felony points: If the offender has a primary offense or any additional offense ranked in level 8, level 9, or level 10, and one or more prior serious felonies, a single assessment of thirty (30) points shall be added. For purposes of this section, a prior serious felony is an offense in the offender's prior record that is ranked in level 8, level 9, or level 10 under s. 921.0022 or s. 921.0023 and for which the offender is serving a sentence of confinement, supervision, or other sanction or for which the offender's date of release from confinement, supervision, or other sanction, whichever is later, is within 3 years before the date the primary offense or any additional offense was committed.

Prior capital felony points: If the offender has one or more

prior capital felonies in the offender's criminal record, points shall be added to the subtotal sentence points of the offender equal to twice the number of points the offender receives for the primary offense and any additional offense. A prior capital felony in the offender's criminal record is a previous capital felony offense for which the offender has entered a plea of nolo contendere or guilty or has been found guilty; or a felony in another jurisdiction which is a capital felony in that jurisdiction, or would be a capital felony if the offense were committed in this state.

Possession of a firearm, semiautomatic firearm, or machine gun: If the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(2) while having in his or her possession: a firearm as defined in s. 790.001(6), an additional eighteen (18) sentence points are assessed; or if the offender is convicted of committing or attempting to commit any felony other than those enumerated in s. 775.087(3) while having in his or her possession a semiautomatic firearm as defined in s. 775.087(3) or a machine gun as defined in s. 790.001(9), an additional twenty-five (25) sentence points are assessed.

Sentencing multipliers:

Drug trafficking: If the primary offense is drug trafficking under s. 893.135, the subtotal sentence points are multiplied, at the discretion of the court, for a level 7 or level 8 offense, by 1.5. The state attorney may move the sentencing

366940

court to reduce or suspend the sentence of a person convicted of a level 7 or level 8 offense, if the offender provides substantial assistance as described in s. 893.135(4).

Law enforcement protection: If the primary offense is a violation of the Law Enforcement Protection Act under s. 775.0823(2), (3), or (4), the subtotal sentence points are multiplied by 2.5. If the primary offense is a violation of s. 775.0823(5), (6), (7), (8), or (9), the subtotal sentence points are multiplied by 2.0. If the primary offense is a violation of s. 784.07(3) or s. 775.0875(1), or of the Law Enforcement Protection Act under s. 775.0823(10) or (11), the subtotal sentence points are multiplied by 1.5.

Grand theft of a motor vehicle: If the primary offense is grand theft of the third degree involving a motor vehicle and in the offender’s prior record, there are three or more grand thefts of the third degree involving a motor vehicle, the subtotal sentence points are multiplied by 1.5.

Offense related to a criminal gang: If the offender is convicted of the primary offense and committed that offense for the purpose of benefiting, promoting, or furthering the interests of a criminal gang as defined in s. 874.03, the subtotal sentence points are multiplied by 1.5. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Domestic violence in the presence of a child: If the offender is convicted of the primary offense and the primary offense is a crime of domestic violence, as defined in s. 741.28, which was committed in the presence of a child under 16 years of age who is a family or household member as defined in s. 741.28(3) with the victim or perpetrator, the subtotal sentence points are multiplied by 1.5.

Adult-on-minor sex offense: If the offender was 18 years of age or older and the victim was younger than 18 years of age at the time the offender committed the primary offense, and if the primary offense was an offense committed on or after October 1, 2014, and is a violation of s. 787.01(2) or s. 787.02(2), if the violation involved a victim who was a minor and, in the course of committing that violation, the defendant committed a sexual battery under chapter 794 or a lewd act under s. 800.04 or s. 847.0135(5) against the minor; s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s. 794.011(10); s. 800.04; or s. 847.0135(5), the subtotal sentence points are multiplied by 2.0. If applying the multiplier results in the lowest permissible sentence exceeding the statutory maximum sentence for the primary offense under chapter 775, the court may not apply the multiplier and must sentence the defendant to the statutory maximum sentence.

Section 5. For the purpose of incorporating the amendment made by this act to section 775.087, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 947.146, Florida Statutes, is reenacted to read:

366940

947.146 Control Release Authority.—

(3) Within 120 days prior to the date the state correctional system is projected pursuant to s. 216.136 to exceed 99 percent of total capacity, the authority shall determine eligibility for and establish a control release date for an appropriate number of parole ineligible inmates committed to the department and incarcerated within the state who have been determined by the authority to be eligible for discretionary early release pursuant to this section. In establishing control release dates, it is the intent of the Legislature that the authority prioritize consideration of eligible inmates closest to their tentative release date. The authority shall rely upon commitment data on the offender information system maintained by the department to initially identify inmates who are to be reviewed for control release consideration. The authority may use a method of objective risk assessment in determining if an eligible inmate should be released. Such assessment shall be a part of the department's management information system. However, the authority shall have sole responsibility for determining control release eligibility, establishing a control release date, and effectuating the release of a sufficient number of inmates to maintain the inmate population between 99 percent and 100 percent of total capacity. Inmates who are ineligible for control release are inmates who are parole eligible or inmates who:

(b) Are serving the mandatory minimum portion of a sentence enhanced under s. 775.087(2) or (3), or s. 784.07(3);

In making control release eligibility determinations under this

366940

subsection, the authority may rely on any document leading to or generated during the course of the criminal proceedings, including, but not limited to, any presentence or postsentence investigation or any information contained in arrest reports relating to circumstances of the offense.

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

And the title is amended as follows:

Between lines 41 and 42

insert:

creating s. 790.30, F.S.; defining terms; prohibiting the sale or transfer of an assault weapon or large-capacity magazine; providing criminal penalties; providing exceptions to the prohibition; prohibiting possession of an assault weapon or large-capacity magazine; providing criminal penalties; providing exceptions to the prohibition; requiring that a person who lawfully possessed such a weapon or magazine before a specified date obtain a certificate of possession; providing requirements for the certificate; requiring the Department of Law Enforcement to adopt rules by a certain date; limiting transfers of assault weapons or large-capacity magazines represented by such certificates as of a specified date; providing conditions for continued possession of such weapons or magazines; requiring certificates of transfer for the sale or transfer of such weapons or magazines; requiring that the department maintain records of such sales or

366940

transfers; providing for relinquishment of assault weapons or large-capacity magazines to law enforcement agencies or the department; providing requirements for transportation of assault weapons or large-capacity magazines; providing criminal penalties for violations; specifying circumstances in which the manufacture or transportation of assault weapons or large-capacity magazines is not prohibited; exempting permanently inoperable firearms from all such provisions; amending s. 775.087, F.S.; providing enhanced criminal penalties for certain offenses when a person committed them with an assault weapon and large-capacity magazine; reenacting ss. 27.366, 921.0024(1)(b), and 947.146(3)(b), F.S., relating to legislative intent and policy in certain cases, the Criminal Punishment Code worksheet key, and the Control Release Authority, respectively, to incorporate the amendment made to s. 775.087, F.S., in references thereto;

481868

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Between lines 398 and 399
insert:

(3) POSSESSION.—A person may not, within this state, possess a bump-fire stock. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(4) RELINQUISHMENT AND DESTRUCTION.—A person who owns or is in possession of a bump-fire stock may arrange in advance to

481868

relinquish the device to a law enforcement agency, as defined in s. 934.02, or the Department of Law Enforcement or, if the bump-fire stock is not relinquished, the person must destroy the device. The law enforcement agency or the department must destroy any relinquished or acquired bump-fire stock within a reasonable time.

(5) APPLICABILITY.—This section does not apply to a law enforcement agency or the Department of Law Enforcement after taking possession of a bump-fire stock through relinquishment or other lawful means or while preparing to destroy the device.

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

And the title is amended as follows:

Delete lines 44 - 46

and insert:

distribution, transport, sale, giving, or possession of a bump-fire stock in this state; providing criminal penalties; authorizing a person to relinquish a bump-fire stock to a law enforcement agency or the Department of Law Enforcement; requiring a person who does not relinquish a bump-fire stock to destroy the device; requiring the law enforcement agency or the department to destroy relinquished or acquired bump-fire stocks; providing applicability; providing legislative intent; providing a

171890

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 765 - 777

and insert:

weapon or firearm issued under s. 790.06. The law enforcement officer shall take possession of all firearms and ammunition belonging to the respondent which are surrendered. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent

171890

must surrender any firearms, ammunition, and license to carry a concealed weapon or firearm in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present. Notwithstanding ss. 933.02 and 933.18, a law enforcement officer may seek a search warrant from a court of competent jurisdiction to conduct a search for firearms or ammunition if the officer has probable cause to believe that there are firearms or ammunition in the respondent's custody, control, or possession which have not been surrendered.

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

And the title is amended as follows:

Delete line 68

and insert:

the surrender and storage of firearms, ammunition, and licenses to carry a concealed weapon or firearm

363704

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 996 - 1024

and insert:

943.082 School Safety Awareness Program.—

(1) In collaboration with the Department of Legal Affairs, the department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the

363704

threat of these activities, to appropriate public safety agencies and school officials. As recommended by students of Marjory Stoneman Douglas, the program shall be named "FortifyFL." At a minimum, the department must receive reports electronically through the mobile suspicious activity reporting tool that is available on both Android and Apple devices.

(2) The reporting tool must notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.

(b) That if the reporting party chooses to disclose his or her identity, that information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain the information as confidential.

(3) Information received by the tool must be promptly forwarded to the appropriate law enforcement agency or school official.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.

(5) The department, in collaboration with the Division of Victims Services within the Office of Attorney General and the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

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

363704

And the title is amended as follows:

Delete lines 93 - 101

and insert:

requiring the Department of Law Enforcement, in collaboration with the Department of Legal Affairs, to competitively procure a mobile suspicious activity tool with certain features; requiring the department to receive certain electronic reports; requiring the reporting tool to notify the reporting part of certain information; requiring the forwarding of certain information to appropriate law enforcement agencies; requiring certain entities be made aware of the reporting tool; requiring the department, in collaboration with certain entities, to develop and provide certain training and awareness relating to the reporting tool; creating

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2018	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment

Delete lines 1137 - 1143
and insert:
records, including confidential and exempt information or records, which pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and that are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise confidential and

129560

exempt shall retain such confidential and exempt status and the

812208

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Braynon and Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1543 - 1734

and insert:

Section 23. Section 1006.149, Florida Statutes, is created to read:

1006.149 Public School Emergency Response Learning System Program.—

(1) The Public School Emergency Response Learning System Program is established to assist school personnel in preparing

812208

for and responding to active emergency situations and to implement local notification systems for all Florida public schools, with the ultimate goal of preventing tragedy and the loss of life through proactive strategies.

(2) The program is created within the department and shall be administered by the Office of Safe Schools, established pursuant to s. 1001.217. Through the program, local law enforcement agencies shall partner with participating public preschools, public child care providers, or public school districts and schools. Training, notifications, and resources must be available for school personnel and students and their families through, at minimum, the following mechanisms:

(a) Activities and direct training to mitigate risk and save lives in emergency situations, such as lockdown, bomb threat, active shooter, and other emergency situations.

(b) Vital local notification systems implemented to alert schools of imminent danger.

(c) Other resources provided in conjunction with the training including, but not limited to, an emergency plan flip chart, communication cards, instructional resources, activity books for children and teachers, and certificates of training and completion.

(3) Each program participant must develop a preemptive plan of action that includes multiple options for addressing various situations based on the form of danger present and the unique needs and circumstances of each school and its faculty, staff, students, and visitors.

(4) A school district must include in its emergency notification procedures established pursuant to s. 1006.07 any

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program participant who notifies the district of his or her desire to participate.

(5) Funding for program activities may be provided by the Legislature to implement this section.

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

And the title is amended as follows:

Delete lines 164 - 184

and insert:

specified evaluations; creating s. 1006.149, F.S.; establishing the Public School Emergency Response Learning System Program within the department; establishing the program as a partnership between local law enforcement agencies and public education entities; specifying activities, training, notification systems, and resources provided through the program; specifying the creation of a preemptive plan of action; authorizing funding provided by the Legislature to implement the program; creating s.

236270

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
02/28/2018	.	
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The Committee on Appropriations (Stewart) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1543 - 1734

and insert:

Section 23. Section 790.053, Florida Statutes, is amended to read:

790.053 Open carrying of weapons.—

(1) Except as provided in subsection (2) or otherwise provided by law ~~and in subsection (2)~~, it is unlawful for any person to openly carry on or about his or her person any firearm

or electric weapon or device. It is not a violation of this section for a person licensed to carry a concealed firearm as provided in s. 790.06(1), and who is lawfully carrying a firearm in a concealed manner, to briefly and openly display the firearm to the ordinary sight of another person, unless the firearm is intentionally displayed in an angry or threatening manner, not in necessary self-defense.

(2)(a) A person may openly carry, for purposes of lawful self-defense:

1.~~(a)~~ A self-defense chemical spray.

2.~~(b)~~ A nonlethal stun gun or dart-firing stun gun or other nonlethal electric weapon or device that is designed solely for defensive purposes.

(b) This subsection does not apply to a person, other than a school faculty or staff member, within a school safety zone as defined in s. 810.0975.

(3) Any person violating this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 24. Section 790.0535, Florida Statutes, is created to read:

790.0535 Surrender of weapon or firearm in school safety zone; immunity.—A person who is within a school safety zone, as defined in s. 810.0975, and is otherwise in violation of s. 790.01, s. 790.053, or s. 790.06(12) due to the carrying of a weapon or firearm may not be charged with such violation if he or she:

(1) At the earliest opportunity after entering the school safety zone surrenders the weapon or firearm to a law

enforcement officer, school principal, or other person designated by the school principal.

(2) Has committed no other violation of law involving the weapon or firearm while within the school safety zone.

Section 25. Paragraph (a) of subsection (12) of section 790.06, Florida Statutes, is amended to read:

790.06 License to carry concealed weapon or firearm.—

(12)(a) A license issued under this section does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm into:

1. Any place of nuisance as defined in s. 823.05;

2. Any police, sheriff, or highway patrol station;

3. Any detention facility, prison, or jail;

4. Any courthouse;

5. Any courtroom, except that nothing in this section would preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his or her courtroom;

6. Any polling place;

7. Any meeting of the governing body of a county, public school district, municipality, or special district;

8. Any meeting of the Legislature or a committee thereof;

9. Any school, college, or professional athletic event not related to firearms;

10. Any school safety zone as defined in s. 810.0975 or any elementary or secondary school facility or administration building;

11. Any career center;

12. Any portion of an establishment licensed to dispense alcoholic beverages for consumption on the premises, which

portion of the establishment is primarily devoted to such purpose;

13. Any college or university facility unless the licensee is a registered student, employee, or faculty member of such college or university and the weapon is a stun gun or nonlethal electric weapon or device designed solely for defensive purposes and the weapon does not fire a dart or projectile;

14. The inside of the passenger terminal and sterile area of any airport, provided that no person shall be prohibited from carrying any legal firearm into the terminal, which firearm is encased for shipment for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; or

15. Any place where the carrying of firearms is prohibited by federal law.

Section 26. Subsection (4) is added to section 1006.025, Florida Statutes, to read:

1006.025 Guidance services.—

(4) Each school district's guidance plan shall include mandatory guidance counseling in school safety issues for students in kindergarten through grade 5 using Florida's School Counseling and Guidance Framework.

Section 27. Section 1006.149, Florida Statutes, is created to read:

1006.149 Public School Emergency Response Learning System Program.—

(1) The Public School Emergency Response Learning System Program is established to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public

schools, with the ultimate goal of preventing tragedy and the loss of life through proactive strategies.

(2) The program is created within the department and shall be administered by the Office of Safe Schools, created pursuant to s. 1001.217. Through the program, local law enforcement agencies shall partner with participating public preschools, public child care providers, or public school districts and schools. Training, notifications, and resources must be available for school personnel and students and their families through, at minimum, the following mechanisms:

(a) Activities and direct training to mitigate risk and save lives in emergency situations, such as lockdown, bomb threat, active shooter, and other emergency situations.

(b) Vital local notification systems implemented to alert schools of imminent danger.

(c) Other resources provided in conjunction with the training, including, but not limited to, an emergency plan flip chart, communication cards, instructional resources, activity books for children and teachers, and certificates of training and completion.

(3) Each program participant must develop a preemptive plan of action that includes multiple options for addressing various situations based on the form of danger present and the unique needs and circumstances of each school and its faculty, staff, students, and visitors.

(4) A school district must include in its emergency notification procedures established pursuant to s. 1006.07 any program participant who notifies the district of his or her desire to participate.

236270

(5) Funding for program activities may be provided by the Legislature to implement this section.

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

And the title is amended as follows:

Delete lines 164 - 184

and insert:

specified evaluations; amending s. 790.053, F.S.; providing that an exception to prohibition on the open carrying of weapons for certain nonlethal weapons does not apply to persons, other than school faculty or staff members, within school safety zones; creating s. 790.0535, F.S.; providing that a person present within a school safety zone who is carrying a weapon or firearm in violation of specified provisions may avoid charges by surrendering the weapon or firearm to a specified person at the earliest opportunity if the person has committed no other offense involving the weapon or firearm within the zone; amending s. 790.06, F.S.; providing that a license to carry a concealed weapon or firearm does not authorize any person to openly carry a handgun or carry a concealed weapon or firearm in a school safety zone; amending s. 1006.025, F.S.; requiring a school district's guidance plan to include mandatory guidance counseling for certain students in school safety issues; creating s. 1006.149, F.S.; establishing the Public School Emergency Response Learning System Program within the department; establishing the program as a partnership

236270

between local law enforcement agencies and public education entities; specifying activities, training, notification systems, and resources provided through the program; specifying the creation of a preemptive plan of action; authorizing funding provided by the Legislature to implement the program; creating s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2018	.	
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The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Between lines 1898 and 1899

insert:

Section 31. For the 2018-2019 fiscal year, the sum of $100 million in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids - Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.

Section 32. For the 2018-2019 fiscal year, the sum of $500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 33. For the 2018-2019 fiscal year, the sum of $15 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

Section 34. For the 2018-2019 fiscal year, the sums of $500,000 in recurring funds and $67 million in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the Florida Sheriff's Marshal Program pursuant to s. 1006.1491, Florida Statutes.

Section 35. For the 2018-2019 fiscal year, three full-time equivalent positions, with associated salary rate of 150,000, are authorized, and the sum of $344,393 in recurring funds are appropriated from the General Revenue Fund to the Department of Education to fund the Office of Safe Schools created pursuant to s. 1001.217, Florida Statutes.

Section 36. For the 2018-2019 fiscal year, the sum of $75

million in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program category for the safe schools allocation. These funds are in addition to the safe schools allocation funds appropriated in the Florida Education Finance Program in the Fiscal Year 2018-2019 General Appropriations Act. From these funds, $13,675,820 shall be added equally to each school district and developmental research school to provide a district minimum amount of $250,000. Notwithstanding s. 1011.62(15), Florida Statutes, the balance of the funds shall be allocated to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district must use these funds exclusively for hiring or contracting for safe-school officers pursuant to s. 1006.12, Florida Statutes.

Section 37. For the 2018-2019 fiscal year, the sum of $100,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure the active shooter training component of the school safety specialist training program pursuant to s. 1001.217, Florida Statutes.

Section 38. For the 2018-2019 fiscal year, the sum of $90,688,152 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August

1, 2018, by a school district or charter school. By August 31, 2018, the department shall submit the grant guidelines, which must include an application submission deadline of no later than December 1, 2018, and the specific evaluation criteria, to all school districts and charter schools. The department shall award grants no later than January 15, 2019, based upon the evaluation criteria set forth in the application guidelines.

Section 39. For the 2018-2019 fiscal year, the sums of $300,000 in nonrecurring funds and $100,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool pursuant to s. 943.082. The tool shall be implemented no later than January 31, 2019.

Section 40. For the 2018-2019 fiscal year, five full-time equivalent positions, with associated salary rate of 345,000, are authorized and the recurring sum of $600,000 and the nonrecurring sum of $50,000 are appropriated from the General Revenue Fund to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.

Section 41. For the 2018-2019 fiscal year, the sum of $9.8 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure for additional community action teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing community action teams and select providers to serve the areas of greatest need.

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Section 42. For the 2018-2019 fiscal year, the sums of $11,140,105 in nonrecurring funds, and $7,159,895 in recurring funds are appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.

Section 43. For the 2018-2019 fiscal year, 67 full-time equivalent positions, with associated salary rate of 3,685,000, are authorized and the recurring sum of $6,177,391 and the nonrecurring sum of $296,743 are appropriated from the General Revenue Fund to Department of Children and Families to hire case managers who will be assigned to each Sheriff's Office in the state.

Section 44. For the 2018-2019 fiscal year, the sums of $18,321 in recurring funds and $225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education in the Special Categories – Teacher and School Administrator Death Benefits category to provide for the benefits awarded pursuant to s. 112.1915, Florida Statutes, to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.

Section 45. For the 2018-2019 fiscal year, the sum of $5 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure for the development or acquisition of the Threat Monitoring System. The department shall collaborate with the

877728

school districts to identify the requirements and functionality of the Threat Monitoring System and shall make such resources available to the school districts no later than December 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 229

and insert:

the trauma centers; providing appropriations; providing an effective date.

By the Committee on Rules

595-03745-18 20187026__

A bill to be entitled

An act relating to public safety; providing a short title; amending s. 20.15, F.S.; establishing the Office of Safe Schools within the Department of Education; amending s. 394.463, F.S.; authorizing a law enforcement officer to seize and hold firearms and ammunition if taking custody of a person who poses a potential danger to himself or herself or others and who has made a credible threat against another person; requiring the law enforcement officer's agency to hold seized firearms and ammunition under certain circumstances; requiring law enforcement agencies to develop certain policies and procedures; authorizing a law enforcement officer to petition a court for a risk protection order under certain circumstances; creating s. 790.064, F.S.; prohibiting a person who has been adjudicated mentally defective or been committed to a mental institution from owning or possessing a firearm until certain relief is obtained; specifying that the firearm possession and ownership disability runs concurrently with the firearm purchase disability under certain provisions; authorizing a person to petition for relief from the firearm possession and ownership disability; requiring that petitions for relief follow certain procedures; authorizing such person to petition for simultaneous relief; amending s. 790.065, F.S.; prohibiting a person younger than a certain age from purchasing a firearm; prohibiting the sale or transfer, or facilitation of a sale or

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595-03745-18 20187026__

transfer, of a firearm to a person younger than a certain age by a licensed importer, licensed manufacturer, or licensed dealer; providing criminal penalties; providing exceptions; amending s. 790.0655, F.S.; revising the mandatory waiting period to the later of either 3 days, excluding weekends and legal holidays, or upon the completion of certain records checks; revising and redefining terms; requiring that records of firearm sales be available for inspection by any law enforcement agency during normal business hours; revising applicability of the waiting period; conforming provisions to changes made by the act; creating s. 790.34, F.S.; defining the term "bump-fire stock"; prohibiting the importation, transfer, distribution, transport, sale, or giving of a bump-fire stock in this state; providing criminal penalties; providing legislative intent; providing a short title; creating s. 790.401, F.S.; defining terms; creating an action known as a petition for a risk protection order to prevent persons who are at high risk of harming themselves or others from accessing firearms or ammunition; providing requirements for petitions for such orders; providing duties for courts and clerks of court; prohibiting fees for the filing of or service of process of such petitions; providing for jurisdiction for such petitions; requiring hearings on petitions within a specified period; providing service requirements; providing grounds that may be considered in

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

determining whether to grant such a petition; providing requirements for proceedings; providing requirements for risk protection orders; requiring the court to inform a respondent of his or her right to request a certain hearing; authorizing temporary ex parte orders under certain circumstances; providing requirements for petitions for such ex parte orders; providing for service of orders; providing for the termination or extension of an order; providing for the surrender and storage of firearms and ammunition after issuance of a risk protection order; requiring law enforcement agencies to develop certain policies and procedures by a certain date; providing for return of firearms and ammunition upon the vacating or end without the extension of an order under certain circumstances; authorizing a respondent to elect to transfer all firearms and ammunition surrendered or seized by a law enforcement agency to another person under certain circumstances; requiring an issuing court to forward specified information concerning a respondent to the Department of Agriculture and Consumer Services; requiring the department to suspend a license to carry a concealed weapon or firearm which is held by a person subject to such an order; prohibiting a person from knowingly filing a petition for such an order which contains materially false or misleading information; providing criminal penalties; prohibiting violations of such an order; providing criminal penalties; providing construction; providing

that the risk protection order provisions do not create liability for certain acts or omissions; requiring the Office of the State Courts Administrator to develop and distribute certain instructional and informational material; creating s. 943.082, F.S.; requiring the Department of Law Enforcement to competitively procure a mobile suspicious activity reporting tool; requiring the system to notify certain parties of specified information; requiring information received by the system to be reported to the appropriate agencies and school officials; requiring certain entities to be made aware of the system; requiring certain materials be provided to participating schools and school districts; creating s. 943.687, F.S.; creating the Marjory Stoneman Douglas High School Public Safety Commission within the Florida Department of Law Enforcement; requiring the commission to convene by a certain date; specifying the composition of the commission; specifying meeting requirements; requiring Florida Department of Law Enforcement staff to assist the commission; authorizing reimbursement for per diem and travel expenses; providing the duties and authority of the commission; requiring the commission to submit an initial report to the Governor and the Legislature within a specified time; providing for the expiration of the commission; creating s. 1000.051, F.S.; providing legislative intent regarding school safety and security; creating s. 1001.217, F.S.; creating the

Office of Safe Schools; providing the purpose and duties of the office; amending ss. 1002.221 and 1002.225, F.S.; providing for construction regarding the applicability of public records exemptions for security system plans and security systems; amending s. 1006.04, F.S.; establishing the Multiagency Service Network for Students with Severe Emotional Disturbance; specifying the goals and duties of the program; authorizing the Legislature to provide funding to the department to award grants; creating s. 1006.05, F.S.; providing a purpose of the mental health assistance allocation; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the Commissioner of Education; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the commissioner by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus; requiring each school district to

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designate a threat assessment team; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified entities with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; requiring each district school board to designate or appoint a district school safety specialist; providing duties of the school safety specialist; amending s. 1006.12, F.S.; requiring district school boards to establish or assign safe-school officers at each district school facility within the district; requiring school resource officers and school safety officers to undergo specified evaluations; specifying that participation in the Florida Sheriff's Marshal Program meets the requirement; creating s. 1006.149, F.S.; establishing the Public School Emergency Response Learning System Program within the department; establishing the program as a partnership between local law enforcement agencies and public education entities; specifying activities, training, notification systems, and resources provided through the program; specifying the creation of a preemptive plan of action; authorizing funding provided by the Legislature to implement the

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

program; creating s. 1006.1491, F.S.; creating the Florida Sheriff's Marshal Program within the department; specifying a purpose; defining terms; establishing program eligibility requirements; authorizing special deputy sheriffs to perform certain duties, under specified circumstances; specifying training and instructional requirements; specifying grounds for termination and denial of participants; specifying implementation requirements; authorizing funding as provided by the Legislature; creating s. 1006.1493, F.S.; requiring the department to contract with a security consulting firm to develop, update, and implement a risk assessment tool; providing requirements for the Florida Safe Schools Assessment Tool; requiring reports, training, and advice in the security consulting firm contract; requiring a specified annual report to the Governor and Legislature by a specified date; providing for construction regarding the applicability of public records exemptions for certain security data and information; amending s. 1011.62, F.S.; expanding the safe schools allocation to provide funding for specified school safety provisions; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the annual allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share;

prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; reenacting ss. 397.6760(2) and 790.335(3)(e), F.S., relating to the confidentiality of court records and exceptions to the prohibition of registration of firearms, respectively, to incorporate the amendment made to s. 790.065, F.S., in references thereto; creating s. 16.63, F.S.; establishing the Medical Reimbursement Program for Victims of Mass Shootings in the Department of Legal Affairs; defining the term "mass shooting"; requiring the department to reimburse verified or designated trauma centers for certain costs associated with treating victims for injuries associated with a mass shooting; requiring a verified or designated trauma center that requests a reimbursement to accept it as payment in full; providing an appropriation; requiring the Department of Agriculture and Consumer Services to transfer, annually and by a specified date, a percentage of the fees collected for new and renewal concealed weapon or firearm licenses from the Division of Licensing Trust Fund to the Department of Legal Affairs to reimburse the trauma centers; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Marjory Stoneman Douglas High School Public Safety Act."

Section 2. The Legislature finds there is a need to comprehensively address the crisis of gun violence, including but not limited to, gun violence on school campuses. The Legislature intends to address this crisis by providing law enforcement and the courts with the tools to enhance public safety by temporarily restricting firearm possession by a person who is undergoing a mental health crisis and when there is evidence of a threat of violence, and by promoting school safety and enhanced coordination between education and law enforcement entities at the state and local level.

Section 3. Section 16.63, Florida Statutes, is created to read:

16.63 Medical Reimbursement Program for Victims of Mass Shootings.—The Medical Reimbursement Program for Victims of Mass Shootings is established in the Department of Legal Affairs to reimburse trauma centers verified or designated pursuant to s. 395.4025 for the medical costs of treating victims for injuries associated with a mass shooting. As used in this section, the term "mass shooting" means an incident in which four or more people are killed or injured by firearms in one or more locations in close proximity. The Department of Legal Affairs must reimburse such trauma centers based on a department-approved fee schedule for the documented medical costs of treating victims for injuries associated with a mass shooting. A trauma center that requests a reimbursement through the program must accept the reimbursement as payment in full and may not bill the victim of a mass shooting or his or her family.

Section 4. Paragraph (j) is added to subsection (3) of section 20.15, Florida Statutes, to read:

20.15 Department of Education.—There is created a Department of Education.

(3) DIVISIONS.—The following divisions of the Department of Education are established:

(j) The Office of Safe Schools.

Section 5. Paragraphs (c) and (d) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(c) A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may:

1. Serve and execute such order on any day of the week, at any time of the day or night; and

2. Use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and take custody of the person who is the subject of the ex parte order.

(d) A law enforcement officer taking custody of a person under this subsection may seize and hold a firearm or any ammunition the person possesses at the time of taking him or her into custody if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person.

1. If a law enforcement officer seizes a firearm or any ammunition, the law enforcement officer's agency must hold the seized firearm or ammunition for at least a 72-hour period or until the person goes to the law enforcement agency to retrieve

the seized firearm or ammunition. Law enforcement agencies must develop policies and procedures relating to the seizure, storage, and return of such seized firearms or ammunition.

2. If the person has a firearm or any ammunition that was not seized when he or she was taken into custody, a law enforcement officer may petition the appropriate court for a risk protection order against the person pursuant to s. 790.401. ~~A law enforcement officer acting in accordance with an ex parte order issued pursuant to this subsection may use such reasonable physical force as is necessary to gain entry to the premises, and any dwellings, buildings, or other structures located on the premises, and to take custody of the person who is the subject of the ex parte order.~~

Section 6. Section 790.064, Florida Statutes, is created to read:

790.064 Firearm possession and firearm ownership disability.—

(1) A person who has been adjudicated mentally defective or who has been committed to a mental institution, as those terms are defined in s. 790.065(2), may not own a firearm or possess a firearm until relief from the firearm possession and firearm ownership disability is obtained.

(2) The firearm possession and firearm ownership disability runs concurrently with the firearm purchase disability provided in s. 790.065(2).

(3) A person may petition the court that made the adjudication or commitment, or that ordered that the record be submitted to the Department of Law Enforcement pursuant to s. 790.065(2), for relief from the firearm possession and firearm

ownership disability.

(4) The person seeking relief must follow the procedures set forth in s. 790.065(2) for obtaining relief from the firearm purchase disability in seeking relief from the firearm possession and firearm ownership disability.

(5) The person may seek relief from the firearm possession and firearm ownership disability simultaneously with the relief being sought from the firearm purchase disability, if such relief is sought, pursuant to the procedure set forth in s. 790.065(2).

Section 7. Present subsection (13) of section 790.065, Florida Statutes, is redesignated as subsection (14), and a new subsection (13) is added to that section, to read:

790.065 Sale and delivery of firearms.—

(13) A person younger than 21 years of age may not purchase a firearm. The sale or transfer of a firearm to a person younger than 21 years of age may not be made or facilitated by a licensed importer, licensed manufacturer, or licensed dealer. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The prohibitions of this subsection do not apply to the purchase of a rifle or shotgun by a law enforcement officer or a correctional officer, as those terms are defined in s. 943.10, or to a person on active duty in the Armed Forces of the United States or full-time duty in the National Guard.

Section 8. Section 790.0655, Florida Statutes, is amended to read:

790.0655 Purchase and delivery of firearms ~~handguns~~; mandatory waiting period; exceptions; penalties.—

(1)(a) ~~There shall be~~ A mandatory ~~3-day~~ waiting period is imposed between the purchase and delivery of a firearm. The mandatory waiting period is~~, which shall be~~ 3 days, excluding weekends and legal holidays, or expires upon the completion of the records checks required under s. 790.065, whichever occurs later ~~between the purchase and the delivery at retail of any handgun~~. "Purchase" means the transfer of money or other valuable consideration to the retailer. ~~"Handgun" means a firearm capable of being carried and used by one hand, such as a pistol or revolver.~~ "Retailer" means and includes a licensed importer, licensed manufacturer, or licensed dealer ~~every person~~ engaged in the business of making firearm sales at retail or for distribution, or use, or consumption, or storage to be used or consumed in this state, as defined in s. 212.02(13).

(b) Records of firearm ~~handgun~~ sales must be available for inspection by any law enforcement agency, as defined in s. 934.02, during normal business hours.

(2) The ~~3-day~~ waiting period does ~~shall~~ not apply in the following circumstances:

(a) When a firearm ~~handgun~~ is being purchased by a holder of a concealed weapons permit as defined in s. 790.06.

(b) To a trade-in of another firearm ~~handgun~~.

(c) To a person who completes a minimum of a 16-hour hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or similar agency of another state, unless that person is purchasing a handgun.

(3) It is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084:

(a) For any retailer, or any employee or agent of a

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retailer, to deliver a firearm ~~handgun~~ before the expiration of the ~~3-day~~ waiting period, subject to the exceptions provided in subsection (2).

(b) For a purchaser to obtain delivery of a firearm ~~handgun~~ by fraud, false pretense, or false representation.

Section 9. Section 790.34, Florida Statutes, is created to read:

790.34 Prohibited device for firearm.—

(1) DEFINITION.—As used in this section, the term "bump-fire stock" means a gun conversion kit, a tool, an accessory, or a device used to alter the rate of fire of a firearm to mimic automatic weapon fire or which is used to increase the rate of fire of a semiautomatic firearm to a faster rate than is possible for a person to fire such semiautomatic firearm unassisted by a kit, a tool, an accessory, or a device.

(2) SALE OR TRANSFER.—A person may not import into this state or, within this state, transfer, distribute, transport, sell, keep for sale, offer or expose for sale, or give a bump-fire stock to another person. A person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. (1) Section 790.401, Florida Statutes, is intended to temporarily prevent individuals who are at high risk of harming themselves or others from accessing firearms or ammunition by allowing law enforcement officers to obtain a court order when there is demonstrated evidence that a person poses a significant danger to himself or herself or others, including significant danger as a result of a mental health crisis or violent behavior.

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(2) The purpose and intent of s. 790.401, Florida Statutes, is to reduce deaths and injuries as a result of certain individuals' use of firearms while respecting constitutional rights by providing a judicial procedure for law enforcement officers to obtain a court order temporarily restricting a person's access to firearms and ammunition. The process established by s. 790.401, Florida Statutes, is intended to apply only to situations in which the person poses a significant danger of harming himself or herself or others by possessing a firearm or ammunition and to include standards and safeguards to protect the rights of respondents and due process of law.

Section 11. Section 790.401, Florida Statutes, may be cited as "The Risk Protection Order Act."

Section 12. Section 790.401, Florida Statutes, is created to read:

790.401 Risk protection orders.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Petitioner" means a law enforcement officer or a law enforcement agency that petitions a court for a risk protection order under this section.

(b) "Respondent" means the individual who is identified as the respondent in a petition filed under this section.

(c) "Risk protection order" means a temporary ex parte order or a final order granted under this section.

(2) PETITION FOR A RISK PROTECTION ORDER.—There is created an action known as a petition for a risk protection order.

(a) A petition for a risk protection order may be filed by a law enforcement officer or law enforcement agency.

(b) An action under this section must be filed in the

county where the petitioner's law enforcement office is located or the county where the respondent resides.

(c) Such petition for a risk protection order does not require either party to be represented by an attorney.

(d) Notwithstanding any other law, attorney fees may not be awarded in any proceeding under this section.

(e) A petition must:

1. Allege that the respondent poses a significant danger of causing personal injury to himself or herself or others by having a firearm or any ammunition in his or her custody or control or by purchasing, possessing, or receiving a firearm or any ammunition, and must be accompanied by an affidavit made under oath stating the specific statements, actions, or facts that give rise to a reasonable fear of significant dangerous acts by the respondent;

2. Identify the quantities, types, and locations of all firearms and ammunition the petitioner believes to be in the respondent's current ownership, possession, custody, or control; and

3. Identify whether there is a known existing protection order governing the respondent under s. 741.30, s. 784.046, or s. 784.0485 or under any other applicable statute.

(f) The petitioner must make a good faith effort to provide notice to a family or household member of the respondent and to any known third party who may be at risk of violence. The notice must state that the petitioner intends to petition the court for a risk protection order or has already done so and must include referrals to appropriate resources, including mental health, domestic violence, and counseling resources. The petitioner must

attest in the petition to having provided such notice or must attest to the steps that will be taken to provide such notice.

(g) The petitioner must list the address of record on the petition as being where the appropriate law enforcement agency is located.

(h) A court or a public agency may not charge fees for filing or for service of process to a petitioner seeking relief under this section and must provide the necessary number of certified copies, forms, and instructional brochures free of charge.

(i) A person is not required to post a bond to obtain relief in any proceeding under this section.

(j) The circuit courts of this state have jurisdiction over proceedings under this section.

(3) RISK PROTECTION ORDER HEARINGS AND ISSUANCE.—

(a) Upon receipt of a petition, the court must order a hearing to be held no later than 14 days after the date of the order and must issue a notice of hearing to the respondent for the same.

1. The clerk of the court shall cause a copy of the notice of hearing and petition to be forwarded on or before the next business day to the appropriate law enforcement agency for service upon the respondent as provided in subsection (5).

2. The court may, as provided in subsection (4), issue a temporary ex parte risk protection order pending the hearing ordered under this subsection. Such temporary ex parte order must be served concurrently with the notice of hearing and petition as provided in subsection (5).

3. The court may conduct a hearing by telephone pursuant to

a local court rule to reasonably accommodate a disability or exceptional circumstances. The court must receive assurances of the petitioner's identity before conducting a telephonic hearing.

(b) Upon notice and a hearing on the matter, if the court finds by clear and convincing evidence that the respondent poses a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or any ammunition, the court must issue a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months.

(c) In determining whether grounds for a risk protection order exist, the court may consider any relevant evidence, including, but not limited to, any of the following:

1. A recent act or threat of violence by the respondent against himself or herself or others, whether or not such violence or threat of violence involves a firearm.

2. An act or threat of violence by the respondent within the past 12 months, including, but not limited to, acts or threats of violence by the respondent against himself or herself or others.

3. Evidence of the respondent being seriously mentally ill or having recurring mental health issues.

4. A violation by the respondent of a risk protection order or a no contact order issued under s. 741.30, s. 784.046, or s. 784.0485.

5. A previous or existing risk protection order issued against the respondent.

6. A violation of a previous or existing risk protection order issued against the respondent.

7. Whether the respondent, in this state or any other state, has been convicted of, had adjudication withheld on, or pled nolo contendere to a crime that constitutes domestic violence as defined in s. 741.28.

8. The respondent's ownership of, access to, or intent to possess firearms or ammunition.

9. The unlawful or reckless use, display, or brandishing of a firearm by the respondent.

10. The recurring use of, or threat to use, physical force by the respondent against another person or the respondent stalking another person.

11. Whether the respondent, in this state or any other state, has been arrested for, convicted of, had adjudication withheld on, or pled nolo contendere to a crime involving violence or a threat of violence.

12. Corroborated evidence of the abuse of controlled substances or alcohol by the respondent.

13. Evidence of recent acquisition of firearms or ammunition by the respondent.

14. Any relevant information from family and household members concerning the respondent.

(d) A person, including an officer of the court, who offers evidence or recommendations relating to the cause of action either must present the evidence or recommendations in writing to the court with copies to each party and his or her attorney, if one is retained, or must present the evidence under oath at a hearing at which all parties are present.

(e) In a hearing under this section, the rules of evidence apply to the same extent as in a domestic violence injunction proceeding under s. 741.30.

(f) During the hearing, the court must consider whether a mental health evaluation or chemical dependency evaluation is appropriate and, if such determination is made, may order such evaluations, if appropriate.

(g) A risk protection order must include all of the following:

1. A statement of the grounds supporting the issuance of the order;

2. The date the order was issued;

3. The date the order ends;

4. Whether a mental health evaluation or chemical dependency evaluation of the respondent is required;

5. The address of the court in which any responsive pleading should be filed;

6. A description of the requirements for the surrender of firearms and ammunition under subsection (7); and

7. The following statement:

"To the subject of this protection order: This order will last until the date noted above. If you have not done so already, you must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or firearm issued to you under s. 790.06, Florida Statutes. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a

firearm or ammunition while this order is in effect. You have the right to request one hearing to vacate this order, starting after the date of the issuance of this order, and to request another hearing after every extension of the order, if any. You may seek the advice of an attorney as to any matter connected with this order."

(h) If the court issues a risk protection order, the court must inform the respondent that he or she is entitled to request a hearing to vacate the order in the manner provided by subsection (6). The court shall provide the respondent with a form to request a hearing to vacate.

(i) If the court denies the petitioner's request for a risk protection order, the court must state the particular reasons for the denial.

(4) TEMPORARY EX PARTE RISK PROTECTION ORDERS.—

(a) A petitioner may request that a temporary ex parte risk protection order be issued before a hearing for a risk protection order, without notice to the respondent, by including in the petition detailed allegations based on personal knowledge that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition.

(b) In considering whether to issue a temporary ex parte risk protection order under this section, the court shall consider all relevant evidence, including the evidence described in paragraph (3)(c).

(c) If a court finds there is reasonable cause to believe

that the respondent poses a significant danger of causing personal injury to himself or herself or others in the near future by having in his or her custody or control, or by purchasing, possessing, or receiving, a firearm or ammunition, the court must issue a temporary ex parte risk protection order.

(d) The court must hold a temporary ex parte risk protection order hearing in person or by telephone on the day the petition is filed or on the business day immediately following the day the petition is filed.

(e) A temporary ex parte risk protection order must include all of the following:

1. A statement of the grounds asserted for the order;

2. The date the order was issued;

3. The address of the court in which any responsive pleading may be filed;

4. The date and time of the scheduled hearing;

5. A description of the requirements for surrender of firearms and ammunition under subsection (7); and

6. The following statement:

"To the subject of this protection order: This order is valid until the date noted above. You are required to surrender all firearms and ammunition in your custody, control, or possession. You may not have in your custody or control, or purchase, possess, receive, or attempt to purchase or receive, a firearm or ammunition while this order is in effect. You must surrender immediately to the (insert name of local law enforcement agency) all firearms and ammunition in your custody, control, or possession and any license to carry a concealed weapon or

firearm issued to you under s. 790.06, Florida Statutes. A hearing will be held on the date and at the time noted above to determine if a risk protection order should be issued. Failure to appear at that hearing may result in a court issuing an order against you which is valid for 1 year. You may seek the advice of an attorney as to any matter connected with this order."

(f) A temporary ex parte risk protection order ends upon the hearing on the risk protection order.

(g) A temporary ex parte risk protection order must be served by a law enforcement officer in the same manner as provided for in subsection (5) for service of the notice of hearing and petition and must be served concurrently with the notice of hearing and petition.

(h) If the court denies the petitioner's request for a temporary ex parte risk protection order, the court must state the particular reasons for the denial.

(5) SERVICE.—

(a) The clerk of the court shall furnish a copy of the notice of hearing, petition, and temporary ex parte risk protection order or risk protection order, as applicable, to the sheriff of the county where the respondent resides or can be found, who shall serve it upon the respondent as soon thereafter as possible on any day of the week and at any time of the day or night. When requested by the sheriff, the clerk of the court may transmit a facsimile copy of a temporary ex parte risk protection order or a risk protection order that has been certified by the clerk of the court, and this facsimile copy may be served in the same manner as a certified copy. Upon receiving

a facsimile copy, the sheriff must verify receipt with the sender before attempting to serve it upon the respondent. The clerk of the court shall be responsible for furnishing to the sheriff information on the respondent's physical description and location. Notwithstanding any other provision of law to the contrary, the chief judge of each circuit, in consultation with the appropriate sheriff, may authorize a law enforcement agency within the jurisdiction to effect service. A law enforcement agency effecting service pursuant to this section shall use service and verification procedures consistent with those of the sheriff. Service under this section takes precedence over the service of other documents, unless the other documents are of a similar emergency nature.

(b) All orders issued, changed, continued, extended, or vacated after the original service of documents specified in paragraph (a) must be certified by the clerk of the court and delivered to the parties at the time of the entry of the order. The parties may acknowledge receipt of such order in writing on the face of the original order. If a party fails or refuses to acknowledge the receipt of a certified copy of an order, the clerk shall note on the original order that service was effected. If delivery at the hearing is not possible, the clerk shall mail certified copies of the order to the parties at the last known address of each party. Service by mail is complete upon mailing. When an order is served pursuant to this subsection, the clerk shall prepare a written certification to be placed in the court file specifying the time, date, and method of service and shall notify the sheriff.

(6) TERMINATION AND EXTENSION OF ORDERS.—

(a) The respondent may submit one written request for a hearing to vacate a risk protection order issued under this section, starting after the date of the issuance of the order, and may request another hearing after every extension of the order, if any.

1. Upon receipt of the request for a hearing to vacate a risk protection order, the court shall set a date for a hearing. Notice of the request must be served on the petitioner in accordance with subsection (5). The hearing must occur no sooner than 14 days and no later than 30 days after the date of service of the request upon the petitioner.

2. The respondent shall have the burden of proving by clear and convincing evidence that the respondent does not pose a significant danger of causing personal injury to himself or herself or others by having in his or her custody or control, purchasing, possessing, or receiving a firearm or ammunition. The court may consider any relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds after the hearing that the respondent has met his or her burden of proof, the court must vacate the order.

4. The law enforcement agency holding any firearm or ammunition or license to carry a concealed weapon or firearm that has been surrendered pursuant to this section shall be notified of the court order to vacate the risk protection order.

(b) The court must notify the petitioner of the impending end of a risk protection order. Notice must be received by the petitioner at least 30 days before the date the order ends.

(c) The petitioner may, by motion, request an extension of

a risk protection order at any time within 30 days before the end of the order.

1. Upon receipt of the motion to extend, the court shall order that a hearing be held no later than 14 days after the date the order is issued and shall schedule such hearing.

a. The court may schedule a hearing by telephone in the manner provided by subparagraph (3)(a)3.

b. The respondent must be personally served in the same manner provided by subsection (5).

2. In determining whether to extend a risk protection order issued under this section, the court may consider all relevant evidence, including evidence of the considerations listed in paragraph (3)(c).

3. If the court finds by clear and convincing evidence that the requirements for issuance of a risk protection order as provided in subsection (3) continue to be met, the court must extend the order. However, if, after notice, the motion for extension is uncontested and no modification of the order is sought, the order may be extended on the basis of a motion or affidavit stating that there has been no material change in relevant circumstances since entry of the order and stating the reason for the requested extension.

4. The court may extend a risk protection order for a period that it deems appropriate, up to and including but not exceeding 12 months, subject to an order to vacate as provided in paragraph (a) or to another extension order by the court.

(7) SURRENDER OF FIREARMS AND AMMUNITION.—

(a) Upon issuance of a risk protection order under this section, including a temporary ex parte risk protection order,

the court shall order the respondent to surrender to the local law enforcement agency all firearms and ammunition in the respondent's custody, control, or possession except as provided in subsection (9), and any license to carry a concealed weapon or firearm issued under s. 790.06.

(b) The law enforcement officer serving a risk protection order under this section, including a temporary ex parte risk protection order, shall request that the respondent immediately surrender all firearms and ammunition in his or her custody, control, or possession and any license to carry a concealed weapon or firearm issued under s. 790.06, and shall conduct a search authorized by law for such firearms and ammunition. The law enforcement officer shall take possession of all firearms and ammunition belonging to the respondent which are surrendered, in plain sight, or discovered pursuant to a lawful search. Alternatively, if personal service by a law enforcement officer is not possible or is not required because the respondent was present at the risk protection order hearing, the respondent shall surrender the firearms and ammunition in a safe manner to the control of the local law enforcement agency immediately after being served with the order by service or immediately after the hearing at which the respondent was present.

(c) At the time of surrender, a law enforcement officer taking possession of a firearm, any ammunition, or a license to carry a concealed weapon or firearm shall issue a receipt identifying all firearms and the quantity and type of ammunition that have been surrendered and shall provide a copy of the receipt to the respondent. Within 72 hours after service of the

order, the law enforcement officer serving the order shall file the original receipt with the court and shall ensure that his or her law enforcement agency retains a copy of the receipt.

(d) Notwithstanding ss. 933.02 and 933.18, upon the sworn statement or testimony of any person alleging that the respondent has failed to comply with the surrender of firearms or ammunition as required by an order issued under this section, the court shall determine whether probable cause exists to believe that the respondent has failed to surrender all firearms or ammunition in his or her custody, control, or possession. If the court finds that probable cause exists, the court must issue a warrant describing the firearms or ammunition and authorizing a search of the locations where the firearms or ammunition are reasonably believed to be found and the seizure of any firearms or ammunition discovered pursuant to such search.

(e) If a person other than the respondent claims title to any firearms or ammunition surrendered pursuant to this section and he or she is determined by the law enforcement agency to be the lawful owner of the firearm or ammunition, the firearm or ammunition shall be returned to him or her, if:

1. The lawful owner agrees to store the firearm or ammunition in a manner such that the respondent does not have access to or control of the firearm or ammunition.

2. The firearm or ammunition is not otherwise unlawfully possessed by the owner.

(f) Upon the issuance of a risk protection order, the court shall order a new hearing date and require the respondent to appear no later than 3 business days after the issuance of the order. The court shall require proof that the respondent has

surrendered any firearms or ammunition in his or her custody, control, or possession. The court may cancel the hearing upon a satisfactory showing that the respondent is in compliance with the order.

(g) All law enforcement agencies must develop policies and procedures by January 1, 2019, regarding the acceptance, storage, and return of firearms, ammunition, or licenses required to be surrendered under this section.

(8) RETURN AND DISPOSAL OF FIREARMS AND AMMUNITION.—

(a) If a risk protection order is vacated or ends without extension, a law enforcement agency holding a firearm or any ammunition that has been surrendered or seized pursuant to this section must return such surrendered firearm or ammunition requested by a respondent only after confirming through a background check that the respondent is currently eligible to own or possess firearms and ammunition under federal and state law and after confirming with the court that the risk protection order has been vacated or has ended without extension.

(b) If a risk protection order is vacated or ends without extension, the Department of Agriculture and Consumer Services, if it has suspended a license to carry a concealed weapon or firearm pursuant to this section, must reinstate such license only after confirming that the respondent is currently eligible to have a license to carry a concealed weapon or firearm pursuant to s. 790.06.

(c) A law enforcement agency must provide notice to any family or household members of the respondent before the return of any surrendered firearm and ammunition.

(d) Any firearm and ammunition surrendered by a respondent

pursuant to subsection (7) which remains unclaimed by the lawful owner after an order to vacate the risk protection order shall be disposed of in accordance with the law enforcement agency's policies and procedures for the disposal of firearms in police custody.

(9) TRANSFER OF FIREARMS AND AMMUNITION.—A respondent may elect to transfer all firearms and ammunition that have been surrendered to or seized by a local law enforcement agency pursuant to subsection (7) to another person who is willing to receive the respondent's firearms and ammunition. The law enforcement agency may allow such a transfer only if it is determined that the chosen recipient:

(a) Currently is eligible to own or possess a firearm and ammunition under federal and state law after confirmation through a background check;

(b) Attests to storing the firearms and ammunition in a manner such that the respondent does not have access to or control of the firearms and ammunition until the risk protection order against the respondent is vacated or ends without extension; and

(c) Attests not to transfer the firearms or ammunition back to the respondent until the risk protection order against the respondent is vacated or ends without extension.

(10) REPORTING OF ORDERS.—

(a) Within 24 hours after issuance, the clerk of the court shall enter any risk protection order or temporary ex parte risk protection order issued under this section into the uniform case reporting system.

(b) Within 24 hours after issuance, the clerk of the court

shall forward a copy of an order issued under this section to the appropriate law enforcement agency specified in the order. Upon receipt of the copy of the order, the law enforcement agency shall enter the order into the National Instant Criminal Background Check System, any other federal or state computer-based systems used by law enforcement agencies or others to identify prohibited purchasers of firearms or ammunition, and into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order must remain in each system for the period stated in the order, and the law enforcement agency shall only remove orders from the systems that have ended or been vacated. Entry into the Florida Crime Information Center and National Crime Information Center constitutes notice to all law enforcement agencies of the existence of the order. The order is fully enforceable in any county in this state.

(c) The issuing court shall, within 3 business days after issuance of a risk protection order or temporary ex parte risk protection order, forward all available identifying information concerning the respondent, along with the date of order issuance, to the Department of Agriculture and Consumer Services. Upon receipt of the information, the department shall determine if the respondent has a license to carry a concealed weapon or firearm. If the respondent does have a license to carry a concealed weapon or firearm, the department must immediately suspend the license.

(d) If a risk protection order is vacated before its end date, the clerk of the court shall, on the day of the order to vacate, forward a copy of the order to the Department of

Agriculture and Consumer Services and the appropriate law enforcement agency specified in the order to vacate. Upon receipt of the order, the law enforcement agency shall promptly remove the order from any computer-based system in which it was entered pursuant to paragraph (b).

(11) PENALTIES.—

(a) A person who files a petition under this section knowing the information in such petition is materially false, or files with the intent to harass the respondent, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A person who has in his or her custody or control a firearm or any ammunition or who purchases, possesses, or receives a firearm or any ammunition with knowledge that he or she is prohibited from doing so by an order issued under this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(12) LAW ENFORCEMENT RETAINS OTHER AUTHORITY.—This section does not affect the ability of a law enforcement officer to remove a firearm or ammunition or license to carry a concealed weapon or concealed firearm from any person or to conduct any search and seizure for firearms or ammunition pursuant to other lawful authority.

(13) LIABILITY.—Except as provided in subsection (10) or subsection (11), this section does not impose criminal or civil liability on any person or entity for acts or omissions related to obtaining a risk protection order or temporary ex parte risk protection order, including, but not limited to, providing notice to the petitioner, a family or household member of the

respondent, and any known third party who may be at risk of violence or failure to provide such notice, or reporting, declining to report, investigating, declining to investigate, filing, or declining to file, a petition under this section.

(14) INSTRUCTIONAL AND INFORMATIONAL MATERIAL.—

(a) The Office of the State Courts Administrator shall develop and prepare instructions and informational brochures, standard petitions and risk protection order forms, and a court staff handbook on the risk protection order process. The standard petition and order forms must be used after January 1, 2019, for all petitions filed and orders issued pursuant to this section. The office shall determine the significant non-English-speaking or limited English-speaking populations in the state and prepare the instructions and informational brochures and standard petitions and risk protection order forms in such languages. The instructions, brochures, forms, and handbook must be prepared in consultation with interested persons, including representatives of gun violence prevention groups, judges, and law enforcement personnel. Materials must be based on best practices and must be available online to the public.

1. The instructions must be designed to assist petitioners in completing the petition and must include a sample of a standard petition and order for protection forms.

2. The instructions and standard petition must include a means for the petitioner to identify, with only layman's knowledge, the firearms or ammunition the respondent may own, possess, receive, or have in his or her custody or control. The instructions must provide pictures of types of firearms and ammunition that the petitioner may choose from to identify the

relevant firearms or ammunition, or must provide an equivalent means to allow petitioners to identify firearms or ammunition without requiring specific or technical knowledge regarding the firearms or ammunition.

3. The informational brochure must describe the use of and the process for obtaining, extending, and vacating a risk protection order under this section and must provide relevant forms.

4. The risk protection order form must include, in a conspicuous location, notice of criminal penalties resulting from violation of the order and the following statement: "You have the sole responsibility to avoid or refrain from violating this order's provisions. Only the court can change the order and only upon written request."

5. The court staff handbook must allow for the addition of a community resource list by the clerk of the court.

(b) Any clerk of court may create a community resource list of crisis intervention, mental health, substance abuse, interpreter, counseling, and other relevant resources serving the county in which the court is located. The court may make the community resource list available as part of or in addition to the informational brochures described in paragraph (a).

(c) The Office of the State Courts Administrator shall distribute a master copy of the petition and order forms, instructions, and informational brochures to the clerks of court. Distribution of all documents shall, at a minimum, be in an electronic format or formats accessible to all courts and clerks of court in the state.

(d) Within 90 days after receipt of the master copy from

the Office of the State Courts Administrator, the clerk of the court shall make available the standardized forms, instructions, and informational brochures required by this subsection.

(e) The Office of the State Courts Administrator shall update the instructions, brochures, standard petition and risk protection order forms, and court staff handbook as necessary, including when changes in the law make an update necessary.

Section 13. Section 943.082, Florida Statutes, is created to read:

943.082 School Safety Awareness Program.—

(1) The department shall competitively procure a mobile suspicious activity reporting tool that allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities or the threat of such activities to appropriate public safety agencies and school officials. At a minimum, the department must receive reports electronically through a mobile suspicious activity reporting tool that is available on widely used mobile operating systems.

(2) The tool shall notify the reporting party of the following information:

(a) That the reporting party may provide his or her report anonymously.

(b) That if the reporting party chooses to disclose his or her identity, such information shall be shared with the appropriate law enforcement agency and school officials; however, the law enforcement agency and school officials shall be required to maintain such information as confidential.

(3) Information received by the tool must be promptly

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forwarded to the appropriate law enforcement agency or school official.

(4) Law enforcement dispatch centers, school districts, schools, and other entities identified by the department shall be made aware of the mobile suspicious activity reporting tool.

(5) The department, in collaboration with the Office of Safe Schools within the Department of Education, shall develop and provide a comprehensive training and awareness program on the use of the mobile suspicious activity reporting tool.

Section 14. Section 943.687, Florida Statutes, is created to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(1) There is created within the Florida Department of Law Enforcement the Marjory Stoneman Douglas High School Public Safety Commission, a commission as defined in s. 20.03.

(2)(a) The commission shall convene no later than June 1, 2018, and shall be composed of 15 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. Appointments must be made by April 30, 2018. The Secretary of Children and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, the Commissioner of Education, and the executive director shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the task force shall be filled in the same manner as the original appointment.

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(b) The Commissioner of the Florida Department of Law Enforcement shall chair the commission.

(c) The General Counsel of the Florida Department of Law Enforcement shall serve as the general counsel for the commission.

(d) The Florida Department of Law Enforcement staff, as assigned by the chair, shall assist the commission in performing its duties.

(e) The commission shall meet as necessary to conduct its work at the call of the chair and at the time designated by him or her at locations throughout the state. The commission may conduct its meetings through teleconferences or other similar means.

(f) Members of the task force are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.

(3) The commission shall investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in this state and develop recommendations for system improvements. At a minimum, the commission shall analyze information and evidence from the Marjory Stoneman Douglas High School shooting and other mass violence incidents in this state. At a minimum the commission shall:

(a) Develop a timeline of the incident, incident response, and all relevant events preceding the incident, with particular attention to all perpetrator contacts with local, state and national government agencies and entities and any contract providers of such agencies and entities.

(b) Investigate any failures in incident responses by local

law enforcement agencies and school resource officers.

1. Identify existing policies and procedures for active assailant incidents on school premises and evaluate the compliance with such policies and procedures in the execution of incident responses.

2. Evaluate existing policies and procedures for active assailant incidents on school premises in comparison with national best practices.

3. Evaluate the extent to which any failures in policy, procedure, or execution contributed to an inability to prevent deaths and injuries.

4. Make specific recommendations for improving law enforcement and school resource officer incident response in the future.

(c) Investigate any failures in interactions with perpetrators preceding mass violence incidents.

1. Identify the history of interactions between perpetrators and government entities such as schools, law enforcement agencies, courts and social service agencies, and identify any failures to adequately communicate or coordinate regarding indicators of risk or possible threats.

2. Evaluate the extent to which any such failures contributed to an inability to prevent deaths and injuries.

3. Make specific recommendations for improving communication and coordination among entities with knowledge of indicators of risk or possible threats of mass violence in the future.

4. Identify available state and local tools and resources for enhancing communication and coordination regarding

indicators of risk or possible threats, including but not limited to, the Department of Law Enforcement Fusion Center or Judicial Inquiry System, and make specific recommendations for using such tools and resources more effectively in the future.

(4) The commission has the power to investigate. The commission may delegate to its investigators the authority to administer oaths and affirmations.

(5) The commission has standing to petition the court for a subpoena to compel the attendance of witnesses to testify before the commission. The commission has standing to petition the court to compel the production of any books, papers, records, documentary evidence, and other items, including confidential information, relevant to the performance of the duties of the commission or to the exercise of its powers. The commission must specify in the petition to the court for a subpoena the relevancy of such information to the performance of the commission duties or to the exercise of its powers. The chair or any other member of the commission may administer all oaths and affirmations in the manner prescribed by law to witnesses who appear before the commission for the purpose of testifying in any matter that concerning which the commission desires evidence. In the case of a refusal to obey a subpoena issued by the court to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt.

(6) The commission may call upon appropriate agencies of

state government for such professional assistance as may be needed in the discharge of its duties, and such agencies shall provide such assistance in a timely manner.

(7) Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including confidential or exempt information or records, that pertain to the Marjory Stoneman Douglas High School shooting and prior mass violence incidents in Florida being reviewed by the commission and that are necessary for the commission to carry out its duties. Information or records obtained by the commission that are otherwise confidential or exempt shall retain such confidential or exempt status and the commission may not disclose any such information or records.

(8) The commission shall submit an initial report on its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by January 1, 2019, and may issue reports annually thereafter. The commission shall sunset July 1, 2023, and this section is repealed on that date.

Section 15. Section 1000.051, Florida Statutes, is created to read:

1000.051 School safety and security.—

(1) Pursuant to the authority granted under s. 1000.01, the Legislature intends that the provisions of the Florida K-20 Education Code be liberally construed by the State Board of Education, the Commissioner of Education, district school boards, district superintendents, and law enforcement agencies to the end that student discipline and school safety policy objectives may be effective.

(2) It is the intent of the Legislature, notwithstanding any other provision of the Florida K-20 Education Code and rules adopted pursuant thereto, with the exception of applicable public records exemption provisions authorized by law pertaining to exempt, or confidential and exempt, information, that school district and law enforcement personnel be authorized to take necessary actions to ensure the fundamental protection and safety of public school students, personnel, and visitors.

Section 16. Section 1001.217, Florida Statutes, is created to read:

1001.217 Office of Safe Schools.—There is created within the Department of Education the Office of Safe Schools, as required under s. 20.15, which shall be administered by an executive director.

(1) The office shall be fully accountable to the Commissioner of Education, but must cooperate and coordinate with the Board of Governors of the State University System, public and nonpublic postsecondary institutions, school districts, public and nonpublic schools, state and local agencies, community organizations, and other organizations and persons, as directed by the commissioner.

(2) The purpose of the office is to serve as the state education agency's primary coordinating division assigned to promote and support safe learning environments by addressing issues of student safety and academic success at the state, district, and school levels. In performing these functions, the office shall, at a minimum:

(a) Function as the state's primary contact for the coordination of activities, information, and reporting related

to the implementation of the student discipline and school safety requirements of subpart I.C. of chapter 1006 pertaining to public K-12 education support for learning and student services, as well as other requirements of law pertaining to school safety partnerships and responsibilities, as assigned by the commissioner.

(b) Function as the state contact and state education agency coordination office for school district safety specialists, as assigned pursuant to s. 1006.12, and primary emergency operations contact staff assigned by Florida College System institutions, state universities, and other entities identified by the commissioner.

(c) Coordinate with state and local agencies, school district personnel, and safety and security experts to establish safe school and security standards, review school safety and security plans, establish guidelines regarding school district appointments to and functions of public school threat assessment teams and district school safety specialists, and update risk assessment procedures, as appropriate.

(d) Develop and implement a training program for district school safety specialists designated or appointed by a district school board pursuant to s. 1006.07(8). Training program elements must include, but need not be limited to, school safety specialist participation in active shooter situation training conducted pursuant to s. 1006.07(4)(b), campus tours performed pursuant to s. 1006.07(7), program activities of the Public School Emergency Response Learning System Program established pursuant to s. 1006.149, and training associated with the Florida Safe Schools Assessment Tool provided pursuant to s.

1006.1493.

Section 17. Subsection (3) is added to section 1002.221, Florida Statutes, to read:

1002.221 K-12 education records; public records exemption.—

(3) This section does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

Section 18. Subsection (4) is added to section 1002.225, Florida Statutes, to read:

1002.225 Education records of students in public postsecondary educational institutions; penalty.—

(4) This section does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

Section 19. Section 1006.04, Florida Statutes, is amended to read:

1006.04 Educational multiagency services for students with severe emotional disturbance.—

(1)(a) The Legislature recognizes that an intensive, integrated educational program~~,~~ a continuum of mental health treatment services~~,~~ and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and

career education skills. The small incidence of severe emotional disturbance in the total school population requires multiagency programs to provide access to appropriate services for all students with severe emotional disturbance. District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, forming a multiagency network to provide support for students with severe emotional disturbance. To facilitate solutions to these issues, the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET) is established as a function of the department in partnership with other state, regional, and local partners as a statewide network of regional projects comprised of major child-serving agencies, community-based service providers, and students and their families.

(2) Under the leadership and guidance of the department, the fundamental goal of SEDNET and its partners shall be to facilitate the process of cross system collaboration and inclusion of families as full partners. At a minimum, SEDNET shall:

(a) Focus on developing interagency collaboration and sustaining partnerships among professionals and families in the education, mental health, substance abuse, child welfare, and juvenile justice systems serving children and youth with, and at risk of, emotional and behavioral disabilities.

(b) Provide technical assistance and support in building service capacity within regional areas and collaborate in related state level activities impacting system of care.

(c) Serve as a collaborative resource for school districts, agencies, and families working to promote positive educational and community-based outcomes for children.

(3) ~~(b)~~ The program goals for each component of SEDNET ~~the multiagency network~~ are to enable students with severe emotional disturbance to learn appropriate behaviors, reduce dependency, and fully participate in all aspects of school and community living; to develop individual programs for students with severe emotional disturbance, including necessary educational, residential, and mental health treatment services; to provide programs and services as close as possible to the student's home in the least restrictive manner consistent with the student's needs; and to integrate a wide range of services necessary to support students with severe emotional disturbance and their families.

(4) ~~(2)~~ The Legislature may provide funding for the department to ~~may~~ award grants to district school boards for statewide planning and development of SEDNET ~~the multiagency network~~ for students with severe emotional disturbance. The educational services shall be provided in a manner consistent with the requirements of ss. 402.22 and 1003.57.

(5) ~~(3)~~ State departments and agencies may use appropriate funds for SEDNET ~~the multiagency network~~ for students with severe emotional disturbance.

Section 20. Section 1006.05, Florida Statutes, is created to read:

1006.05 Mental health assistance allocation specifications.—Pursuant to s. 1011.62(17), the mental health assistance allocation is created to provide supplemental funding

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to assist school districts and charter schools in establishing or expanding comprehensive mental health programs that increase awareness of mental health issues among children and school-age youth; to train educators and other school staff in detecting and responding to mental health issues; and to connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

(1) Funding provided pursuant to s. 1011.62(16) shall be allocated in accordance with the following:

(a) Before the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, the elements in subparagraphs 1., 2., and 3., and the districts and charter schools are strongly encouraged to include in their respective plans the elements specified in subparagraphs 4., 5., and 6., as follows:

1. A contract or a memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to,

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mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth;

2. Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training programs for all school personnel who have contact with students. The training must cover risk factors and warning signs for mental health and addiction concerns, strategies for providing assistance to individuals in both crisis and non-crisis situations, and the use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community. Topics covered should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention;

3. A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate;

4. Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;

5. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and

6. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use

disorders and to improve the provision of early intervention services.

(c) The districts shall submit approved plans to the commissioner by August 1 of each year.

(2) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this section and s. 1011.62(16) shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred for services or assistance.

(c) Students who receive services or assistance.

(d) Parents or guardians notified.

(e) School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the plan required under this section.

Section 21. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsections (7) and (8) are added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for

emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and~~

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~~Government Accountability to~~

(a) Designate a threat assessment team, in accordance with guidelines established by the Office of Safe Schools, at each school in the district. The threat assessment team shall operate under the direction of the district school safety specialist.

(b) Conduct security risk assessments in accordance with s. 1006.1493 at each public school and conduct a self-assessment of the school district's ~~districts'~~ current safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

(c) Develop a plan, in a format prescribed by the department, which includes a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board must allow the law enforcement agency or agencies that are designated as first responders to the district's campus and

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school's campuses to tour such campuses once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board.

(8) DISTRICT SCHOOL SAFETY SPECIALIST.—A district school board shall designate or appoint a district school safety specialist to serve at the direction of the superintendent as the district's primary point of public contact regarding the district's coordination, communication, and implementation of policies, procedures, responsibilities, and reporting related to district and public school safety functions. The school safety specialist shall do all of the following:

(a) Coordinate with the Office of Safe Schools created pursuant to s. 1001.217.

(b) Facilitate the collection and dissemination of information among and between the school district, school personnel, students and their families, state and local law enforcement agencies, community health entities, and other state and community partners.

(c) Maintain records and reports and facilitate the implementation of policies regarding the respective duties and responsibilities of the school districts, superintendents, and principals and reporting regarding student discipline and school safety requirements.

(d) Oversee and coordinate threat assessment teams and provide a coordinated approach to evaluating and responding to students who pose, or appear to pose, a credible potential threat of violence or harm to themselves or others.

(e) Perform other responsibilities assigned by the

superintendent and requested by the Office of Safe Schools to facilitate and coordinate the effective implementation of student discipline and school safety requirements.

Section 22. Section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school ~~resource~~ officers at each public school ~~and school safety officers~~.—For the protection and safety of school personnel, property, students, and visitors, each district school board and school district superintendent shall cooperate with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district, by implementing any combination of the following options:

(1) ~~District school boards may~~ Establish school resource officer programs, through a cooperative agreement with law enforcement agencies ~~or in accordance with subsection (2)~~.

(a) School resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource

officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2) Commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend, and the district school board may appoint, one or more school safety officers.

~~(2)~~ (a) School safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

~~(b) A district school board may commission one or more school safety officers for the protection and safety of school personnel, property, and students within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.~~

(b) ~~(c)~~ A school safety officer has and shall exercise the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A school safety officer has the authority to carry weapons when performing his or her official duties.

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(c) ~~(d)~~ A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(3) Participate in the Florida Sheriff's Marshal Program, established pursuant to s. 1006.1491. Upon a participant's completion of the program, the district school board shall designate a special deputy sheriff, as appointed by the sheriff as a law enforcement officer certified under chapter 943, pursuant to s. 30.072(2).

Section 23. Section 1006.149, Florida Statutes, is created to read:

1006.149 Public School Emergency Response Learning System Program.—

(1) The Public School Emergency Response Learning System Program is established to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools, with the ultimate goal of preventing tragedy and the loss of life through proactive strategies.

(2) The program is created within the department and shall be administered by the Office of Safe Schools, created pursuant to s. 1001.217. Through the program, local law enforcement agencies shall partner with participating public preschools, public child care providers, or public school districts and schools. Training, notifications, and resources must be available for school personnel and students and their families through, at minimum, the following mechanisms:

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(a) Activities and direct training to mitigate risk and save lives in emergency situations, such as lockdown, bomb threat, active shooter, and other emergency situations.

(b) Vital local notification systems implemented to alert schools of imminent danger.

(c) Other resources provided in conjunction with the training, including, but not limited to, an emergency plan flip chart, communication cards, instructional resources, activity books for children and teachers, and certificates of training and completion.

(3) Each program participant must develop a preemptive plan of action that includes multiple options for addressing various situations based on the form of danger present and the unique needs and circumstances of each school and its faculty, staff, students, and visitors.

(4) A school district must include in its emergency notification procedures established pursuant to s. 1006.07 any program participant who notifies the district of his or her desire to participate.

(5) Funding for program activities may be provided by the Legislature to implement this section.

Section 24. Section 1006.1491, Florida Statutes, is created to read:

1006.1491 Florida Sheriff's Marshal Program.—The Florida Sheriff's Marshal Program is created within the department as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses. The program is administered by the Office of Safe Schools,

created pursuant to s. 1001.217.

(1) PURPOSE.—The purpose of the program is to provide comprehensive firearm safety and proficiency training for selected faculty and staff strategically focused on providing security on campus during an active assailant incident. Public school faculty and staff who voluntarily participate in and complete the program, as recommended by the school district, are designated as special deputy sheriffs with all rights, responsibilities, and obligations in carrying concealed firearms on campus, as authorized pursuant to s. 30.09.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Active assailant incident" means a situation in which an armed assailant is posing an immediate deadly threat to persons on the premises or campus of a public school.

(b) "Campus" means a school, as defined in s. 1003.01(2), and facilities and school plants operated and controlled by a public school district in accordance with s. 1003.02.

(c) "Partnership agreement" means a jointly approved contract between the sheriff operating the program and the superintendent of a participating school district sponsor.

(d) "Program" means a Florida Sheriff's Marshal Program as established and administered by a sheriff in accordance with this section.

(e) "Sheriff" means the county sheriff constitutional officer elected or appointed in accordance with chapter 30.

(f) "Sheriff's marshal" means a faculty or staff member who is recommended and sponsored by a school district and has been successfully screened and approved by the sheriff to participate in a program.

(g) "Special deputy sheriff" means a program participant who has successfully completed the program and who is appointed as a law enforcement officer in the same manner as a deputy sheriff as provided in s. 30.072(2) and certified under chapter 943.

(3) PROGRAM ELIGIBILITY.—At a minimum, program eligibility and participation requirements must include:

(a) A school district may sponsor and recommend to the sheriff public school faculty and staff members as candidates for voluntary participation in the program. The sheriff shall establish timelines and requirements for participation through a partnership agreement with the sponsoring school district superintendent. To be eligible for consideration and recommendation, a candidate must be licensed in accordance with s. 790.06.

(b) After screening a candidate, including performing criminal background checks, drug testing, and a psychological evaluation, the sheriff may approve a candidate to participate in the program as a sheriff's marshal.

(c) Upon successful completion of the program, a sheriff's marshal may be appointed by the sheriff as a special deputy sheriff for the limited purpose of responding to an active assailant incident on a campus of his or her school district during an active assailant incident.

(4) SPECIAL DEPUTY SHERIFF.—

(a) At a minimum, the partnership agreement must provide that a special deputy sheriff:

1. Must participate in and complete the program's professional training requirements as a precondition to meeting

the legal requirements of chapter 30 to be eligible to carry a concealed firearm on a campus of his or her sponsoring school district.

2. May not act in any law enforcement capacity outside of an active assailant incident on a school district campus and does not have any authority in a law enforcement capacity off campus in any way, except as otherwise expressly authorized by law.

3. May carry concealed, approved firearms on campus. The firearms must be specifically purchased and issued for the sole purpose of the program. Only concealed carry safety holsters and firearms approved by the sheriff may be used under the program.

4. Must successfully complete training with the sheriff's office before his or her appointment as a special deputy sheriff, including meeting the requirements of this section.

(b) The appointment of a person as a special deputy sheriff does not entitle the person to the special risk category that applies to law enforcement officers pursuant to s. 121.0515.

(5) TRAINING AND INSTRUCTION.—All training must be conducted by Criminal Justice Standards Training Commission (CJSTC)-certified instructors.

(a) Required instruction must include 132 total hours of comprehensive firearm safety and proficiency training in the following topics:

1. Firearms: 80-hour block of instruction. The firearms instruction must be based on the CJSTC Law Enforcement Academy training model and must be enhanced to include 10 percent to 20 percent more rounds fired by each program participant beyond the minimum average of approximately 1,000 training rounds

associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.

2. Firearms precision pistol: 16-hour block of instruction.

3. Firearms discretionary shooting: 4-hour block of instruction using state-of-the-art simulator exercises.

4. Active shooter or assailant: 8-hour block of instruction.

5. Defensive tactics: 4-hour block of instruction.

6. Legal or high liability: 20-hour block of instruction.

(b) Program participants may complete an optional, 16-hour precision pistol course as additional training.

(c) Ongoing and annual proficiency retraining must be conducted by the sheriff, as specified in the agreement.

(6) PARTICIPATION DENIAL OR TERMINATION.—The sheriff or the district superintendent may deny or terminate a sheriff's marshal or special deputy sheriff's participation in the program for any reason, including, but not limited to, any of the following circumstances:

(a) An arrest or filing of criminal charges against a program participant by a law enforcement agency.

(b) The service of process on the program participant as the respondent of an injunction for protection.

(c) The involuntary placement of the program participant in a treatment facility for a mental health examination under The Baker Act.

(d) A violation of sheriff office policies, orders, or requirements by the program participant.

(e) A violation of the school district's code of conduct or employee handbook or policy by the program participant.

(7) IMPLEMENTATION.—

(a) The sheriff shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each program participant.

(b) Each program participant must be distinctly and visually identifiable to responding law enforcement officers, faculty, staff, and students, in the case of any active assailant incident on a sponsoring school district's campus.

(c) Each sheriff's marshal must execute a volunteer agreement with the sheriff's office outlining duties and responsibilities.

(d) A sponsoring school district must conduct awareness training about the program for all school district faculty and staff members.

(e) Specific implementation requirements, responsibilities, and other aspects of implementation must be specified in a partnership agreement.

(8) FUNDING.—The costs of program participation must be established in the partnership agreement. Funding may be provided by the Legislature to support school district and sheriff office administration, sponsorship, participation, and implementation of this section.

Section 25. Section 1006.1493, Florida Statutes, is created to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(1) The department shall contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting

security assessments of public facilities to develop, update, and implement a risk assessment tool, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must be used by school officials at each school district and public school site in the state in conducting security assessments for use by school officials at each school district and public school site in the state.

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;

2. Security, crime, and violence prevention policies and procedures;

3. Physical security measures;

4. Professional development training needs;

5. An examination of support service roles in school safety, security, and emergency planning;

6. School security and school police staffing, operational practices, and related services;

7. School and community collaboration on school safety; and

8. A return on investment analysis of the recommended physical security controls.

(b) The department shall require by contract that the security consulting firm:

1. Generate written automated reports on assessment findings for review by the department and school and district

officials;

2. Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and

3. Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

(3) By December 1, 2018, and annually by that date thereafter, the department must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The report must include a summary of the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

(4) In accordance with ss. 119.071(3)(a) and 281.301, data and information related to security risk assessments administered pursuant to this section and s. 1006.07(6) and the security information contained in the annual report required pursuant to subsection (3) are confidential and exempt from public records requirements.

Section 26. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (17) and (18), respectively, subsections (14) and (15) of that section are amended, and a new subsection (16) is added to that section, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (17) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) SAFE SCHOOLS ALLOCATION.—A safe schools allocation is

created to provide funding to assist school districts in their compliance with subpart I.C. of chapter 1006 ~~ss. 1006.07-1006.148~~, with priority given to satisfying the requirement of establishing or assigning at least one safe-school officer at each school facility within the district ~~a school resource officer program~~ pursuant to s. 1006.12. Each school district shall receive a minimum safe schools allocation in an amount provided in the General Appropriations Act. Of the remaining balance of the safe schools allocation, two-thirds shall be allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third shall be allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts and charter schools in their compliance with the requirements and specifications established in s. 1006.05. These funds must be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding, in accordance with s. 1006.05. The district funding allocation must include a minimum amount, as provided in the General Appropriations Act. Eligible charter schools are entitled to a proportionate share of district funding for the program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses, except for

personnel hired to implement the plans required by s. 1006.05. School districts and schools must maximize third-party funding from Medicaid and private insurance when appropriate.

Section 27. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, subsection (2) of section 397.6760, Florida Statutes, is reenacted to read:

397.6760 Court records; confidentiality.—

(2) This section does not preclude the clerk of the court from submitting the information required by s. 790.065 to the Department of Law Enforcement.

Section 28. For the purpose of incorporating the amendment made by this act to section 790.065, Florida Statutes, in a reference thereto, paragraph (e) of subsection (3) of section 790.335, Florida Statutes, is reenacted to read:

790.335 Prohibition of registration of firearms; electronic records.—

(3) EXCEPTIONS.—The provisions of this section shall not apply to:

(e)1. Records kept pursuant to the recordkeeping provisions of s. 790.065; however, nothing in this section shall be construed to authorize the public release or inspection of records that are made confidential and exempt from the provisions of s. 119.07(1) by s. 790.065(4)(a).

2. Nothing in this paragraph shall be construed to allow the maintaining of records containing the names of purchasers or transferees who receive unique approval numbers or the maintaining of records of firearm transactions.

Section 29. The sum of $10 million in recurring funds from

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

the General Revenue Fund is appropriated to the Department of Legal Affairs to reimburse verified or designated trauma centers for documented medical costs of treating victims of mass shootings through its Medical Reimbursement Program for Victims of Mass Shootings.

Section 30. Each January 1, the Department of Agriculture and Consumer Services shall transfer 10 percent of the fees collected for new and renewal concealed weapon or firearm licenses from the Division of Licensing Trust Fund to the Department of Legal Affairs to reimburse verified or designated trauma centers for documented medical costs of treating victims of mass shootings through its Medical Reimbursement Program for Victims of Mass Shootings.

Section 31. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

877728

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Between lines 1898 and 1899

insert:

Section 31. For the 2018-2019 fiscal year, the sum of $100 million in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids - Florida Education Finance Program to fund the mental health assistance allocation created pursuant to s. 1011.62(16), Florida Statutes.

Section 32. For the 2018-2019 fiscal year, the sum of $500,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education for the design and construction of a memorial honoring those who lost their lives on February 14, 2018, at Marjory Stoneman Douglas High School in Broward County. The department shall collaborate with the students and faculty of Marjory Stoneman Douglas High School, the families of the victims, the Broward County School District, and other relevant entities of the Parkland community on the design and placement of the memorial.

Section 33. For the 2018-2019 fiscal year, the sum of $15 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education combined with an equal amount of local matching funds for the purpose of replacing Building 12, as listed in the Florida Inventory of School Houses, at Marjory Stoneman Douglas High School in Broward County.

Section 34. For the 2018-2019 fiscal year, the sums of $500,000 in recurring funds and $67 million in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education to implement the Florida Sheriff's Marshal Program pursuant to s. 1006.1491, Florida Statutes.

Section 35. For the 2018-2019 fiscal year, three full-time equivalent positions, with associated salary rate of 150,000, are authorized, and the sum of $344,393 in recurring funds are appropriated from the General Revenue Fund to the Department of Education to fund the Office of Safe Schools created pursuant to s. 1001.217, Florida Statutes.

Section 36. For the 2018-2019 fiscal year, the sum of $75

million in recurring funds is appropriated from the General Revenue Fund to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Education Finance Program category for the safe schools allocation. These funds are in addition to the safe schools allocation funds appropriated in the Florida Education Finance Program in the Fiscal Year 2018-2019 General Appropriations Act. From these funds, $13,675,820 shall be added equally to each school district and developmental research school to provide a district minimum amount of $250,000. Notwithstanding s. 1011.62(15), Florida Statutes, the balance of the funds shall be allocated to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district must use these funds exclusively for hiring or contracting for safe-school officers pursuant to s. 1006.12, Florida Statutes.

Section 37. For the 2018-2019 fiscal year, the sum of $100,000 in recurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure the active shooter training component of the school safety specialist training program pursuant to s. 1001.217, Florida Statutes.

Section 38. For the 2018-2019 fiscal year, the sum of $90,688,152 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to implement a grant program that will provide awards to schools to fund, in whole or in part, the fixed capital outlay costs associated with improving the physical security of school buildings as identified by a security risk assessment completed before August

1, 2018, by a school district or charter school. By August 31, 2018, the department shall submit the grant guidelines, which must include an application submission deadline of no later than December 1, 2018, and the specific evaluation criteria, to all school districts and charter schools. The department shall award grants no later than January 15, 2019, based upon the evaluation criteria set forth in the application guidelines.

Section 39. For the 2018-2019 fiscal year, the sums of $300,000 in nonrecurring funds and $100,000 in recurring funds are appropriated from the General Revenue Fund to the Department of Law Enforcement to competitively procure proposals for the development or acquisition of the mobile suspicious activity reporting tool pursuant to s. 943.082. The tool shall be implemented no later than January 31, 2019.

Section 40. For the 2018-2019 fiscal year, five full-time equivalent positions, with associated salary rate of 345,000, are authorized and the recurring sum of $600,000 and the nonrecurring sum of $50,000 are appropriated from the General Revenue Fund to the Department of Law Enforcement to fund the operations of the Marjory Stoneman Douglas High School Public Safety Commission.

Section 41. For the 2018-2019 fiscal year, the sum of $9.8 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure for additional community action teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing community action teams and select providers to serve the areas of greatest need.

877728

Section 42. For the 2018-2019 fiscal year, the sums of $11,140,105 in nonrecurring funds, and $7,159,895 in recurring funds are appropriated from the General Revenue Fund to the Department of Children and Families to competitively procure proposals for additional mobile crisis teams to ensure reasonable access among all counties. The department shall consider the geographic location of existing mobile crisis teams and select providers to serve the areas of greatest need.

Section 43. For the 2018-2019 fiscal year, 67 full-time equivalent positions, with associated salary rate of 3,685,000, are authorized and the recurring sum of $6,177,391 and the nonrecurring sum of $296,743 are appropriated from the General Revenue Fund to Department of Children and Families to hire case managers who will be assigned to each Sheriff's Office in the state.

Section 44. For the 2018-2019 fiscal year, the sums of $18,321 in recurring funds and $225,000 in nonrecurring funds are appropriated from the General Revenue Fund to the Department of Education in the Special Categories – Teacher and School Administrator Death Benefits category to provide for the benefits awarded pursuant to s. 112.1915, Florida Statutes, to the eligible recipients of the three Marjory Stoneman Douglas High School staff members who lost their lives on February 14, 2018.

Section 45. For the 2018-2019 fiscal year, the sum of $5 million in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Education to competitively procure for the development or acquisition of the Threat Monitoring System. The department shall collaborate with the

877728

school districts to identify the requirements and functionality of the Threat Monitoring System and shall make such resources available to the school districts no later than December 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 229

and insert:

the trauma centers; providing appropriations; providing an effective date.

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

114252
Amendment Barcode (if applicable)

Topic Pub-Safety

Name Bob Guastella

Job Title Sheriff

Address 10750 Vinson Rd
Street

Largo FL 33778
City *State* *Zip*

Phone 727-582-6262

Email [illegible]

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FSA

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)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie A Owens

Job Title Legislative Advocate

Address _____ Phone 727.639.1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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

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2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

114252
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave. Phone 850-224-9262
Street

Tallahassee Fla 32303 Email
City *State* *Zip*

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

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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)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

668020
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

Job Title _____

Address 1747 Orlando Central Parkway
Street

Phone 4078557604

Orlando FL 32809
City *State* *Zip*

Email legislative@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

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2.27.18
Meeting Date

7026
Bill Number (if applicable)

868020
Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie Owens

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 7276391943
Street

_____ Email _____
City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE OF WOMEN VOTERS FL

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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

668020
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Ungleside Ave
Street

Tallahassee Fla 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

669020
Amendment Barcode (if applicable)

Topic Gun Safety

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality 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)

2/27/18
Meeting Date

SB 7026 Amend
Bill Number (if applicable)

668020
Amendment Barcode (if applicable)

Topic 668020 Amendment

Name Erek Culbreath

Job Title

Address 319 Bermuda Rd
Street

Tallahassee FL 32312
City *State* *Zip*

Phone 941-224-4744

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Arming teachers with guns

Name Carol Dahi

Job Title Student

Address 5306 Robert Scott Dr S
Street

Jacksonville FL 32207
City *State* *Zip*

Phone (904)-654-9926

Email caco23dahi@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing My self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

941870
Amendment Barcode (if applicable)

Topic School Safety

Name Stephenie Owens

Job Title Legislative Advocate

Address _____
Street

Phone 727 639 1243

Email _____

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

941870
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

Job Title _____

Address 1747 Orlando Central Parkway
Street
Orlando, FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislation@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

941870
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave.
Street

Tallahassee, Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

7026
Bill Number (if applicable)

Topic School safety ~~Gun~~ Shooter

Amendment Barcode (if applicable)

Name Max Schachter

Job Title

Address 12441 NW 62 St. Coral Springs Phone 954-646-8626
Street

33076 Email MaxSchachter@gmail.com
City State Zip

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

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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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

346940
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Phone 850-224-9262

Tallahassee Fla 32303
City *State* *Zip*

Email

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

366940
Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie Owens

Job Title Legislative Advocate

Address _____ Phone 7276391243
Street

_____ Email _____
City *State* *Zip*

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

366940
Amendment Barcode (if applicable)

Topic Assault weapons

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St
Street
Tallahassee, FL 32301
City *State* *Zip*

Phone 850-321-9386

Email fcfep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Center for Fiscal & Economic Policy

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)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

366940
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

Job Title 1747 Orlando Central Parkway

Address _____
Street

Orlando, FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislative@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

366940
Amendment Barcode (if applicable)

Topic Gun Safety

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27
Meeting Date

7026
Bill Number (if applicable)

941840
Amendment Barcode (if applicable)

Topic _____

Name Michael Rayner

Job Title _____

Address PO Box 2133
Street

Ft Ld FL 33303
City *State* *Zip*

Phone 954 566-0744

Email mrajner@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

481868
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawthas

Job Title _____

Address 1747 Orlando Central Parkway
Street

Orlando FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislative@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

481868
Amendment Barcode (if applicable)

Topic Gun Safety

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

481868
Amendment Barcode (if applicable)

Topic _____

Name Michael Rajner

Job Title _____

Address PO Box 2133
Street

Phone 954 566-0494

_____
City *State* *Zip*

Email _____

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

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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)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

481868
Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie Owens

Job Title Legislative Advocate

Address _____ Phone _____
Street

City *State* *Zip*

Email LWVFADVOCACY@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 FL

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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

481868
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Hyderside Ave
Street

Tallahassee Fla 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

171890
Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie Owens

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 727 639 1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE of Womens Voters FL

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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

171890
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Phone 850-224-9262

Tallahassee Fla. 32303
City *State* *Zip*

Email

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

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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)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

812208
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

Job Title _____

Address 1747 Orlando Central Pkwy
Street

Orlando FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislature@floridapta.org

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

8122 08
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RuBiNo 1

Job Title retired

Address 726
Street

Phone

City *State* *Zip*

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

SB 7026
Bill Number (if applicable)

8122088
Amendment Barcode (if applicable)

Topic School safety

Name Stephanie Owens

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 7276391243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE of Women Voters FL

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)

2-27-18
Meeting Date

7026
Bill Number (if applicable)

812208
Amendment Barcode (if applicable)

Topic ReMove "Marshall" Program

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-224-2078

Email Stephanie.Kunkel@floridaea.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

	7026
Meeting Date	*Bill Number (if applicable)*
	812208
	Amendment Barcode (if applicable)

Topic _____

Name Michael Rayner

Job Title _____

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

812208
Amendment Barcode (if applicable)

Topic Gun Safety

Name Jon Harris Maurer

Job Title

Address
Street

Phone

Email

City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date	7026 Bill Number (if applicable)
Topic & MARSHALL PLAN	812208 Amendment Barcode (if applicable)
Name Rev Dr Russell Meyer	Sup.
Job Title Exec Dir FL Council of Churches	
Address 5025 Southampton Cir (Street)	Phone
Tampa (City) FL (State) 33647 (Zip)	Email

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Council of Churches

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)

Meeting Date

7026
Bill Number (if applicable)

812208
Amendment Barcode (if applicable)

Topic School Safety

Name Pam Miller.

Job Title Parkland Parent

Address 10526 NW 66 St. Phone

Street

Parkland, FL 33076. Email

City State Zip

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

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7026

Meeting Date Bill Number (if applicable)

812208

Amendment Barcode (if applicable)

Topic School Safety

Name Ranee Schaft

Job Title Teacher

Address 10655 NW 6th PL Phone

Street

Parkland FL Email

City State Zip

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

~~7022~~ 7026
Bill Number (if applicable)

This Amendment 812208
Amendment Barcode (if applicable)

Topic Guns

Name Greg Pound

Job Title Father of Seven Children

Address 9166 Sunrise Dr
Street

Phone

City *State* *Zip*

Email

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/28/17
Meeting Date

7026
Bill Number (if applicable)

Topic PUBLIC SAFETY

812208
Amendment Barcode (if applicable)

Name KEN RUSSELL

Job Title CITY OF MIAMI COMMISSIONER

Address 3500
Street

Phone 305 350 5333

MIAMI FL 33131
City *State* *Zip*

Email

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing CITY OF MIAMI

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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

236270
Amendment Barcode (if applicable)

Topic School Safety

Name JAN RUBINO

Job Title Retired

Address 726 Ingleside Ave.
Street

Tallahassee, Fla 32303
City *State* *Zip*

Phone 850-224-9262

Email

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.

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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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

236270
Amendment Barcode (if applicable)

Topic School Safety

Name STEPHANIE OWENS

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 727 639 1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

27 Feb 2017
Meeting Date

7026
Bill Number (if applicable)

Topic Public Safety / Mental Health Assistance — 877728
Amendment Barcode (if applicable)

Galvano Amd

Name Jill Gran

Job Title Senior Policy Director

Address 2868 Mahan Dr — Phone 850 878 2194
Street

Tallahassee FL 32308 — Email jill@myfbha.org
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Behavioral Health 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)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

877728
Amendment Barcode (if applicable)

Sen. Galvano Amended

Topic Public Safety Mental Health Assistance

Name Melanie Brown Wooten

Job Title CEO/President Florida Council for Community Mental Health

Address 316 E. Park Ave. *Street*

Phone 850-224-6048

Tally FL 32307
City *State* *Zip*

Email melanie@fccmh.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Council for Community Behavioral Health

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

70-26
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Sanaz Shahbazi

Job Title _____

Address 10655 N.W 69 Pl. *Street*

Phone 954-646 1630

Parkland *City* FL *State* 33076 *Zip*

Email bshahbazi@aol.com

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

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education / Bill 7026 & governors plan

Name Nicholas Maggio

Job Title Student

Address 8915 Hampton Landing Dr. East
Street

Phone (904)-305-1376

Jacksonville FL 32256
City *State* *Zip*

Email nmaggio123@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Atlantic Coast Highschool

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Jacob Jordan Hancock

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Phone

Jacksonville FL 32207
City *State* *Zip*

Email

Speaking: [For] [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic ~~PHARMACY~~ Medicaid

Name ~~PATRICIA~~ Bodisch

Job Title

Address 2657 Maplewood Dr
Street

Coral Springs FL 33071
City *State* *Zip*

Phone 954 701 7775

Email pbodisch@gmail.com

Speaking: ~~For~~ ☐ Against ☐ Information

Waive Speaking: ~~In Support~~ ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/27/18
Meeting Date

SB7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Erek Culbreath

Job Title President

Address 319 Bermuda Rd
Street

Tallahassee FL 32312
City *State* *Zip*

Phone 941-224-4744

Email erekculbreath@msn.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

School safety
7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Rachel Rosas

Job Title Stoneman Douglas Parent

Address 9619 Waterview Way
Street

Parkland FL 33076
City *State* *Zip*

Phone 954-260-7354

Email rrosas@bellsouth.net

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

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

90-26
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Amber Hersh

Job Title

Address 10612 NW 69 PL
Street
Parkland FL 33076
City State Zip

Phone 4045196631

Email [redacted]

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

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APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic

Name Paige Block

Job Title Parkland Mom

Address 7721 E Upper Ridge Drive
Street
Parkland, FL 33067
City *State* *Zip*

Phone 954-816-7244

Email pblock@bellsouth.ne

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Parkland Families

Appearing at request of Chair: ☑ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Gun Safety

Name Jon Harris Maurer

Job Title Government Affairs Manager

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Equality 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)

2-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Catherine Baer

Job Title

Address 1421 Woodgate Way
Street

Tallahassee FL 32308
City *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Stephanie Owens

Job Title Legislative Advocate

Address _____ Phone 7276391243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27 2018
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Marie Claire Leman

Job Title

Address 1911 Wahalaw Ct
Street

Phone 850 728 7514

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 Common Ground

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)

2/27/2018
Meeting Date

SB 7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Safety

Name Ken Russell

Job Title Commissioner, City of Miami

Address 3500 Pan American Drive
Street

Phone 305-250-5333

Miami FL 33131
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☑ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing City of Miami

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)

2/27/18
Meeting Date

SB 7026
Bill Number (if applicable)

Topic Sale and Delivery of Firearms

Amendment Barcode (if applicable)

Name Erek Culbreath

Job Title President

Address 319 Bermuda Rd
Street

Phone 941-224-4744

Tallahassee FL 32312
City *State* *Zip*

Email erekculbreath@msn.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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THE FLORIDA SENATE

APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Safety

Name Chief Gary Hester (ret.)

Job Title

Address PO Box 14038
Street

Tallahassee FL 32317
City *State* *Zip*

Phone 850-219-3631

Email kbriscoe@fpca.com

Speaking: ☑ For ☐ Against ☑ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Police Chiefs Association

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

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2/27/18
Meeting Date

SPB 7022/7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety / Gun control

Name DJ Parten

Job Title Director of Legislation

Address 1911 Pasco Street
Street

Phone

Tallahassee FL 32310
City *State* *Zip*

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Gun Rights 200,000 members and supporters

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 7026

Name Connell Mosley

Job Title Student of Duval public school

Address _____ Phone 904-535-4625
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 7026

Name Olivia Holliday

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Phone

Jacksonville FL 32207
City *State* *Zip*

Email

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

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APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Topic School safety ~~Arming teachers with guns~~

Amendment Barcode (if applicable)

Name Talaya Jones

Job Title student - Atlantic Coast High School

Address 49 Queensland Circle
Street

Phone 904-657-1885

Ponte Vedra FL 32081
City *State* *Zip*

Email talaya-jones00@gmail.com

Speaking: ☑ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Duval County Public Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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APPEARANCE RECORD

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2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 7026

Name Jasmine Fletcher

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Jacksonville FL 32207
City *State* *Zip*

Phone

Email

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

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/19
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School safety

Name Dicha Brunner

Job Title Duval County public Schools

Address 1701 Prudential Drive
Street

Jacksonville FL
City *State* *Zip*

Phone

Email

Speaking: [X] For [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety, Teachers to bear arms

Name Lauren Nelda Pascal

Job Title Student

Address 11306 Hartland Road
Street

Phone 904 713 1766

Jacksonville FL 32218
City State Zip

Email theoriginal.lolo2l@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Grace Rogers

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Jacksonville FL
City *State* *Zip*

Phone

Email

Speaking: [✓] For [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

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APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School safety

Name Julia Ann Cuthbertson

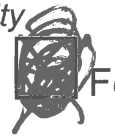
Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Jacksonville FL 32207
City *State* *Zip*

Phone

Email

Speaking:  For [X] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [ ] Yes [ ] No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 27, 2018
Meeting Date

7026
Bill Number (if applicable)

Topic School Safety and Gun Regulations

Amendment Barcode (if applicable)

Name Rachel Cristol

Job Title Student - Atlantic Coast High School

Address 8749 Rolling Brook Lane
Street

Phone (904) 571-7310

Jacksonville FL 32256
City *State* *Zip*

Email rhcristol@gmail.com

Speaking: ☒ For ☒ Against ☑ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Duval 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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2.27.2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7020

Meeting Date *Bill Number (if applicable)*

Topic Gun control

Amendment Barcode (if applicable)

Name Lucas Mougeot

Job Title Student

Address 3528 Highland Glen Ct. Phone (904) 860-1300

Street

Jacksonville FL 32224 Email lucasthelearner@gmail.com

City *State* *Zip*

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Atlantic Coast High School, Duval County

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7022
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Fire Arms

Name Grace Solomon

Job Title Parkland City Commissioner

Address 8095 Emerald Ave
Street

Parkland FL 33076
City *State* *Zip*

Phone 561-789-7046

Email gsolomon@cityofparkland.org

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Grace Solomon

Job Title Parkland City Commissioner

Address 8095 Emerald Ave
Street
Parkland FL 33076
City *State* *Zip*

Phone 561-789-7046

Email gsolomon@cityofparkland.org

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

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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)

2/27/2018
Meeting Date

SB 7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Safety

Name James Herzog

Job Title Associate Director for Education

Address 201 West Park Ave.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone (850) 205-6823

Email jherzog@flaccb.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gregory Hill

Job Title Duval County Public Schools

Address 1701 Prudential Dr. *Street*

Phone _____

32207
City *State* *Zip*

Email _____

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

7026
~~7020~~
Bill Number (if applicable)

Topic Marjorie Stoneman Douglas Bill

Amendment Barcode (if applicable)

Name John Willis

Job Title Attorney

Address 10162 Emerson Street
Street

Phone 954-303-3435

Parkland FL 33076
City *State* *Zip*

Email jawillis@willislaw.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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

[redacted] SPB 7026
Bill Number (if applicable)

Topic mother of victim Scott J Beigel

Amendment Barcode (if applicable)

Name Linda Beigel Schulman

Job Title mother

Address 8 Hart Place
Street

Phone (516) 984-7500

Dix Hills NY 11746
City *State* *Zip*

Email lbeigel@mbslegal.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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Safe Schools

Name Dr. Patricia S. Willis

Job Title Superintendent

Address 1701 Prudential Drive
Street

Jacksonville, FL 32207
City *State* *Zip*

Phone

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27, 2018
Meeting Date

7026
Bill Number (if applicable)

Topic 7026 (Safety in Schools)

Amendment Barcode (if applicable)

Name Jessica Pennington

Job Title Student → Atlantic Coast High School

Address 1701 Prudential Drive
Street

Phone 904-303-5340

Jacksonville FL 32207
City *State* *Zip*

Email pennington.jessie@hotmail.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Duval County Public Schools

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Gun Safety

Name Pam Wright

Job Title Duval County School Board Member

Address 1701 Prudential Dr. Phone 904-396-3293
Street

Jax FL 32207 Email wrightp@duvalschools.org
City *State* *Zip*

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7-27-18
Meeting Date

SB 7026
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Alexander Snitker

Job Title

Address 9851 SR 54
Street

Phone 813-3150513

New Port Richey FL 34655
City *State* *Zip*

Email alex@libertyfirstnetwork.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Liberty First Network

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/17
Meeting Date

7026
Bill Number (if applicable)

Topic gun control

Amendment Barcode (if applicable)

Name Caroline Crespo

Job Title student

Address 8812 brighton hill circle east
Street

Phone (904) 778 2047

Jacksonville FL 32256
City *State* *Zip*

Email carolinepriscrespo@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Atlantic Coast High School

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27
Meeting Date

7021o
Bill Number (if applicable)

Topic School Safety Bill

Amendment Barcode (if applicable)

Name Dan Daley, City Commissioner

Job Title City of Coral Springs

Address 5991 W. Sample
Street

Phone

Coral Springs FL
City *State* *Zip*

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing City of Coral Springs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic 7026

Name Samantha Mayo

Job Title School Board District

Address 3801 Crown Point Rd #2042 (*Street*)

Phone (904) 521-4580

Jacksonville (*City*) FL (*State*) 32257 (*Zip*)

Email mayoSamantha@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

7026
Bill Number (if applicable)

Topic ~~Gun Safety~~ School Safety

Amendment Barcode (if applicable)

Name Pam Miller

Job Title Parkland Parent

Address 10526 NW 66 St.
Street

Parkland FL 33076
City *State* *Zip*

Phone (954) 461-5330

Email PamCadamMiller@gmail.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing City of Parkland

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Michael Rajner

Job Title _____

Address PO Box 2433
Street
Ft Ld, FL 33303
City *State* *Zip*

Phone 954 566-0144

Email Merajner@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

SPB 7026
Bill Number (if applicable)

Topic Broward County School Community

Amendment Barcode (if applicable)

Name Abby M. Freedman

Job Title Broward County School Board Member - District 4

Address 10667 NW 69th St.
Street

Phone 954-235-9764

Parkland FL 33076
City *State* *Zip*

Email Abby.Freedman@browardschools.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Broward County School Community

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

SPB7026
Bill Number (if applicable)

Topic School Safety

Amendment Barcode (if applicable)

Name Laurie Rich Levinson

Job Title Broward County School Board Member

Address 600 S.E. 3rd Avenue
Street

Phone 754-321-2006

Ft. Lauderdale FL 33301
City *State* *Zip*

Email —

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

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Safety

Name Christine Hunschofsky

Job Title Mayor of Parkland

Address 9976 NW 64 Ct
Street

Parkland FL 33076
City *State* *Zip*

Phone

Email

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)

2.27.18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Barney Bishop

Job Title CEO

Address 204 South Monroe Street
Street

Phone 510-9922

Tallahassee FL 32301
City *State* *Zip*

Email Barney@BarneyBishop.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Smart Justice Alliance

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date	Bill Number (if applicable)
	7026

Amendment Barcode (if applicable)

Topic _____

Name Jennifer Moiso

Job Title _____

Address 7068 NW 70th mnr (Street)

Parkland FL 33067 (City / State / Zip)

Phone _____

Email _____

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] 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)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Martha G. Perstn

Job Title Coral Springs Resident

Address 10746 NW 18th Court
Street

Phone 9/993-0232

Coral Springs FL 33071
City *State* *Zip*

Email Marthica130@aol.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)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic School Safety

Name Sarah Francis

Job Title Mom | Audiologist

Address 8204 NW 110th LN
Street

Parkland FL 33076
City *State* *Zip*

Phone 9545926034

Email Sarahgfran@comcast.net

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7026

Meeting Date Bill Number (if applicable)

Topic _____ Amendment Barcode (if applicable)

Name Ingrid Costell

Job Title _____

Address 12385 NW 81 St Phone 3057429858

Street

Parkland FL 33076 Email _____

City State Zip

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Public Safety / Mental Health Assistance

Name Melanie Brown Wooter

Job Title CEO/President Florida Council for Community Mental Health

Address 316 E. Park Ave
Street

Tally
City *State* *Zip*

Phone 850-224-6048

Email melanie@fccmh.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Council for Behavioral Health

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

7026
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Mental health professionals on campuses

Name Tajwan Ashley

Job Title Student of Duval county

Address 7940 Baymeadows rd. E
Street

JAX FL 32256
City *State* *Zip*

Phone 904-888-0430

Email tajwan.ashley@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7026
Bill Number (if applicable)

Topic 7026

Amendment Barcode (if applicable)

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Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Mandarin High

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL:	CS/HB 7055
INTRODUCER:	Appropriations Committee; Education Committee; and Representatives Bileca and Diaz
SUBJECT:	Education
DATE:	February 28, 2018
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Androff, Bouck, Olenick	Graf	ED	**Fav/1 amendments**
2.	Sikes	Hansen	AP	**Fav/1 amendments**

Please see Section IX. for Additional Information:

AMENDMENTS - Significant amendments were recommended

I. Summary:

CS/HB 7055 creates education scholarship programs and streamlines state school choice scholarship program accountability provisions; specifies district school board oversight responsibilities; and promotes education, certification, and licensure opportunities for members of the U.S. military. Specifically, the bill:

- Establishes the Hope Scholarship Program for students subjected to bullying and other specified incidents in public schools.
- Streamlines and strengthens the oversight provisions for private schools participating in state school choice scholarship programs.
- Establishes Reading Scholarship Accounts for struggling readers in grades 3-5.
- Modifies the charter school application process, charter contract term and consolidation, and due process; and revises eligibility requirements for high-performing charter schools and allows replication of up to two such schools per year.
- Provides for district-independent autonomous schools under independent governing boards; and specifies flexibilities for such boards.
- Specifies district school board oversight and fiscal transparency responsibilities; and enumerates related duties for the district school superintendents, Auditor General, and Department of Education (DOE).
- Requires employee organizations for instructional personnel to include specified information in the application for renewal of registration and specifies recertification requirements for employee organizations.

- Designates March 25 as "Medal of Honor Day;" specifies related required instruction for students in public schools; and creates mechanisms for members of the U.S. military to fulfill certain certification and licensure requirements for specified purposes.
- Requires professional development resources disseminated by the DOE through the web-based statewide performance-support system to include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum.
- Requires paper-based administration of statewide, standardized English Language Arts and mathematics assessments for grades 7 and 8 by the 2019-2020 school year.
- Authorizes the Commissioner of Education to coordinate with specified education entities in the event of an emergency situation to assess the need for resources and assistance.
- Requires each school district to conduct a security risk assessment at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format developed by the DOE, and deletes an outdated reference in current law to the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability.
- Modifies dual enrollment provisions relating to instructional materials for home education program students, and compensation by private schools for dual enrollment instruction provided by postsecondary education institutions.
- Deletes the obsolete July 1, 2007, deadline for the DOE to develop and operate an electronic individual education plan system for statewide use.

Additionally, the bill modifies funding provisions related to the Schools of Hope Program, supplemental academic instruction allocation, research-based reading instruction allocation, and teacher bonus for CAPE industry certifications attained by students.

The bill appropriates $19,350,000 in recurring funds from the General Revenue Fund and $850,000 in nonrecurring funds from the General Revenue Fund for the 2018-2019 fiscal year to implement the provisions of the bill.

The bill takes effect on July 1, 2018.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

III. Effect of Proposed Changes:

School Choice Scholarship - Hope Scholarship

Present situation

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings including private schools.[1]

[1] Sections 1002.385, 1002.39, and 1002.395, F.S.

Bullying and Harassment

Florida law prohibits bullying or harassment of any student or employee of a public K-12 educational institution, [2] and requires each school district to adopt and review, at least every 3 years, a policy prohibiting bullying and harassment of a student or employee of a public K-12 educational institution.[3]

Currently, the School Environmental Safety Incident Reporting (SESIR) System requires all public school districts, including charter schools and traditional public schools, to report 26 types of serious safety incidents. SESIR provides data on incidents that occur, statewide and by school district, on school grounds, on school transportation, and at off-campus, school-sponsored events.[4]

Motor Vehicle Taxes

Florida sales and use tax, plus any applicable discretionary sales surtax, is due at the rate of six percent on all new or used motor vehicles sold, leased, delivered into, imported into, or used in Florida, unless a specific exemption applies.[5]

Effect of Proposed Changes

Purpose and Student Eligibility

The bill creates the Hope Scholarship Program (HSP) to provide the parent of a public school student who was subjected to battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault or battery; threat or intimidation; or fighting, an opportunity to transfer the student to another public school or to request and receive from the state a scholarship for the student to attend an eligible private school. The bill also specifics that a hope scholarship must remain in force until the student returns to public school or graduates from high school, whichever occurs first.

School District Obligations

The bill provides that upon receipt of a report of a specified incident, the school principal must provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by law.[6] Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district must notify the parent of the HSP and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding.

[2] Section 1006.147(2), F.S.
[3] Section 1006.147(4), F.S.
[4] *Id.*
[5] Sections 212.02, 212.05, 212.07, 212.08, F.S.; Rule 12A-1.007, F.A.C.; *see Florida Department of Revenue, Sales and Use Tax on Motor Vehicles, available at* http://floridarevenue.com/Forms_library/current/gt800030.pdf.
[6] Section 1006.09 provides the duties of a school principal relating to student discipline and school safety.

Parent and Student Responsibilities

The bill requires a parent to apply for the admission of his or her student to an eligible private school, inform the student's school district when the parent withdraws his or her student to attend an eligible private school, and ensure that the student takes norm-referenced assessments offered by the private school or the standard statewide assessments. The bill specifies that a parent who fails to comply with the responsibilities established in the bill forfeits the scholarship and that each parent and student has an obligation to comply with the private school's published policies, including attendance.

Private School Eligibility

The bill specifies that an eligible private school may be sectarian or nonsectarian and must comply with all requirements for private schools to participate in state school choice scholarship programs.

Department of Education Obligations

The bill requires the Department of Education (DOE) to follow all requirements in law with respect to state school choice scholarship programs.[7] Additionally, the bill requires the DOE to contract with an independent entity to provide an annual evaluation of the HSP, which includes a review of the school climate and code of student conduct at specified public schools to determine best practices and areas for improvement involving reporting, investigating, and communicating a parent's and student's rights. The bill directs the annual evaluation to survey participating parents and students and review student participation.

Scholarship Funding Organization Responsibilities

The bill requires scholarship funding organizations (SFOs) to establish and distribute HSP scholarships for eligible students, notify parents and students regarding the HSP, and submit quarterly and annual reports to the DOE. Additionally, the bill requires the auditor general to conduct an annual operational audit of each SFO that participates in the program.

Funding

The bill provides that the maximum amount awarded to a student enrolled in an eligible private school must be determined as a percentage of the unweighted full-time equivalent funding amount for that state fiscal year and thereafter as follows:

- 88 percent for a student enrolled in kindergarten through grade 5.
- 92 percent for a student enrolled in grade 6 through grade 8.
- 96 percent for a student enrolled in grade 9 through grade 12.

The bill limits the maximum amount awarded to a student enrolled in a Florida public school located outside of the district to $750.

[7] The bill references section 1002.421, F.S. This statute is also revised in CS/HB 7055, sections 20-22, 25.

Hope Scholarship Program Tax Credit

The bill specifies that the HSP is funded by taxpayers who make an eligible contribution, limited to a single $105 payment, at the time of a vehicle purchase or registration in Florida and authorizes a credit of 100 percent of the amount of such eligible contribution by the taxpayer against the sales and use tax on the vehicle purchase or registration. Additionally, the bill includes accountability provisions to specify that a person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under the HSP is guilty of the theft of charitable funds and punishable as specified in law.

Rulemaking

The bill authorizes the State Board of Education and the Department of Revenue to adopt rules to administer the program.

State School Choice Scholarship Program Accountability

Present Situation

Florida law has established various scholarship programs to promote school choice and assist parents in the placement of their children in diverse educational settings, including private schools.[8] Currently, the three state school choice scholarship programs available to students to attend private schools in the state include the Florida Tax Credit (FTC) Scholarship Program, the John M. McKay (McKay) Scholarship for Students with Disabilities Program, and the Gardiner Scholarship Program.[9]

A private school that chooses to participate in a state scholarship program must comply with certain statutory requirements, such as meeting the applicable state and local health, safety, and welfare laws, code, and rules; employing teachers who meet specified requirements; and demonstrating fiscal soundness and accountability.[10]

Accordingly, a private school that chooses to participate in a state scholarship program must submit to the Department of Education (DOE) a Scholarship Compliance Form,[11] and has 60 days to resolve any outstanding compliance issues, if applicable.[12] To renew the school's eligibility for participation in a state scholarship program, the participating private school must

[8] Sections 1002.385, 1002.39, and 1002.395, F.S.
[9] *Id*.
[10] Section 1002.421, F.S.; *see also* ss. 1002.385, 1002.39, and 1002.395, F.S.
[11] The Scholarship Compliance Form delineates private school reporting requirements specified pursuant to Section 1002.42, F.S., and statutory and regulatory requirements related to the areas of school location and contact information; school ownership; affiliation; financial solvency; school administration; school staffing; school program; student health, safety, and welfare; student records; school facility; and submission of the scholarship compliance form. Rule 6A-6.03315(4), F.A.C.
[12] Rule 6A-6.03315(3), F.A.C.

submit the Scholarship Compliance Form, Private School Annual Survey,[13] and fiscal soundness documentation.[14]

Site Visits

Currently, the DOE:

- May not make more than 7 site visits each year to private schools that participate in the FTC scholarship program.[15] However, the department may make additional site visits at any time to a school that has received a notice of noncompliance or a notice of proposed action within the previous two years.[16]
- May not make more than 3 random visits each year and may not make more than 1 random visit each year to the same private school that participates in the McKay Scholarship Program.[17]

The Gardiner Scholarship Program requirements do not address site visits.

Teacher Qualifications

A private school that participates in a state scholarship program must employ or contract with teachers who:[18]

- Hold baccalaureate or higher degrees;
- Have at least 3 years of experience in public or private schools; or
- Have special skills, knowledge, or expertise that qualifies them to provide instruction in the subjects taught.

Safety Inspection Reporting Requirements

Florida law specifies the requirements for private schools to participate in state school choice scholarship programs.[19] The requirements include, but are not limited to, fire safety and building safety.[20]

Currently, fire safety inspections of the private schools that participate in state scholarship programs are conducted by local fire departments.[21] The fire safety inspection reports are submitted by the private schools to the DOE.[22]

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[13] The Department of Education must organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There must be included in the database of each institution the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career education and exceptional child education); the number of graduates; the number of instructional and administrative personnel. Section 1002.42(2)(a), F.S.

[14] Fiscal soundness is demonstrated by filing with the Department of Education a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter. Section 1002.421(f)(1), F.S.

[15] Section 1002.395(9)(n)1., F.S.

[16] Section 1002.395(9)(n)1., F.S.

[17] Section 1002.385(6)(f)1., F.S.

[18] Section 1002.421(2)(h), F.S.

[19] Section 1002.421, F.S.

[20] *Id.* at (2)(g), F.S.

[21] Email, Florida Department of Education (Jan. 11, 2018); *see also* Rule 6A-6.03315(4), F.A.C.

[22] *Id.*

Financial Reporting Requirements

Florida law specifies financial reporting requirements for private schools and scholarship funding organizations (SFOs).

A private school that participates in the FTC scholarship program must provide a report from an independent certified public accountant, who performs the agreed-upon procedures developed pursuant to the law if the private school receives more than $250,000 in funds in a state fiscal year from that scholarship program.[23] Florida law specifies a similar provision for the Gardiner Scholarship Program.[24]

SFOs administer both the FTC scholarship program and the Gardiner Scholarship Program.[25] Currently, under the FTC scholarship program, an SFO must participate in the joint development of agreed-upon procedures to be performed by an independent certified accountant if the SFO provided more than $250,000 in scholarship funds to an eligible private school under the FTC scholarship program during the 2009-2010 state fiscal year.[26]

Effect of Proposed Changes

The bill clarifies and strengthens the accountability provisions for private schools that participate in state school choice scholarship programs; and consolidates common provisions regarding private school participation requirements, the DOE's obligations, and commissioner's authority under s. 1002.421, F.S.

Site Visits

The bill:

- Requires the DOE to conduct site visits to private schools entering a scholarship program for the first time and specifies that beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the private school is in compliance with the specified requirements in law.
- Authorizes the DOE to conduct site visits to any school participating in a scholarship program that has received a complaint about a violation of state law or State Board of Education rule or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

Teacher Qualifications

The bill modifies the private school eligibility requirements for participation in state scholarship programs to require such schools to publish on the schools' websites, or in a written format, information for parents regarding the school including, but not limited to, programs, services, and the qualifications of classroom teachers.

[23] Section 1002.395(8)(e), F.S.
[24] Section 1002.385(8)(e), F.S.
[25] Sections 1002.385 and 1002.395, F.S.
[26] Section 1002.395(6)(o)1.a., F.S.

Safety Inspection Reporting Requirements

The bill requires the DOE to coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The bill specifies that the authority conducting the fire safety inspection must certify to the State Fire Marshal, electronically or by means directed by the State Fire Marshal, that the annual inspection has been completed and that the private school is in full compliance.

Financial Reporting Requirements

The bill requires a private school that receives more than $250,000 in a state fiscal year from any state scholarship program to submit an annual financial report from an independent certified public accountant to the SFO or the DOE, as applicable.

The bill also clarifies the conditions for ineligibility for private schools to participate in state scholarship programs and requires the owner or operator of a private school to meet the same background screening requirements as owners of SFOs, and report results to the DOE.

Reading Instruction and Scholarship

Present Situation

Any student in kindergarten through grade 3 who exhibits a substantial deficiency in reading based upon screening, diagnostic, progress monitoring, or assessment data; statewide assessments; or teacher observations must be provided intensive, explicit, systematic, and multisensory reading interventions immediately following the identification of the reading deficiency.[27] A school may not wait for a student to receive a failing grade at the end of a grading period to identify the student as having a substantial reading deficiency and initiate intensive reading interventions.[28] The student's reading proficiency must be monitored and the intensive interventions must continue until the student demonstrates grade level proficiency in a manner determined by the district, which may include achieving a Level 3 on the statewide, standardized English Language Arts (ELA) assessment.[29]

To be promoted to grade 4, a student must score a Level 2 or higher on the statewide, standardized ELA assessment required for grade 3.[30] The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the student's deficiency in reading, current services that are provided to the child, and a description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the reading deficiency.[31]

[27] Section 1008.25(5)(a), F.S.
[28] *Id*.
[29] *Id*. "Achievement level," "student achievement," or "achievement" describes the level of content mastery a student has acquired in a particular subject as measured by a statewide, standardized assessment administered pursuant to s. 1008.22(3)(a) and (b). There are five achievement levels. Level 1 is the lowest achievement level, level 5 is the highest achievement level, and level 3 indicates satisfactory performance. A student passes an assessment if the student achieves a level 3, level 4, or level 5. Section 1008.34(1)(a), F.S.
[30] Section 1008.25(5)(b), F.S.
[31] *Id.* at (5)(c), F.S.

Each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment for the prior year must use supplemental academic instruction funds, along with the funds provided in the district's research-based reading instruction allocation[32] and other available funds, to provide an additional hour of instruction beyond the normal school day for intensive reading instruction.[33,34] The additional hour of instruction must be provided by teachers or reading specialists who have demonstrated effectiveness in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading.[35]

After this requirement has been met, supplemental instruction strategies may include, but are not limited to: use of a modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, a reduction in class size, extended school year, intensive skills development in summer school, and other methods of improving student achievement.[36] Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.[37]

Effect of Proposed Changes

The bill establishes reading scholarship accounts to provide educational options for students, and specifies that each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for the reading scholarship if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized ELA assessment in the prior school year. The eligibility requirements for students in grade 3 may apply to students who scored Level 1 on the grade 3 ELA assessment in the prior school year and were retained in grade 3. The bill authorizes an eligible nonprofit scholarship-funding organization (SFO) participating in the Florida Tax Credit Scholarship to establish reading scholarship accounts for eligible students.

The parent of a student receiving a reading scholarship must submit eligible expenses to the SFO for reimbursement of qualifying expenditures, which may include:

- Instructional materials;
- Curriculum;

[32] The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. Section 1011.62(9)(a), F.S.

[33] Section 1011.62(1)(f)2., F.S. The intensive reading instruction delivered in the additional hour and for other students must include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading. Section 1011.62(9)(a), F.S. Funds for comprehensive, research-based reading instruction must be allocated annually to each school district in the amount provided in the General Appropriations Act (GAA). Each eligible school district must receive the same minimum amount as specified in the GAA, and any remaining funds must be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding. Section 1011.62(9)(b), F.S.

[34] Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis. Section 1011.62(1)(f), F.S.

[35] Section 1011.62(1)(f)2., F.S.

[36] *Id*.

[37] *Id*.

- Tuition and fees for part-time tutoring services provided by a person who holds an authorized credential;
- Fees for summer education programs; after-school education programs; or specialized services by approved providers or by a hospital in the state.

The bill also specifies responsibilities for parents of eligible students, school districts, the Department of Education, and eligible SFOs.

Finally, the bill provides that no state liability arises from the award or use of the reading scholarship account.

Charter Schools

Present Situation

Charter School Application Process

Florida law establishes an application and review process for establishing a new charter school.[38] After a charter school application is approved by the sponsor, the initial startup commences with the beginning of the public school calendar for the district in which the charter is granted.[39] A charter school may defer the opening of the school's operations for up to 2 years to provide time for adequate facility planning.[40]

Charter Contract Term and Consolidation

The initial term of a charter contract is for 4 or 5 years.[41] A charter contract may be modified by the consolidation of multiple charters into a single charter if the charters are operated under the same governing board and physically located on the same campus, regardless of the renewal cycle.[42]

Due Process

A charter school sponsor is authorized to terminate or not renew a charter contract for one of the following reasons:[43]

- Failure to participate in the state's educational accountability system or meet student performance requirements.
- Failure to meet generally accepted standards of fiscal management.
- Violation of law.
- Other good cause shown.

At least 90 days before a nonrenewal or termination of a charter contract, the sponsor must notify the governing board of the charter school of the proposed action in writing.[44] The notice must

[38] Section 1011.62(6)(a), F.S.
[39] Section 1002.33(6)(b)3.c.5., F.S.
[40] *Id.* at (6), F.S.
[41] *Id.* at (6)(a)12., F.S.
[42] *Id.* at (7)(d), F.S.
[43] *Id.* at (8)(a), F.S.
[44] *Id.* at (8)(b), F.S.

state in reasonable detail the grounds for the proposed action, and stipulate that the school's governing board may, within 14 days after receiving the notice, request a hearing to be conducted by the sponsor or an administrative law judge assigned by the Division of Administrative Hearings, at the sponsor's election.[45] If the sponsor conducts the hearing, the sponsor must decide upon nonrenewal or termination by majority vote and such decision is the final order.[46] If the sponsor chooses to have a hearing conducted by an administrative law judge, the judge must submit a recommended order to the sponsor.[47] A majority vote by the sponsor is required to adopt or modify the administrative law judge's recommended order.[48] The sponsor must issue a final order.[49]

Florida law also authorizes a dispute resolution hearing before the Charter School Appeal Commission[50] if goods and services are made available to the charter school through the contract with the school district and a dispute over contracted services occurs.[51]

High-Performing Charter School Designation, Replication, and Facility Capacity

Charter schools and operators of systems of charter schools with a track record of academic excellence and financial stability may earn "high-performing" status.[52] A high-performing charter school is a charter school that during each of the three previous years:[53]

- Received at least two school grades of "A" and no school grade below "B;"
- Has received an unqualified opinion[54] on each annual financial audit; and
- Has not received an annual financial audit that reveals a financial emergency condition in the most recent 3 fiscal years for which the audits are available.[55]

Among other benefits, the operator of a high-performing charter school may submit a streamlined application in any Florida school district to establish and operate a new charter school that substantially replicates its educational program.[56] A high-performing charter school may not be replicated more than once within the state in any given year and may not replicate again until each charter school established achieves high-performing status.[57]

[45] *Id.*
[46] *Id.* at (8)(b)1., F.S.
[47] *Id.* at (8)(b)2., F.S.
[48] Section 1002.33(8)(b)2., F.S.
[49] *Id.*
[50] The Charter School Appeal Commission Members are appointed by the Commissioner of Education. One-half of the members represent currently operating charter schools, and one half of the members represent sponsors. Section 1002.33(6)(e)3., F.S.
[51] Section 1002.33(20)(b), F.S.
[52] Section 1002.331(1), F.S. provides the eligibility criteria for the "high-performing" designation.
[53] Section 1002.331(1), F.S.
[54] An unqualified audit opinion means that the charter school's financial statements are materially correct. Telephone interview with Florida Auditor General staff (Mar. 24, 2011).
[55] S*ee* s. 218.503(1), F.S. (financial emergency conditions).
[56] Section 1002.331(3)(a)1., F.S.
[57] *Id.* at (3)(b), F.S.

A high-performing charter school is also authorized to increase its enrollment once per school year to more than the capacity identified in the charter school contract.[58] However, student enrollment may not exceed current facility capacity.[59]

School Leader Preparation Programs

School leader preparation programs are intended to enable aspiring school leaders to obtain a certificate in educational leadership.[60] School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the State Board of Education, and open to individuals employed by public schools, including charter schools and virtual schools.[61] The Department of Education is required to establish a process for the approval of Level I and Level II school leader preparation programs.[62] There are two types of such programs:[63]

- Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership to prepare individuals to serve as school administrators.
- Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal.

Effect of Proposed Changes

Charter School Application Process

The bill extends, from 2 years to 3 years, the authority of charter schools to defer the opening of a school's operations.

Charter Contract Term and Consolidation

The bill extends the initial term of a charter contract from 4 or 5 years, as specified in law, to 5 years, excluding 1 planning year.

The bill authorizes a charter school to consolidate, during any term, multiple charters that are not in the same physical location into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. The bill requires the school district to report a charter school with a grade "C" or higher that closes as part of a consolidation, as a consolidation.

Due Process

The bill revises the sponsor's authority to not renew or terminate a charter contract to specify that the sponsor may do so only after finding clear and convincing evidence of the disqualifying grounds specified in law.[64] The bill also modifies such disqualifying grounds to provide that a violation of law must be material.

[58] *Id.* at (2)(a), F.S.
[59] *Id.*
[60] Section 1012.562, F.S.
[61] *Id.*
[62] Section 1012.562, F.S.
[63] *Id.*
[64] Such grounds are provided in section 1002.33(8)(a), F.S.

The bill eliminates the opportunity for a charter school governing board to request a direct hearing before the sponsor based on the nonrenewal or termination of its charter contract, effectively providing that such hearing must be before an administrative law judge. The bill also deletes the requirement that a recommended order of an administrative law judge be adopted or modified by the sponsor and requires the administrative law judge to award reasonable attorney fees and costs to the prevailing party.

The bill also modifies the process by which the charter school can resolve disputes over contracted goods and services by eliminating the dispute resolution hearing before the Charter School Appeal Commission. Instead, the bill authorizes a party to appeal to an administrative law judge appointed by the Division of Administrative Hearings, who is granted final order authority to rule on the dispute. The bill provides that the prevailing party must be awarded reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals.

High-Performing Charter School Designation, Replication, and Facility Capacity

The bill revises the criteria for determining a high-performing charter school by also allowing a school that receives two consecutive grades of "A" to be determined a high-performing charter school. For schools qualifying under this provision, the bill revises the financial eligibility requirements to require only 2 years of financial audits that received an unqualified opinion and no state of financial emergency. The bill also specifies that a high-performing charter school system must comply with application requirements for such systems, in addition to requirements for high-performing charter schools.

The bill also authorizes a high-performing charter school to replicate to two charter schools within the state in any year.

The bill specifies that student enrollment may not exceed capacity of the facility at the time of enrollment, effectively allowing a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility's capacity.[65]

School Leader Preparation Programs

The bill adds charters schools and charter management organizations to the entities authorized to offer Level I or Level II school leader preparation programs.

Autonomous Schools and Independent Boards

Present situation

Principal Autonomy Program

In 2016,[66] the Legislature established the Principal Autonomy Pilot Program Initiative (PAPPI) within the Department of Education (DOE) to provide the highly effective principal of a

[65] The bill provides that facility capacity for purposes of grade level expansion must include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.
[66] Chapter 2016-223, L.O.F.

participating school with increased autonomy and authority to operate schools in a way that improves student achievement and school management.[67] The PAPPI was initially launched in 7 school districts (Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas, and Seminole Counties) and an evaluation of the performance of all participating schools is required at the end of the 3 years.[68] A participating school is exempt from the school code except for specified laws related to assessments, civil rights, students with disabilities, compensation and salary schedules, educational facilities, and other topics.[69] School districts are authorized to participate in the PAPPI for a period of 3 years upon approval of the principal autonomy proposal and are required to submit an annual report to the State Board of Education.[70]

Effect of Proposed Changes

Principal Autonomy Program Initiative

Beginning with the 2018-2019 school year, the bill expands the principal autonomy program from a pilot authorized for three 3 years in 7 school districts to a statewide program. The bill also deletes the requirement for a 3-year evaluation of program effectiveness and annual reporting requirements for participating schools. The bill specifies that a school retains the exemptions from law provided in the Principal Autonomy Program Initiative (PAPI) as long as the school maintains a grade of "B" or higher.

District-Independent Autonomous Schools and Independent Governing Boards

The bill establishes district-independent autonomous schools to expand the impact of principals participating in the principal autonomy program to manage multiple schools under an independent governing board.

The bill also authorizes a district school superintendent to recommend the organization and operation of schools by an independent governing board, which are required to operate in accordance with the contract between the independent governing board and the district school board and the exemptions in law provided in the PAPI. The bill specifies that a school retains such exemptions from law beyond the term of the PAPI as long as the school maintains a grade of "B" or higher.

The bill authorizes a principal participating in the PAPI who successfully completes specified training to manage one or more schools that are operated by an independent governing board through a contract with the school board. The bill specifies that members of the governing board may not be employees of the school district or any school operated by the governing board. The bill also specifies that the salary supplement for each eligible participating principal may not exceed $10,000 for three years.

The bill provides that for tort liability purposes, the independent governing board, district-independent autonomous school, and its employees are governed by the waiver of state sovereign

[67] Section 1011.6202, F.S.
[68] *Id.* at (1).
[69] Section 1011.6202(3)(b), F.S.
[70] Section 1011.6202(5) and (6), F.S.

immunity contained in law.[71] Additionally, the bill clarifies that the school board is not liable for civil damages under state law for the employment action or personal injury, property damage, or death resulting from an act or omission of an independent governing board, district-independent autonomous school, and its employees or agents.

Additionally, the bill provides that the district-independent autonomous school may be a private or public employer. The bill specifies that as a public employer, the district-independent autonomous school may participate in the Florida Retirement System upon application and approval as a covered group. If a district-independent autonomous school participates in the Florida Retirement System (FRS), the autonomous school's employees must be compulsory members of the FRS.

District School Board Oversight and Responsibility

Present Situation

Investigation and Audit Requirements

The Auditor General (AG) or a Certificated Public Accountant (CPA) is required to perform annual financial audits of district school board, the scope of which includes an examination of the financial statements, the issuance of a report on compliance and internal control in accordance with generally accepted government auditing standards, and the issuance of a report on compliance and internal control for each major Federal program.[72] The AG also conducts operational audits of district school boards in accordance with Government Auditing Standards at least every 3 years.[73] Operational audits must include an evaluation of management's performance in establishing and maintaining internal controls, including controls designed to prevent and detect fraud, waste, and abuse, and in administering assigned responsibilities.[74]

The Department of Education's (DOE's) Inspector General is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts.[75] If the Commissioner of Education (commissioner) determines that the district school board is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement, the office must conduct, coordinate, or request investigations into such substantiated allegations.[76]

Currently, district school boards are permitted, but not required to employ an internal auditor to perform ongoing financial verification of the financial records of the school district.[77]

[71] Section 768.28, F.S. provides the specifications of the waiver of sovereign immunity in tort actions.
[72] State of Florida Auditor General, *Summary of Significant Findings and Financial Trends Identified in District School Board Audit Reports for the Fiscal Year Ended June 30, 2016*, at 1, *available at* https://flauditor.gov/pages/pdf_files/2018-030.pdf. Section 11.45(1)(c), F.S.
[73] *Id*. Section 11.45(2)(f), F.S.
[74] *Id.* at (1)(g).
[75] Section 1001.20(4)(e), F.S.
[76] *Id*.
[77] Section 1001.42(12)(l), F.S.

Budget, Expenditures, and Financial Disclosure Requirements

District School Board Budget

Florida law requires district school boards to prepare, adopt, and submit an annual budget to the commissioner,[78] and post a plain language version of each proposed, tentative, and official budget on their website and describe each budget item in terms that are easily understandable to the public.[79]

Expenditures

Florida law provides that district school board expenditures must be limited to amounts budgeted and no expenditures can be authorized or obligations incurred in excess of the budgetary appropriation.[80] However, a district school board may establish policies that allow expenditures to exceed amounts budgeted if the district school board approves the expenditure and amends the budget.[81]

Financial Disclosure

Currently, the Commission on Ethics (COE or commission) determines whether a person owing a public financial disclosure fine is a public officer or public employee.[82] If the COE determines that the person is a current public officer or public employee, the commission may notify the Chief Financial Officer or governing body of the amount owed.[83]

Lobbying, Travel, and Compensation

Lobbying

A person who has been elected to a school district office may not personally lobby the school district for compensation for a period of 2 years after vacating that office.[84]

Travel

Each member of a district school board is allowed, from the district school fund, reimbursement of travel expenses as authorized in law.[85] Any travel outside the district is governed by the rules of the State Board of Education.[86]

[78] Section 1011.01(3)(a), F.S.
[79] Section 1011.035(2), F.S.
[80] Section 1011.06, F.S. It is the duty of the superintendent and district school board to take whatever action is necessary during the fiscal year to keep expenditures and obligations within the budgeted income. Rules 6A-1.007(1) and 6A-1.007(2), F.A.C. The school board must approve amendments to the budget whenever budget changes occur. *Id.*
[81] Section 1011.06(2), F.S.
[82] Sections 112.3144(5) and (7), and 112.3145(7), F.S.
[83] S. 112.31455(1), F.S.
[84] Section 112.313(14), F.S.
[85] Section 1001.39(1), F.S. Florida law establishes standard travel reimbursement rates, procedures, and limitations. Section 112.061, F.S.
[86] Rule 6A-1.056, F.A.C.

Compensation

Each member of the district school board receives a base salary based on the population of the county the district school board member serves.[87] However, for the 2010-2011 fiscal year, the salary of each district school board member was the amount calculated based on district population or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.[88]

Equity in School Level Funding

Title I, Part A of the Elementary and Secondary Education Act, provides federal funds to LEAs and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging state academic standards.[89] In 2017, the Legislature amended the equity in school level funding act to require school districts to provide Title I funds directly to all eligible schools and limit the amount the district may withhold as follows:[90]

- One percent for parent involvement.
- A necessary and reasonable amount for administration not to exceed eight percent.
- A reasonable and necessary amount to provide:
  - Homeless programs;
  - Delinquent and neglected programs;
  - Prekindergarten programs and activities;
  - Private school equitable services; and
  - Transportation for foster care children to their school of origin or choice program.

After providing Title I funds to schools above the 75 percent poverty threshold, the district must distribute all remaining Title I funds to all eligible schools in accordance with federal law and regulation.[91]

District School Tax

Each district 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.[92] Additionally, district school boards are authorized to withhold an administrative fee for certain administrative and educational services provided to charter schools.[93]

[87] Section 1001.395(1), F.S.
[88] *Id.* at (3).
[89] U.S. Department of Education, *Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A)*, https://www2.ed.gov/programs/titleiparta/index.html?exp=0 (last visited Feb. 18, 2018).
[90] Section 1011.69(5), F.S.
[91] *Id*.
[92] Section 1011.71(2), F.S.
[93] Section 1002.33(20)(a)2., F.S.

Charter School Capital Outlay Funding

Florida law provides that charter school capital outlay funding must consist of revenue that results from the discretionary millage district school boards are authorized to levy[94] and state funds when such funds are appropriated in the General Appropriations Act.[95]

District Personnel Policies

A district school board member may not employ or appoint a relative to work under his or her direct supervision.[96]

Disposal of Property

Florida law requires that tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees to be disposed of in accordance with disposal procedures contained in law.[97]

Construction Flexibility

A district school board may, with a supermajority vote at a public meeting that begins no earlier than 5 p.m., adopt a resolution to implement one or more of the exceptions to the educational facilities construction requirements specified in law.[98]

Before voting on the resolution, a district school board must conduct a cost-benefit analysis prepared according to a professionally accepted methodology that describes how each exception selected by the district school board achieves cost savings, improves the efficient use of school district resources, and impacts the life-cycle costs and life span for each educational facility to be constructed, as applicable, and demonstrates that implementation of the exception will not compromise student safety or the quality of student instruction.[99] The district school board must conduct at least one public workshop to discuss and receive public comment on the proposed resolution and cost-benefit analysis.[100]

District school boards may adopt a resolution to implement exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to Florida law relating to:[101]

- Interior non-load-bearing walls, by approving the use of fire-rated wood stud walls;
- Paved walkways, roadways, driveways, and parking areas, by approving the use of designated, stabilized, and well-drained gravel or grassed student parking areas;
- Standards for relocatables used as classroom space, by approving construction specifications for installation of relocatable buildings that do not have covered walkways leading to the permanent buildings onsite; and

[94] Section 1011.71(2), F.S. authorizes district school boards to levy specified discretionary millage.
[95] Section 1012.62(2), F.S.
[96] Section 1012.23(2), F.S.
[97] Section 1013.28(2)(a), F.S.
[98] Section 1013.385(1), F.S.
[99] *Id.*
[100] *Id.*
[101] Section 1013.385(2), F.S.

- Site lighting, by approving identified construction specifications regarding site lighting.

District school boards must adhere to the State Requirements for Educational Facilities (SREF),[102] the uniform statewide building code for the planning and construction of public educational and ancillary plants, when planning and constructing educational facilities and ancillary plants. Facilities for non-conversion charter schools must meet the requirements of the uniform statewide building code, except for the SREF.[103]

Effect of Proposed Changes

Investigation and Audit Requirements

The bill specifies responsibilities for the AG, the DOE, district school boards, and district school superintendents.

The bill requires the AG to contact each district school board regarding operational audit findings and recommendations, and to contact the Legislative Auditing Committee (LAC) about a district school board's failure or inability to comply within the specified timeframe.

The bill requires the DOE's Office of Inspector General to investigate allegations or reports of possible fraud or abuse against a district school board by any member of the Cabinet, presiding officer of the Legislature, Chair of a substantive committee with jurisdiction, or the member of a board for which an investigation is sought.

Additionally, the bill requires the DOE to contract with an independent third party to conduct an investigation of all accounts and records if certain financial conditions existed in the 2015-2016 school year or thereafter. Such investigation must include a detailed review and analysis of specified documents and the results of the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of future budget shortfalls. A final report must be provided to the district, DOE, LAC, and the district's financial emergency board, if applicable.

Additionally, the bill requires district school boards to:

- Provide evidence of the initiation of corrective action within 45 days after the date the action is requested by the AG and the evidence of completion of such action within 180 days.
- Employ an internal auditor to perform specified duties including the oversight of every functional and program area of the school system, if a school district receives more than $500 million annually in federal, state, and local funds.
- Conduct an audit overview at a public meeting if an audit contains a significant deficiency or material weakness, including the corrective action to be taken and a timeline for the completion of such action.

The bill also authorizes an individual school board member to request and receive budget documents and related information.

[102] Rule 6A-2.0010, F.A.C.
[103] Section 1002.33(18)(a), F.S.

The bill also requires the district school superintendent to reduce the district's administrative expenditures if a school district's approved operating budget general fund falls below 3 percent of projected general revenue funds for two consecutive fiscal years.

Budget, Expenditures, and Financial Disclosure Requirements

District School Board Budget

The bill adds to the school district's budget reporting requirements, which must be published on the district's website, to include graphical representations, for each public school within the district, of a summary financial of efficiency data and three-year fiscal trend information on the:

- Ratio of full-time equivalent (FTE) students to FTE instructional personnel
- Ratio of FTE students to FTE administrative personnel.
- Total operating expenses per FTE student.
- Total instructional expenditures per FTE student.
- General administrative expenses as a percent of the total budget.
- Rate of change in the general fund's ending fund balance which is not classified as restricted.

The bill requires the district school board website to include a link to a fiscal transparency tool, to be developed by the DOE, for taxpayers to evaluate and compare the financial efficiency of school districts. The bill also requires the district school board to provide a full explanation of any budget amendments at the board's scheduled public meeting.

Expenditures

The bill establishes a penalty that requires withholding of the salary of each school board member and district school superintendent if certain financial conditions, specified in law, exist, until such conditions are corrected.[104] The bill also restricts district school boards' travel expenditures under specified financial circumstances.

The bill requires the district school board to reimburse the cost of background screening for charter schools if the district school board does not notify the charter school of the employment eligibility of governing board members and instructional and noninstructional personnel within 14 days after the charter school submits the fingerprints.

Financial Disclosure

The bill:

- Adds district school boards to the entities whom the COE may contact regarding owed fines.
- Modifies collection methods for fines for failure to timely file disclosure of financial interest to require district school boards to withhold a specified amount of funding from employee salaries.
- Authorizes district school boards to retain a portion of the withheld funds to cover administrative costs.

[104] Section 2018.503(1), F.S. specifies such financial conditions.

Lobbying, Travel, and Compensation

Lobbying

The bill applies the restriction on lobbying for 2 years after vacating office to appointed school district superintendents,[105] which currently applies to locally elected school district officers.

Travel

The bill requires prior approval from the district school board for reimbursement of travel expenses for travel outside the district by a district school board member. The bill also requires a detailed, itemized list of travel-related expenses for travel outside the state, after public hearing on the request.

Compensation

The bill aligns school board member salaries with the beginning teacher salaries or the amount calculated by statute, whichever is less. In fiscal year 2016-17, the average salary for district school board member exceeded the beginning average salary for teachers in the following 12 of the 67 school districts in the state: Alachua ($782), Broward ($739), Dade ($850), Duval ($1,810), Hillsborough ($3,554), Lee ($1,525), Leon ($434), Marion ($528), Orange ($1,091), Palm Beach ($747), Pinellas ($544), and Volusia ($416).[106]

Equity in School Level Funding

The bill clarifies that when school districts distribute Title I funds to schools above the 75 percent poverty threshold, the 75 percent may include high schools above the 50 percent threshold as permitted by federal law.

The bill also provides that a district may also withhold a necessary and reasonable amount of Title I funds, not to exceed 1 percent, for eligible schools to provide:

- Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and
- Supplemental academic and enrichment services as well as wrap-around services.

The bill excludes from the above specified 1 percent cap on the amount that a district may withhold for administration, Title I funds used for district-level educational services provided by the school district.

District School Tax

The bill prohibits a district school board from withholding administrative fees authorized in law from any charter school operating in the school district if payments under a lease-purchase agreement entered into by the district school board in the aggregate, including agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the discretionary millage.

[105] Currently, there are 26 appointed district school superintendents and 41 elected district school superintendents. Florida Department of Education, *Florida Public School Superintendents*, http://www.fldoe.org/accountability/data-sys/school-dis-data/superintendents.stml (last visited Feb. 19, 2018).

[106] Email, Florida Department of Education (Feb. 19, 2018).

Charter School Capital Outlay Funding

The bill deletes the requirement that charter school capital outlay must consist of the revenue from the discretionary millage district school boards are authorized to levy. Instead, the bill provides that such revenue must only be included in charter school capital outlay if the amount of state funds appropriated for charter school capital outlay in any fiscal year is not equal to or is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, and adjusted by changes in the Consumer Price Index from the previous year.

The bill also requires each school district to certify to the DOE, by October 1, the amount of debt service and participation requirements that can be reduced from the total discretionary millage revenue. The bill requires the AG to verify compliance with this provision during annual school board audits.

District Personnel Policies

The bill prohibits a district school superintendent from appointing or employing a relative to work under his or her direct supervision. The bill also clarifies that the prohibition does not apply to employees appointed or employed before the election or appointment of the board member of superintendent. The bill also requires the COE to accept and investigate any alleged violations of this prohibition.

Disposal of Property

The bill requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district. The bill prohibits a charter school that receives such property from selling or disposing of the property without the written permission of the school district.

Construction Flexibility

The bill expands the available exceptions a district school board may adopt to include any other provisions in SREF that limit the ability of a school to operate in a facility on the same basis as a charter school. To adopt the exception, the regional planning council must determine that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.[107]

Collective Bargaining

Present Situation

Florida law authorizes employees to bargain collectively through representatives of their own choosing.[108] Legislative intent directs that district school boards have flexibility through the

[107] *See* s. 252.385(2)(b), F.S.
[108] Section 447.03, F.S.

collective bargaining process to assign teachers more equitably across the schools in the district.[109]

Every employee organization seeking to become a certified bargaining agent for public employees must submit an application for registration, which must be renewed annually by filling a renewal application under oath with the Public Employees Relations Commission (commission).[110] If recognized by the public employer, the organization must immediately petition the commission for certification and the commission must certify the organization if the unit is appropriate.[111] If not recognized by the public employer, the organization may file a petition for certification with the commission accompanied by signed, dated statements of 30 percent of the employees in the unit indicating a desire to be represented for collective bargaining purposes by the organization.[112] The commission is required to investigate the petition for sufficiency, provide for an appropriate hearing, and if found to be sufficient, order an election by secret ballot for certification.[113] The commission must certify an organization that is selected by a majority of employees voting in an election.[114]

Effect of Proposed Changes

The bill requires an employee organization that has been certified as the bargaining agent for a unit of instructional personnel[115] to include the following additional information in its annual registration renewal application:

- Number of employees in the bargaining unit who are eligible for representation by the employee organization.
- Number of employees represented by the organization, specifying the number of employees who pay dues and the number of members who do not pay dues.

The bill also requires an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation by the organization to petition the commission for recertification[116] as the exclusive representative of all employees in the unit, within one month after the date on which the organization applies for registration renewal. The bill specifies that the certification of an employee organization is revoked if the organization does not comply with the specified requirements.

[109] Section 1012.2315(1), F.S.
[110] Section 447.305(1)-(2), F.S.
[111] Section 447.307(1)(a), F.S.
[112] *Id.* at (2).
[113] *Id.* at (3)(a), F.S.
[114] *Id.* at (3)(b), F.S.
[115] Instructional personnel means any K-12 staff member whose function includes the provision of direct instructional services to students or to provide direct support in the learning process of students. Section 1012.01(2), F.S.
[116] Section 447.307(2) and (3), F.S. provide the process for employee organization certification.

Recognition of and Educational Opportunities for Members of the U.S. Military

Present Situation

Medal of Honor Day and Required Instruction

Florida law specifies required instruction for students in public schools.[117] Instructional staff must teach specified subject matter such as:[118]

- A character development program in kindergarten through grade 12; and
- The sacrifices that veterans have made in serving our country and protecting democratic values worldwide.[119]

The State Board of Education (SBE) is encouraged to adopt standards and pursue assessment of specified required instruction.[120]

Training and Licensure

Military Training to Meet Education and Licensure Requirements

Florida law provides for the award of college credit for military training and education.[121] Additionally, Florida law requires that for specified professions, to the fullest extent possible, military experience, training, or education must apply toward the requirements for licensure if such training is substantially similar to the experience, training, or education required for licensure.[122]

Apprenticeship Programs

The Department of Education (DOE) is responsible for administering apprenticeship[123] and preapprenticeship[124] programs and standards.[125]

Temporary Certificates

Temporary Certificate in Educational Leadership

The SBE is required to establish certification requirements for all school personnel.[126] Additionally, the SBE must adopt rules to allow an individual who meets the following criteria to be eligible for a temporary certificate in educational leadership:[127]

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[117] Section 1003.42, F.S.
[118] *Id.* at (2).
[119] Instructional staff are encouraged to use the assistance of local veterans when practicable. *Id.* at (2)(t).
[120] *Id.*
[121] Section 1004.096, F.S.
[122] Such requirement applies to the professions of construction contractor (s. 489.1131, F.S.), electrical contractor (s. 489.511, F.S.), and private investigation or security officer (s. 493.61035(1), F.S.).
[123] An apprenticeship program is an organized course of instruction, registered and approved by the DOE, which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices including the requirements for a written apprenticeship agreement. Section 446.021(6), F.S.
[124] A preapprenticeship program is an organized course of instruction in the public school system or elsewhere, which is designed to prepare a person 16 years of age or older to become an apprentice and which is approved by and registered with the DOE and sponsored by a registered apprenticeship program. Section 446.021(5), F.S.
[125] Section 446.041, F.S. *See* ss. 446.011 to 446.092, F.S.
[126] Section 1012.55(1)(b), F.S.
[127] *Id.* at (1)(d), F.S.

- Earn a passing score on the Florida Educational Leadership Examination;
- Document three years of successful experience in an executive management or leadership position; and
- Document receipt of a bachelor's degree or higher from an accredited institution of higher learning.

There are two types of school leader preparation programs:[128]

- Level I programs may be offered by school districts and postsecondary institutions and lead to initial certification in educational leadership to prepare individuals to serve as school administrators.
- Level II programs may be offered by school districts, build upon Level I training, and lead to renewal certification as a school principal.

Temporary Educator Certificate Validity Period

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable.[129] The SBE may authorize the DOE in rule to extend the validity period of a temporary certificate for 2 years when the requirements for the professional certificate[130] were not completed due to the serious illness or injury of the applicant or other extraordinary extenuating circumstances or for 1 year if the temporary certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education.[131]

Junior Reserve Officer Training Instructors

A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training is exempt from requirements for teacher certification, subject to conditions specified in law.[132]

Fee Waiver

The SBE is required to adopt, by rule, separate fees for applications, examinations, certification, certification renewal, late renewal, recordmaking, and recordkeeping.[133] Florida initial teacher certification examination fees are as follows:[134]

- General Knowledge Test, First-Time Registration $130
- Professional Education Test, First-Time Registration $150
- Subject Area Examination, First-Time Registration $200

Additionally, the fee for an initial temporary or professional certificate is $75.[135]

[128] Section 1012.562, F.S.
[129] Section 1012.56(7), F.S.
[130] The requirements for issuance of a professional certificate are established in law. Section 1012.56(7), F.S.
[131] Section 1012.56(7), F.S.
[132] Section 1012.55(4), F.S.
[133] Section 1012.59(1), F.S.
[134] Rule 6A-4.0021(4)(b), F.A.C.
[135] Rule 6A-4.0012(1)(a), F.A.C.

Enrollment in the Florida Virtual School

The Florida Virtual School (FLVS) is intended to develop and deliver online and distance learning education.[136] The school must serve any student in the state who meets the profile for success[137] in the online educational environment and must give priority to:[138]

- Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.
- Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

Military families living outside the state may enroll, but must maintain their Florida residency.[139]

Public school students receiving full-time instruction in kindergarten through grade 12 by the FLVS must take all statewide assessments.[140] Unless alternate sites are agreed to, such statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas.[141] A school district must provide the student with access to the school's testing facilities.[142]

Effect of Proposed Changes

Medal of Honor Day and Required Instruction

The bill designates March 25 of each year as "Medal of Honor Day" and authorizes the Governor to annually issue a proclamation as such, and call upon public officials and specified entities to commemorate the day and honor Medal of Honor[143] recipients.

The bill specifies that a character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the required instruction related to character development and the sacrifices of veterans.

Training and Licensure

Military Training to Meet Education and Licensure Requirements

The bill requires a board of examiners or other qualification board to accept periods of training and practical experience in the Florida National Guard (FNG) or the United States Armed Forces

[136] Section 1002.37(1)(a), F.S.
[137] The FLVS has identified hard and soft skills and other requirements that facilitate student success in online instruction. Such skills include written and oral communication, academic honesty, self-motivation, computer literacy, time management, reading competency, personal commitment, and access to technology. Email, Florida Virtual School (Jan. 9, 2018).
[138] *Id.*
[139] Florida Virtual School, *FLVS Student Progression Plan, 2017-18 School Year* (August 2017), *available at* https://www.flvs.net/docs/default-source/district/student-progression-plan.pdf?sfvrsn=d3437f2a_4, at 14 and 44.
[140] Section 1002.37(9)(a), F.S.
[141] Section 1002.37(9)(c), F.S.
[142] *Id.*
[143] The Medal of Honor is the highest award for valor in action against an enemy force which can be bestowed upon an individual serving in the Armed Services of the United States. Congressional Medal of Honor Society, *The Medal of Honor*, http://www.cmohs.org/ (last visited Feb. 19, 2018).

Reserves (USAFR) in place of any interrupted or delayed periods of training, study, apprenticeship, or practical experience if a member of the FNG or USAFR is called to active duty. The training or practical experience must be accepted if the board finds the standard and type of work or training performed in the FNG or USAFR to be substantially the same as the standard and type required under the laws of this state. Additionally, the bill requires that such members must request licensure or qualification by the respective board of examiners or other qualification board within 6 months after release from active duty.

Apprenticeship Programs

The bill requires the DOE to lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities. Additionally, the bill specifies that any laws related to apprenticeship and preapprenticeship programs, adopted rules, or rules within approved apprenticeship agreements do not invalidate any special provisions for veterans, minority persons, or women in the standards, qualifications, or operations of apprenticeship programs.

Temporary Certificates

Temporary Certificate in Educational Leadership

The bill creates a pathway for veterans to become school principals. The bill requires the DOE to issue a 3-year temporary certificate in educational leadership to an individual who:

- Has earned a passing score on the Florida Educational Leadership Examination;
- Served as a commissioned or noncommissioned military officer in the U.S. Armed Forces for at least 3 years;
- Has been honorably discharged or has retired from the U.S. Armed forces; and
- Is employed fulltime in a position for which a Florida educator certificate is required in a Florida public school, state-supported school, or nonpublic school that has a Level II program.

The bill also requires that a Level II program must admit applicants who hold such temporary certificate and requires the DOE to issue a permanent school principal certificate to an individual who holds the temporary certificate and successfully completes the Level II program.

Temporary Educator Certificate Validity Period

The bill adds military service of an applicant's spouse as a circumstance for which the validity of a temporary certificate may be extended by the DOE, which must be adopted in SBE rule.

Junior Reserve Officer Training Instructors

The bill authorizes junior reserve officer training instructors to be eligible to receive funding through the Florida Teachers Classroom Supply Assistance program.[144] However, such instructors do not meet the definition of a classroom teacher[145] under the program.

Fee Waiver

The bill requires the SBE to waive initial general knowledge, professional education, and subject area examination fees and certification fees for:

- A member of the United States Armed Forces (USAF) or a reserve component who is serving or has served on active duty and the spouse of such a member.
- The surviving spouse of a member of the USAF or a reserve component who was serving on active duty at the time of death.
- An honorably discharged veteran of the USAF or a veteran of a reserve component who served on active duty and the spouse or surviving spouse of such a veteran.

Enrollment in the Florida Virtual School

The bill adds to the list of student groups who must receive priority for FLVS services. Specifically, the bill requires the FLVS to also give priority to children of an active duty member of the USAF who is not stationed in this state whose home of record[146] or state of legal residence[147] is Florida.

Additionally, the bill requires that industry certification examinations, national assessments, and statewide assessments offered by the school district to be available to all FLVS students. The school district must provide to the student the date and time of the administration of the examination or assessment.

Professional Development

Present Situation

The Department of Education (DOE), public postsecondary educational institutions, public school districts, public schools, state education foundations, consortia, and professional organizations in this state must work collaboratively to establish a coordinated system of

[144] The Florida Teachers Classroom Supply Assistance Program is a fund for public school classroom teachers to purchase classroom materials and supplies for the public school students assigned to them. For purposes of the program, "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district. Section 1012.71 F.S.

[145] For purposes of the Florida Teachers Classroom Supply Assistance Program, the term "classroom teacher" means a certified teacher employed by a public school district or a public charter school in that district on or before September 1 of each year whose full-time or job-share responsibility is the classroom instruction of students in prekindergarten through grade 12, including full-time media specialists and certified school counselors serving students in prekindergarten through grade 12, who are funded through the Florida Education Finance Program. Section 1012.71(1), F.S.

[146] The home of record is defined as the state where a servicemember first enlisted or received a commission from one of the branches of armed services. Military.com, *HOR vs. SLR: What's the Difference?* https://www.military.com/money/personal-finance/taxes/home-of-legal-record-for-taxes.html (last visited Feb 19, 2018).

[147] The state of legal residence is considered the servicemember's permanent home, the legal residence for state income tax purposes, qualification for in-state tuition rates, eligibility to vote for federal and state elections, for a will to be probated, and where the servicemember intends to live after separation from the military. *Id.*

professional development.[148] The purpose of the professional development system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.[149] The system of professional development must align to the standards adopted by the state and support the framework for standards adopted by the National Staff Development Council.[150]

The DOE must disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors.[151] The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance.[152]

Effect of Proposed Changes

The bill specifies that professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to student's mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. The template must, at least, provide courses or year-long sequencing on concept-based unit overviews based on Florida Standards, describe the knowledge and vocabulary necessary for comprehension, and promote the instructional shifts required within the standards.

Statewide, Standardized Assessment Program

The purpose of Florida's student assessment program is to provide student academic achievement and learning gains data to students, parents, teachers, school administrators, and school district staff, which can be used to improve instruction.[153]

Present Situation

Statewide, Standardized Assessment Requirements

The statewide, standardized assessment program consists of:

- Statewide, standardized comprehensive assessments:[154]

[148] Section 1012.98(1), F.S.
[149] *Id*.
[150] *Id*.
[151] Section 1012.98(11), F.S.
[152] *Id*.
[153] Section 1008.22(1), F.S.
[154] Section 1008.22(3)(a), F.S. Federal law requires students to be tested in reading or language arts and mathematics in each of grades 3 through 8 and not less than once in grades 10 through12. With respect to science, students must be tested once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. 20 U.S.C. s. 6311(b)(3). The Florida Department of Education posts the Statewide Assessment Schedule on its website. Florida Department of Education, *Florida Statewide Assessment Program 2016-2017 Schedule, available at* https://info.fldoe.org/docushare/dsweb/Get/Document-7514/dps-2015-175a.pdf

- English Language Arts (ELA) (grades 3 through 10);
- Mathematics (grades 3-8); and
- Science (once at the elementary grade level and once at the middle grade level).[155]

- End-of-Course (EOC) assessments:[156]
  - Algebra I EOC;
  - Geometry EOC;
  - Biology I EOC;
  - U.S. History EOC; and
  - Civics (at the middle grade level).

Additionally, the statewide, standardized assessment program also includes the Florida Alternate Assessment (FAA) to assess students with disabilities in the content knowledge and skills necessary for successful grade-to-grade progression and high school graduation.[157]

Implementation Schedule

The Commissioner of Education (commissioner) must establish and publish on the department's website an implementation schedule for the ELA assessments and to the Mathematics assessments, including the Algebra I and Geometry EOC assessments.[158] All such assessments must be delivered through computer-based testing, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year.[159]

In 2017, the Legislature amended s. 1008.22, F.S., to notwithstand the requirements specified in law, and require that the statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format, beginning with the 2017-2018 school year, and all such assessments must be paper-based no later than the 2018-2019 school year.[160]

Publication of Assessments

The DOE must publish each statewide standardized assessment and EOC assessment, excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the commissioner.[161] Each assessment, when published, must have been administered during the most recent school year.

Effect of Proposed Changes

The bill requires all statewide, standardized ELA and math assessments in grades 7 and 8 to be administered in a paper-based format by the 2019-2020 school year. The bill also requires that

[155] Rule 6A-1.09422(3)(c), F.A.C., requires all eligible students in grades five and eight to take the statewide Science assessment.
[156] Section 1008.22(3)(b)1., F.S.
[157] *Id.* at (3)(c)1., F.S. A child with medical complexity may be exempt from participating in statewide, standardized assessments, including the Florida Alternate Assessment. Section 1008.22(11), F.S.
[158] *Id.* at (3)(d), F.S.
[159] Section 1008.22(3)(d), F.S.
[160] *Id*.
[161] Section 1008.22(8)(a), F.S.

reading passages and writing prompts used in statewide, standardized ELA assessments incorporate grade-level social studies core curricular content.

Additionally, the bill specifies that the statewide, standardized assessments published by the DOE must be in a format that facilitates sharing of assessment items.

Other Provisions

Present Situation

Emergency Coordination

The Commissioner of Education (commissioner) is appointed by the SBE[162] and serves as the Executive Director of the Department of Education (DOE).[163] The DOE is responsible for coordinating, when necessary, the use of educational facilities during emergency activations among federal and state agencies, local school districts, colleges and universities.[164] The DOE also serves as the primary liaison in coordinating all phases of emergency response from pre-disaster planning through post disaster recovery of educational facilities.[165] Currently, DOE staff members are assigned to serve as contacts (called "Emergency Management (EM) Buddies") to provide the direct communications conduit between the DOE, district school superintendents, Florida College System (FCS) institution presidents, and state and local emergency operations centers.[166]

Electronic Individual Education Plan

In 2006,[167] the Legislature enacted legislation to require the DOE to develop and have an operating electronic individual education plan (IEP) in place for potential statewide use by July 1, 2007.[168] The law required the statewide system to be developed collaboratively with school districts and include input from school districts at that time developing or operating electronic IEP systems.[169]

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[162] Art. IX, s. 2, Fla. Const.
[163] Section 20.15(2), F.S.
[164] Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf, at 10 of ESF 6 Appendix.
[165] Florida Division of Emergency Management, *The State of Florida 2016 Comprehensive Emergency Management Plan, 2016 Draft Revision*, http://www.floridadisaster.org/documents/CEMP/2016/2016%20State%20CEMP%20(COMPLETE%20FINAL%20DRAFT).pdf, at 10 of ESF 6 Appendix.
[166] Florida Department of Education, Presentation to the Senate Committee on Education, *Emergency Coordination of State and Local Entities (Oct, 9, 2017), available at http://www.flsenate.gov/Committees/Show/ED/Meeting%20Packet/3952*, at 3.
[167] Section 31, ch. 2006-74, L.O.F.
[168] Section 1003.576, F.S.
[169] *Id.*

Student Discipline and Safety

Each district school board is required to use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a self-assessment of the school districts' current safety and security practices.[170]

Based on these self-assessment findings, the district school superintendent must provide recommendations to the district school board that identify strategies and activities to improve school safety and security.[171]

Dual Enrollment

The dual enrollment articulation agreement required between postsecondary education institution and private schools in its geographic service area governs available courses and programs, student responsibilities, and costs, and must include provisions:[172]

- Expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.
- Stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

Students who participate in dual enrollment from a home education program or private school are responsible for providing their own instructional materials, as specified in the dual enrollment articulation agreements.[173]

Effect of Proposed Changes

Emergency Coordination

The bill authorizes the commissioner to coordinate with school districts, FCS institutions, and the satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess their need for resources and assistance in the event of an emergency situation. According to the DOE, the expanded authority will likely be helpful in securing necessary information in a timely manner before, during, and after any emergency situation.[174]

Electronic Individual Education Plan

The bill deletes an obsolete July 1, 2007, deadline for the DOE to develop and operate an electronic individual education plan (IEP) system for statewide use. The DOE has developed the required IEP system.[175]

[170] Section 1006.07(6), F.S.
[171] *Id.*
[172] *Id.*
[173] Section 1007.271(13)(a) and (24)(a), F.S. Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge. *Id.* at (17), F.S.
[174] Email, Florida Department of Education (March 17, 2017).
[175] Email, Florida Department of Education (Jan. 17, 2018). The electronic IEP system developed by the DOE is within the Portal to Exceptional Education Resources (PEER). *Id.*

Student Discipline and Safety

The bill requires each school district to conduct a security risk assessment at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format developed by the DOE and deletes an outdated reference in current law to the Safety and Security Best Practices developed by the OPPAGA.[176]

Dual Enrollment

The bill modifies the dual enrollment eligibility requirements for home education program students and the related dual enrollment articulation agreement to remove the requirement that home education program students are responsible for their own instructional materials.

Additionally, the bill removes the requirement for the articulation agreement between a postsecondary education institution and a private school to include a provision indicating whether a private school will compensate a public postsecondary institution for dual enrollment instruction provided by the postsecondary institution to the private school's students. The bill, however, does not specify that the public postsecondary institution may not charge tuition and fees to the private school for the dual enrollment of its students.

Funding

Present Situation

Schools of Hope Grant Funds

In 2017, the Legislature created the Schools of Hope Program to provide funds to eligible schools of hope for specified purposes and to up to 25 traditional public schools that are required to submit a district managed turnaround plan for implementation.[177]

Supplemental Academic Instruction Allocation

Each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment for the prior year must use supplemental academic instruction funds, along with the funds provided in the district's research-based reading instruction allocation[178] and other available funds, to provide an additional hour of instruction beyond the normal school day for intensive reading instruction for the students in each of these schools.[179]

Research-based Reading Allocation

The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12.[180]

[176] In 2014, the Legislature repealed the Best Financial Management Practices Review that authorized the Office of Program Policy Analysis and Government Accountability to develop best practices. Section 76, ch. 2014-39, L.O.F.
[177] Section 1002.333(10), F.S.
[178] The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. Section 1011.62(9)(a), F.S.
[179] Section 1011.62(1)(f)2., F.S.
[180] *Id.* at (9)(a), F.S.

Career and Professional Education Bonus

Florida law authorizes the award of a bonus calculated as an additional full-time equivalent member based on the completion of a Career and Professional Education (CAPE) industry certification and authorizes the State Board of Education to adopt rules establishing programs, industry certifications and courses for which a student participating in such program may earn credit towards high school graduation.[181]

Effect of Proposed Changes

Schools of Hope Grant Funds

The bill authorizes the carryforward, for up to 5 years, of any funds allocated for the Schools of Hope Program which are not disbursed by June 30 of the fiscal year in which the funds are allocated.

Supplemental Academic Instruction Allocation

The bill renames the supplemental academic instruction categorical fund and revises the focus to require, beginning in the 2018-2019 school year, each school that earns a "D" or "F" grade to use the allocation to implement intervention and support strategies for school improvement and salary supplements. The bill also deletes the extra hour of instruction requirement for the 300 lowest-performing elementary schools from the authorized use of the allocation funds[182] and adds dropout prevention programs to the authorized uses of funds.

Research-based Reading Allocation

The bill provides priority within each school district to one or more of the 300 lowest-performing elementary schools, based on a 3-year average, to provide an additional hour per day of reading instruction. The bill authorizes permissive participation in such additional hour for students who scored a level 4 or 5 on the ELA assessment in the prior year. The bill requires the use of teachers who are certified or endorsed in reading in order to be eligible for the allocation and provides that each school district only has to submit a comprehensive reading plan for a school that earns a grade below a "B."

Career and Professional Education Bonus

The bill provides that a teacher may not be awarded a CAPE industry certification bonus if the teacher fails to maintain the security of any CAPE industry certification examination or otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher. Additionally, the bill expands the authority of the SBE to adopt rules by authorizing the SBE to establish the criteria under which a student's industry certification or grade may be rescinded.

Appropriations

The bill appropriates $19,350,000 in recurring funds from the General Revenue Fund to the Department of Education for the following purposes:

[181] *Id.* at (1)(o), F.S.
[182] The bill grants these schools priority in the research-based reading allocation.

- $9,700,000 for reading scholarship accounts;
- $300,000 for administrative fees associated with the reading scholarship accounts;
- $2,000,000 to implement DOE obligations for the Hope Scholarship Program;
- $5,600,000 to implement paper-based state assessment provisions;
- $950,000 to implement the revised state scholarship accountability provisions;
- $250,000 for a competitive grant award to a state university to review the Florida Tax Credit scholarship Program; and
- $550,000 for dual enrollment instructional materials for home education program students.

Additionally, the bill appropriates $850,000 in nonrecurring funds from the General Revenue Fund to the Department of Education for the following purposes:

- $750,000 for the DOE to develop a web-based fiscal transparency tool; and
- $100,000 for the DOE to contract with an independent third party to conduct an investigation of certain district school boards' accounts and records, as specified.

The bill takes effect July 1, 2018.

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:

School Choice Scholarship - Hope Scholarship

The revenue estimating conference estimated proposed language similar to SB 1172,[183] except that the pertinent language in the proposal authorized a one-time contribution of $20 per vehicle purchase instead of $105 as in the current bill and contained a description of what the contribution form, on which the necessary contribution election must be made, will contain.[184] The contribution form description may impact the participation rate, which could affect the bill's fiscal impact.[185]

[183] SB 1172 is substantively similar to the Hope Scholarship Program provisions in HB 7055.
[184] Florida Office of Economic and Demographic Research, *Revenue Estimating Conference, Proposed Language -- Hope Scholarship,* (Dec. 1, 2017), *available at* http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2018/_pdf/Impact1201.pdf (last visited Jan. 19, 2018).
[185] *Id.*

Based on the proposed language with a $20 contribution amount and the form description, the revenue estimating conference estimates that the proposed language will reduce General Revenue Fund receipts by at least $7.9 million in Fiscal Year 2018-19 and each year thereafter.[186] Using the revenue estimate conference estimate with a $105 contribution amount specified in the bill, the bill may reduce General Revenue Fund receipts by at least $41.5 million.

B. Private Sector Impact:

School Choice Scholarship - Hope Scholarship

Private schools that enroll students who receive a Hope Scholarship Program award may see an increase in revenue.[187]

C. Government Sector Impact:

The bill appropriates $19,350,000 in recurring funds from the General Revenue Fund to the Department of Education for the following purposes:

- $9,700,000 for reading scholarship accounts;
- $300,000 for administrative fees associated with the reading scholarship accounts;
- $2,000,000 to implement DOE obligations for the Hope Scholarship Program;
- $5,600,000 to implement paper-based state assessment provisions;
- $950,000 to implement the revised state scholarship accountability provisions;
- $250,000 for a competitive grant award to a state university to review the Florida Tax Credit scholarship Program; and
- $550,000 for dual enrollment instructional materials for home education program students.

Additionally, the bill appropriates $850,000 in nonrecurring funds from the General Revenue Fund to the Department of Education for the following purposes:

- $750,000 for the DOE to develop a web-based fiscal transparency tool; and
- $100,000 for the DOE to contract with an independent third party to conduct an investigation of certain district school boards' accounts and records, as specified.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

[186] *Id.*

[187] Florida Department of Education, *2018 Agency Legislative Bill Analysis: HB 1*, (Nov. 3, 2017), at 12. HB 1 is substantively similar to the Hope Scholarship Program provisions in HB 7055.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 112.313, 112.31455, 213.053, 446.041, 446.081, 1001.10, 1001.20, 1001.39, 1001.395, 1001.42, 1001.51, 1002.33, 1002.331, 1002.333, 1002.37, 1002.385, 1002.39, 1002.395, 1002.421, 1003.42, 1003.576, 1006.07, 1007.271, 1008.22, 1010.20, 1010.30, 1011.01, 1011.03, 1011.035, 1011.051, 1011.06, 1011.09, 1011.10, 1011.60, 1011.62, 1011.6202, , 1011.69, 1011.71, 1012.23, 1012.2315, 1012.28, 1012.32, 1012.55, 1012.56, 1012.562, 1012.59, 1012.98, 1013.28, 1013.385, and 1013.62.

This bill creates the following sections of the Florida Statutes: 212.1832, 250.483, 683.147, 1002.40, and 1002.411.

This bill repeals section 1011.64 of the Florida Statutes.

The bill creates two undesignated sections of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

Barcode 692180 by Appropriations on February 27, 2018:
The amendment is a substitute for amendment 903516. The amendment retains all provision of amendment 903516 and:

- Authorizes the carryforward of Schools of Hope program funds for up to 5 years after the effective date of the original appropriation.
- Provides that a teacher may not receive the CAPE industry certification bonus if the teacher fails to maintain test security or administration protocol for any CAPE exam.
- Expands the authority the State Board of Education to adopt rules and criteria under which a student's industry certification or grade may be rescinded.
- Makes a technical change to the mental health assistance allocation.
- Requires all schools and district school board buildings to display the state motto, "In God We Trust," in a conspicuous place.
- Modifies charter school contract term and consolidation provisions, including:
  - Extending from 2 years to 3 years, the authority of charter schools to defer the opening of the schools' operations, upon approval of charter school application.
  - Extending the initial term of a charter contract from 4 or 5 years, as specified in law, to 5 years, excluding 1 planning year.
  - Authorizing a charter school to consolidate, during any term, multiple charters that are not in the same physical location into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle.
- Modifies charter school due process provisions, including:

  - Revising the charter school sponsor's authority to not renew or terminate a charter contract to specify that the sponsor may do so only after finding clear and convincing evidence of the disqualifying grounds specified in law.
  - Eliminating the opportunity for a charter school governing board to request a direct hearing before the sponsor based on the nonrenewal or termination of its charter contract, effectively providing that such hearing must be before an administrative law judge.
  - Eliminating the dispute resolution hearing before the Charter School Appeal Commission for disputes over contracted goods and services. Instead, a party must appeal to an administrative law judge appointed by the Division of Administrative Hearings, who is granted final order authority to rule on the dispute. The prevailing party must be awarded reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals.
- Modifies high-performing charter school provisions, including:
  - Specifying that the application of a high-performing charter school or a high-performing charter school system may be denied only if the sponsor demonstrates by clear and convincing evidence that such school or system does not materially comply with the standard application requirements.
  - Specifying that student enrollment may not exceed capacity of the facility at the time of enrollment, effectively allowing a high-performing charter school that has expanded its original facility or has access to additional facilities, to increase student enrollment without being limited to the original facility's capacity.
  - Authorizing a high-performing charter school to replicate to two charter schools within the state in any year.
- Requires a district school board to reimburse the cost of background screening for governing board members and instructional and noninstructional personnel if the district does not notify the charter school of the eligibility of such individuals within 14 days after the submission of fingerprints.
- Adds charters schools and charter management organizations to the entities authorized to offer Level I or Level II school leader preparation programs.
- Requires any tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board to be provided for a charter school's use on the same basis as it is made available to other public schools in the district.
- Requires that professional development resources disseminated through the web-based statewide performance-support system include sample course-at-a-glance and unit overview templates that school districts may use when developing curricula. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st Century skills that build toward mastery at each grade level.
- Requires, for an employee organization that has been certified as the bargaining agent for a unit of instructional personnel, the following:
  - Information that must be in an application for renewal of registration, including the number of employees eligible for representation by the employee organization and the number who are represented by the employee organization, specifying the

number of members who pay dues and the number of members who do not pay dues.
    - An employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit to petition the Public Employees Relations Commission for recertification.
- Requires that industry certification examinations, national assessments, and statewide assessments offered by the school district must be available to all Florida Virtual School (FLVS) students.
- Changes criterion for virtual instruction program provider qualifications to specify that the provider's contract is automatically terminated if the provider earns two consecutive school grades of "F" (rather than one "D" or "F") or two consecutive "unsatisfactory" ratings.
- Removes the provision in the home education program dual enrollment articulation agreement specifying that a home education student must be responsible for his or her own instructional materials.
- Modifies provisions in the dual enrollment articulation agreement between an eligible public postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.
- Establishes reading scholarship accounts for public school students in grades 3 through 5 who scored below a Level 3 on the grade 3 or grade 4 statewide, standardized ELA assessment in the prior school year. The scholarship must be offered on a first-come, first-served basis, and is contingent upon available funds, with the maximum award established annually in the General Appropriations Act.

Barcode 903516 by Education on February 20, 2018:
Compared to CS/HB 7055, the amendment deletes certain provisions and:
- Modifies the Hope Scholarship Program to provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse an opportunity to transfer the student to another public school that has capacity or to request and receive from the state a scholarship for the student to attend an eligible private school.
- Reduces the authorized scholarship funding tax credits for the Hope Scholarship Program from $105 to $20.
- Modifies the accountability provisions for private schools that participate in state school choice scholarship programs and applies such provisions consistently to the participating schools.
- Adds the following provisions related to K-12 education funding:
    - Creates the mental health assistance allocation within the Florida Education Finance Program (FEFP) to provide funds for school-based mental health programs and establishes related requirements.
    - Establishes the hope supplemental services allocation within the FEFP to provide schools implementing a district-managed turnaround plan or a turnaround option specified in law with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

  - Establishes the funding compression allocation within the FEFP to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average.
  - Modifies the eligibility requirements and calculation methodology for specified charter school capital outlay provisions and revises the amount of discretionary millage that a school district may expend for specified purposes.
- Adds the following provisions related to school improvement and accountability:
  - Provides that a school must complete two years of a district-managed turnaround plan before the school is designated as persistently low-performing and required to implement a turnaround option.
  - Expands the turnaround options available to a school district for a persistently low performing school to include a franchise model school that is led by a specified highly effective principal.
  - Revises the school of hope provisions to require a hope operator to submit a notice of intent containing an operations plan specifying the hope operator's intent to undertake the operations of the persistently low-performing school and incentivizes a hope operator to establish a school of hope at the district-owned facilities of the persistently low-performing school.
- Adds a provision to rename the Collegiate High School Program as the Structured High School Acceleration Program and creates a bonus funding mechanism to incentivize school district interest in expanding programs.
- Adds a provision to clarify that school districts may construct or renovate facilities without a survey recommendation when using funds from specified local revenue sources.
- Adds the following provisions related to instruction in public schools:
  - Establishes a separate one-half credit requirement in personal financial literacy, and specifies financial literacy standards and instruction for students entering grade 9 in the 2018-2019 school year and thereafter.
  - Requires each school district to provide students instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator.
- Adds a provision to authorize an individual member of the legislature to visit any district school, including any charter school, in his or her legislative district, on any day and at any time.
- Adds a provision to modify the Florida Best and Brightest Teacher Scholarship Program to specify a school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements of the scholarship as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.
- Adds a provision to authorize an early learning coalition to refuse to contract with a private provider of the Voluntary Prekindergarten Education Program if the provider has been cited for a class I violation.
- Adds a provision to revise the definition of a rare disease for the purposes of the Gardiner Scholarship Program and conforms the definition of a rare disease to the definition provided by the Orphan Drug Act of 1983, Pub. L. No. 97-414.
- Modifies school safety requirements in the following ways:

- Requires a school district to formulate and prescribe policies and procedures for emergency drills for hostage and active shooter situations and establish model emergency management and emergency preparedness procedures for active shooter situations. The active shooter situation training must be conducted by the law enforcement agency or agencies that are designated as the first responders to the school's campus.
- Requires each school district to conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the Department of Education (DOE) and develop a plan that includes having a secure, single point of entry onto school grounds.
- Requires a district school board or a private school principal or governing board to allow the law enforcement agency or agencies that are designated as first responders to the school's or districts' campus tour such campuses once every 3 years and to document any recommended changes to school safety and emergency issues.
- Requires a district school board to establish a school resource officer program and commission one or more school safety officers at each district school facility.

- Modifies appropriations, for the 2018-2019 fiscal year:
  - The sum of $2,596,560 in recurring funds from the General Revenue Fund to the DOE for the following purposes:
    - $2 million to implement the Hope Scholarship Program.
    - $596,560 to implement additional state scholarship oversight requirements.
  - The sum of $392,134 in nonrecurring funds from the General Revenue Fund to the DOE for the following purposes:
    - $142,134 to implement additional state scholarship oversight requirements.
    - $250,000 to award a competitive grant to study student performance in the Florida Tax Credit Scholarship Program as required in law.

Specifies a July 1, 2018, effective date, except as otherwise expressly provided.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

240726

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Passidomo) recommended the following:

Senate Substitute for Amendment (903516) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) Upon adoption of rules, the purchaser of a motor

240726

vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 2. Subsection (21) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(21)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.40, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization under s. 1002.40(13)(b)3. The eligible nonprofit scholarship-funding

240726

organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

(b) Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. An eligible nonprofit scholarship-funding organization is bound by the same requirements of confidentiality and the same penalties for a violation of the requirements as the department.

Section 3. Effective July 1, 2019, chapter 623, Florida Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04, 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12, 623.13, and 623.14, is repealed.

Section 4. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept

scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 5. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and

sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to the visiting individual ~~a board member~~ under this section.

Section 6. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A "private school" is a nonpublic school that is registered in accordance with s. 1002.42 and is defined as an

individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school attended by a student in order to satisfy the attendance requirements of s. 1003.01(13). This definition does not include home education programs conducted in accordance with s. 1002.41.

(3) For purposes of this chapter, a "scholarship program" means any one of the following:

(a) The Opportunity Scholarship Program established pursuant to s. 1002.38.

(b) The Gardiner Scholarship Program established pursuant to s. 1002.385.

(c) The John M. McKay Scholarships for Students with Disabilities Program established pursuant to s. 1002.39.

(d) The Florida Tax Credit Scholarship Program established pursuant to s. 1002.395.

(e) The Hope Scholarship Program established pursuant to s. 1002.40.

240726

Section 7. Paragraph (b) of subsection (2) and subsection (6) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) *Regular school attendance.*—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a private parochial, religious, or denominational school; a private school; or a home education program~~; or a private tutoring program~~, in accordance with ~~the provisions of~~ s. 1003.01(13).

(6) EDUCATIONAL CHOICE.—

(a) *Public educational school choices.*—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE

240726

industry certifications, collegiate high school programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) *Private educational choices.*—The parent of a student may choose to enroll the student in a private school, as defined in s. 1002.01(2). Parents of public school students may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

3. Under the Gardiner Scholarship Program ~~Florida Personal Learning Scholarship Accounts Program~~, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship ~~personal learning scholarship~~ to be used for individual educational needs in accordance with s. 1002.385.

4. Under the Hope Scholarship Program, the parent of a

student who was the victim of a substantiated incident of violence or abuse while attending a public school may seek a scholarship for the student to attend a private school in accordance with s. 1002.40.

(c) *Home education.*—The parent of a student may choose to place the student in a home education program, as defined in s. 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

~~(d) *Private tutoring.*—The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).~~

Section 8. Paragraph (b) of subsection (6) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's

school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes

full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school’s educational program does not substantially replicate that of the applicant or one of the applicant’s high-performing charter schools;

(IV) The applicant has made a material misrepresentation or

false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or

denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

Section 9. Subsection (1) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to

cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

Section 10. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraphs (b) and (d) of subsection (10) of that section are amended, to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The specific ~~proposed~~ location or geographic area proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5

240726

years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a)1. A school of hope that meets the definition under subparagraph (1)(c)1. shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department’s Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope that meet the definition under

240726

subparagraph (1)(c)1. are eligible to receive funds from the Schools of Hope Program.

(e) Schools of hope that meet the definition under subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(d) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 11. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or

higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the schools under his or her administration; however, he or she must expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal award under s. 1012.732.

Section 12. Paragraph (d) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down

240726

syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an

240726

approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written

explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this

paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

2. Affirm that the program funds are used only for

authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 13. Subsection (3), paragraph (f) of subsection (6), and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

240726

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

~~(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;~~

(e) ~~(f)~~ While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(f) ~~(g)~~ While he or she is enrolled in the Florida School for the Deaf and the Blind;

(g) ~~(h)~~ While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(h) ~~(i)~~ If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

240726

shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be

eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002 in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a private school must annually submit the required report by

240726

September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 14. Subsection (4), paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

~~(e) Participating in a private tutoring program pursuant to s. 1002.43;~~

(e)~~(f)~~ Participating in a virtual school, correspondence school, or distance learning program that receives state funding

240726

pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(f) ~~(g)~~ Enrolled in the Florida School for the Deaf and the Blind.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February 2013 and biennially thereafter, if the scholarship-

funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school’s failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible

private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and

administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 15. Section 1002.40, Florida Statutes, is created to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was the victim

240726

of a substantiated incident of violence or abuse, as listed in subsection (3), an opportunity to transfer the student to another public school that has capacity or to request and receive a scholarship for the student to enroll in and attend an eligible private school.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Education.

(b) "Eligible contribution" or "contribution" means a monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as provided in s. 1002.395(2)(f), as determined by the department.

(d) "Eligible private school" has the same meaning as provided in s. 1002.395(2)(g), as determined by the department.

(e) "Motor vehicle" has the same meaning as provided in s. 320.01(1)(a), but does not include heavy trucks, truck tractors, trailers, and motorcycles.

(f) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose public school student was the victim of a reported incident, as listed in subsection (3).

(g) "Principal" means the principal or his or her designee.

(h) "Program" means the Hope Scholarship Program.

(i) "School" includes any educational program or activity

conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(j) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act for the applicable state fiscal year.

(3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled full time in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if all of the following conditions are met:

(a) The student is the victim of a substantiated incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

(b) The incident is formally reported by the victim or the victim's parent to the principal.

(c) Through an investigation, the principal finds that the incident is substantiated.

(d) The principal's investigation remains open or the district's resolution of issues related to the incident remain unresolved after timely notification, deliberative evaluation, and 30 days of responsible and appropriate action taken in accordance with paragraph (5)(a).

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not be made if a student is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College-Preparatory Boarding Academy; the Florida Virtual School; a developmental research school authorized under s. 1002.32; or a charter school authorized under s. 1002.33, s. 1002.331, s. 1002.332, or s. 1002.333;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(d) Receiving any other educational scholarship pursuant to this chapter; or

(e) Participating in a home education program, as defined in s. 1002.01.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. Within 24 hours after receipt of a formal report of an incident listed in subsection (3)(a), the principal shall provide a copy of the report to the victim's parent and the alleged offender's parent. The report must include a statement of the expected investigative actions and the timeline for reporting the outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and other required information.

2. In accordance with s. 1006.09, the principal must investigate the incident to determine if the incident is substantiated or unsubstantiated, and if the incident must be reported. The principal may, at his or her discretion, determine the extent to which each student was engaged in instigating, initiating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

3. During the investigation period, the principal and the superintendent shall take all necessary actions to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

4. Upon the principal's determination that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim's parent and the alleged offender's parent the findings, outcome, or status of the investigation. The principal shall continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

5. If the principal's investigation into the incident remains open more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved, the school district, in accordance with the school district's code of student conduct, shall:

240726

a. Notify the victim's parent of the availability of the program and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding; and

b. Provide the victim's parent with a written notification of the result of the principal's investigation of the alleged incident. The parent must provide such notification to the scholarship-funding organization that verifies the student's eligibility.

6. To facilitate timely, appropriate, and fiscally accountable scholarship payments, school districts must report and verify student enrollment information during and outside of regular FTE student enrollment survey periods, as requested by the department pursuant to paragraph (7)(d).

(b)1. A parent who, pursuant to s. 1002.31, chooses to enroll his or her student in a Florida public school located outside the district in which the student resides shall be eligible for a scholarship under paragraph (11)(b) to transport the student.

2. For each student participating in the program in a private school who chooses to participate in the statewide assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.

(6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Meet the definition of a private school in s. 1002.01

and comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b) Provide to the organization and the department, upon request, all documentation required for the student's participation, including, but not limited to, the private school's and the student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent.

3. Cooperating with the student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the department by March 1 of each year in order to

240726

administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Maintain in this state a physical location where a scholarship student regularly attends classes.

(f) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the department.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the program.

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (6).

(c) Require an annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

(d) Cross-check the list of participating students with the public school enrollment lists and participation lists in other scholarship programs established under this chapter before each scholarship payment to avoid duplication.

(e) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

(g) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school climate and code of student conduct of each public school that reported the occurrence of a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent’s and student’s rights which are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district;

b. An assessment of the effectiveness of communication procedures with the students involved in an incident, the

students' parents, and the school and school district personnel;

c. An analysis of school incident and discipline data; and

d. The challenges and obstacles relating to implementing recommendations from this review.

2. Reviewing the school climate and code of student conduct of each public school a student transferred to if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which the majority of the school's total enrolled students in the prior school year participated in one or more scholarship programs, as defined in s. 1002.01, in which there are at least 10 participating students who have scores for tests administered; and reviewing the school climate and code of student conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or relating to the use of the scholarship.

(h) Upon the request of a participating private school, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the

240726

number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

(i) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry or make a referral to the appropriate agency for an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if such complaint contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education pursuant to this section has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(j)1. Conduct site visits to participating private schools. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, teachers' fingerprinting results, and other conditions required pursuant to s. 1002.421 and this section. The department may not make more than seven

240726

site visits each year; however, the department may make additional site visits at any time to a school that is the subject of a violation complaint submitted pursuant to paragraph (i), is identified by an organization for a known or suspected violation, or has received a notice of noncompliance or a notice of proposed action within the current year or the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program, and the corrective action taken by the department.

(8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's participation in the program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the program.

2. May deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has

operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the department for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the program, the department

shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall refer the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's suspension of payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Hope Scholarship is exercising his or her parental option to place his or her

student in an eligible private school.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must comply with the regular attendance requirements of s. 1003.01(13) and remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the program take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant

to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish scholarships for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.

(c) Preparing and submitting quarterly and annual reports to the department pursuant to paragraphs (7)(f) and (g). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the scholarship program.

(d) Notifying the department of any known or suspected violation of this section by a private school, parent, or student.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

2. Ninety-two percent for a student enrolled in grade 6

through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

(b) The maximum amount awarded to a student enrolled in a Florida public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the organization must receive all documentation required for the student's participation, including a copy of the report of the substantiated incident received pursuant to subsection (5) and the private school's and the student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer made by debit cards, electronic payment cards, or other means of payment which the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payment is made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a

funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(12) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832 for use by a taxpayer that makes an eligible contribution to the program. Each eligible contribution is limited to a single payment of $20 at the time of purchase of a motor vehicle or a single payment of $20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by an election to contribute to the program and shall be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue. Payments of contributions shall be made to a dealer, as defined in chapter 212, at the time of purchase of a motor vehicle or to an agent of the Department of Revenue, as designated by s. 212.06(10), at the time of registration of a motor vehicle that was not purchased from a dealer.

(b) A tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as an agent of the Department of Revenue pursuant to s. 212.06(10) or

240726

who is a dealer shall:

1. Provide the purchaser the contribution election form, as prescribed by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer's or agent's federal employer identification number, remit to an organization on or before the 20th day of each month the total amount of contributions made to that organization and collected during the preceding calendar month.

4. Report on each return filed with the Department of Revenue the total amount of credits allowed under s. 212.1832 during the preceding calendar month.

(c) An organization shall report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include the federal employer identification number of each tax collector, authorized agent of the Department of Revenue, or dealer who remitted contributions to the organization during that reporting period.

(d) A person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft of charitable funds, punishable as follows:

1. If the total amount stolen is less than $300, the offense is a misdemeanor of the second degree, punishable as

provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(14) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(16) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 16. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection

240726

(11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally

or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the

private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include

an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and

shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

240726

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report, prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 17. Section 1002.43, Florida Statutes, is repealed.

Section 18. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private

240726

prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 19. Subsection (13) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by a student's full-time attendance in one of the following options:

(a) A public school supported by public funds, including, but not limited to, the Florida School for the Deaf and the Blind, the Florida Virtual School, a developmental research school, and a charter school established pursuant to chapter 1002.~~;~~

~~(b) A parochial, religious, or denominational school;~~

(b)~~(c)~~ A private school, as defined in s. 1002.01(2) and in compliance with s. 1002.42, including, but not limited to, a private parochial, religious, or denominational school; and a private school supported in whole or in part by tuition charges

240726

or by endowments or gifts. This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3).~~;~~

(c)~~(d)~~ A home education program, as defined in s. 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.~~;~~ ~~or~~

~~(e) A private tutoring program that meets the requirements of chapter 1002.~~

Section 20. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an

unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

240726

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

Section 21. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy

includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 22. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include

financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

240726

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 23. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

(c) Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care

guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 24. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 25. Section 1006.05, Florida Status, is created to read:

1006.05 Mental health assistance allocation specifications.—Pursuant to s. 1011.62(17), the mental health assistance allocation is created to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs that increase awareness of mental health issues among children and school-age youth; to train educators and other school staff in detecting and responding to mental health issues; and to connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

(1) Funding provided pursuant to s. 1011.62(17) shall be allocated in accordance with the following:

(a) Before the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the

district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, the elements in subparagraphs 1., 2., and 3., and the districts and charter schools are strongly encouraged to include in their respective plans the elements specified in subparagraphs 4., 5., and 6., as follows:

1. A contract or a memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth;

2. Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training programs for all school personnel who have contact with students. The training must cover risk factors and warning signs for mental health and addiction concerns, strategies for providing assistance to individuals in both crisis and non-

crisis situations, and the use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community. Topics covered should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention;

3. A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate;

4. Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;

5. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and

6. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.

(c) The districts shall submit approved plans to the commissioner by August 1 of each year.

(2) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this section shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred for services or assistance.

240726

(c) Students who receive services or assistance.

(d) Parents or guardians notified.

(e) School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the plan required under this subsection.

Section 26. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected

or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 27. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-

threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the

district school board meeting.

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 28. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment,

240726

subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 29. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high school acceleration program.

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward

240726

general education core courses or common prerequisite course requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may not limit the number of eligible public school students who may enroll in such structured programs.

(2)~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before January 1, 2018, for the 2018-2019 school year must be modified to include the provisions of paragraph (b).

(b) The contract must:

1.~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2.~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to

participating students through the partner Florida College System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~ industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines; ~~.~~

3. ~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4. ~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses; ~~.~~

5. ~~(e)~~ Identify student advising services and progress monitoring mechanisms; ~~.~~

6. ~~(f)~~ Establish a program review and reporting mechanism regarding student performance outcomes; and ~~.~~

7. ~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a) ~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the

parent, and a representative of the school district and the applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements; ~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the State Board of Education in rule; and the approved meta-major academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after

240726

graduating from high school.

(4) ~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a

school year through the dual enrollment program under s. 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

(6) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 30. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state

240726

board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include:

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a

240726

notice of intent of a performance-based agreement pursuant to s. 1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal's currently assigned school. The franchise model school principal may allocate resources and personnel between the schools he or she leads. The persistently low-performing school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school

district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

Section 31. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraphs (o) and (t) of subsection (1), paragraph (a) of subsection (4), and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification*

Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.—

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under

rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to

240726

teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher pursuant to ~~under~~ this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

(t) *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation and the criteria under which a student's industry certification or grade may be rescinded.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the

Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district’s revenue from required local effort millage will produce more than 90 percent of the district’s total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent

of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of

current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, and parental counseling. In addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-

240726

performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

(d) Each school district and hope operator shall submit approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s.

1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s. 1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts and charter schools in their compliance with the requirements and specifications established in s. 1006.05. These funds must be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount, as provided in the General Appropriations Act. Eligible charter schools are entitled to a proportionate share of district funding for the program. The allocated funds may not supplant funds that are provided for this purpose from other

240726

operating funds and may not be used to increase salaries or provide bonuses, except for personnel hired to implement the plans required by s. 1006.05. School districts and schools must maximize third-party funding from Medicaid and private insurance when appropriate.

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share.

Section 32. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part

240726

A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district's approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff

development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational services provided by the school district.

Section 33. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty

insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 34. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an

officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial

240726

authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person

or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 35. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s.

240726

1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 36. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principal or who have recruited and retained a high percentage of best and brightest teachers.

(3)(a) A school principal identified pursuant to s. 1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not

assigned to a Title I school and who is eligible under paragraph (3)(a).

Section 37. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 38. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need

assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 39. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 40. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, and other affiliated parties of charter schools.

240726

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, a political subdivision of the state, a municipality, a Florida College System institution, or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a 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, administers, controls, or oversees the operation of any of the foregoing.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district’s annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district’s adjusted discretionary millage revenue by the district’s total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time

equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible charter schools within a district ~~school in subsection (2)~~ to determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~,~~ ~~beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 41. Effective July 1, 2019, subsection (13) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and

storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and 616.07~~, and 623.09~~, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 42. For the 2018-2019 fiscal year, the sum of $2,596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act as follows: the sum of $2 million in recurring funds shall be used to implement the Hope Scholarship

240726

Program created pursuant to s. 1002.40, Florida Statutes, the sum of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes, and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

Section 43. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this act.

Section 44. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018

================ T I T L E A M E N D M E N T ================

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; creating s. 212.1832, F.S.; authorizing certain persons to receive a tax credit for certain contributions to eligible nonprofit scholarship-funding organizations for the Hope Scholarship Program; providing requirements for motor vehicle dealers; requiring the Department of Revenue to disregard certain tax credits for specified purposes; providing that specified provisions apply to certain provisions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share

specified information with eligible nonprofit scholarship-funding organizations; providing that certain requirements apply to such organizations; repealing ch. 623, F.S., relating to private school corporations, on a specified date; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide technical assistance and authorized staff; amending s. 1001.4205, F.S.; authorizing a member of the State Legislature to visit any district school, including any charter school, in his or her legislative district; amending s. 1002.01, F.S.; revising and defining terms; amending s. 1002.20; updating educational options and terminology; amending s. 1002.33, F.S.; extending the period of time for which a charter school may defer its opening for specified reasons; amending s. 1002.331, F.S.; revising the requirements for a charter school to be considered a high-performing charter school; amending s. 1002.333, F.S.; redefining the terms "persistently low-performing school" and "school of hope"; revising the required contents of a school of hope notice of intent and performance-based agreement; revising school of hope facility requirements; specifying that certain schools of hope are eligible to receive hope supplemental service allocation funds; requiring the State Board of Education to provide awards to all eligible schools that meet certain requirements; providing for certain funds for the Schools of Hope

Program to be carried forward for a specified number of years; prohibiting a school of hope operator or owner from serving as the principal of a school of hope that he or she manages; conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; revising requirements for private schools that participate in the program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; revising the purpose of department site visits at private schools participating in the John M. McKay Scholarships for Students with Disabilities Program; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming provisions to changes made

240726

by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising the purpose of department site visits at private schools participating in the Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; creating s. 1002.40, F.S.; establishing the Hope Scholarship Program; providing the purpose of the program; defining terms; providing eligibility requirements; prohibiting the payment of a scholarship under certain circumstances; requiring a principal to provide copies of a report of physical violence or emotional abuse to certain individuals within specified timeframes; requiring the principal to investigate such incidents; requiring a school district to notify an eligible student's parent of the program under certain circumstances; requiring a school district to provide certain information relating to the statewide assessment program; providing requirements and obligations for eligible private schools; providing Department of Education obligations relating to participating students and private schools and program requirements; providing

240726

Commissioner of Education obligations; requiring the commissioner to deny, suspend, or revoke a private school's participation in the program or the payment of scholarship funds under certain circumstances; defining the term "owner or operator"; providing a process for review of a decision from the commissioner under certain circumstances; providing for the release of personally identifiable student information under certain circumstances; providing parent and student responsibilities for initial and continued participation in the program; providing nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing requirements for administrative expenses; prohibiting a nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers; providing reporting requirements for nonprofit

240726

scholarship-funding organizations relating to taxpayer contributions; providing penalties; providing for the restitution of specified funds under certain circumstances; providing the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education to adopt rules to administer the program; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain circumstances; requiring the department to annually visit a certain percentage of certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; repealing s. 1002.43, F.S., relating to private

240726

tutoring programs; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.01, F.S.; redefining the term "regular school attendance"; amending s. 1003.26, F.S.; conforming a cross-reference; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a required curriculum; providing instruction to be based on certain programs; providing an exemption; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; creating s. 1006.05, F.S.; providing the purpose of the mental health assistance allocation; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to

the Commissioner of Education; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the commissioner by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards and private school principals or governing boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs;

240726

requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.273, F.S.; defining the term "structured program"; providing additional options for students participating in a structured program; prohibiting a district school board from limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; prohibiting the award of certain bonuses to teachers who fail to maintain the security of certain examinations or violate certain protocols; authorizing the state board to adopt rules for specified purposes; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the allocation; providing that implementation plans may include certain models; providing requirements for implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental

240726

health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.315, F.S.; revising the applicability of certain provisions related to disqualification from employment for the conviction of specified offenses; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program to school district employees who, in the immediately preceding school year, were classroom teachers and met

eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term "affiliated party of the charter school"; revising the Department of Education's calculation methodology for a school district's distribution of discretionary millage to its eligible charter schools; amending s. 212.08, F.S.; conforming a cross-reference; providing appropriations; providing appropriations; authorizing the Department of Revenue to adopt emergency rules for

3636 specified purposes; providing effective dates.

881182

LEGISLATIVE ACTION

Senate	.	House
Comm: OO	.	
02/28/2018	.	
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The Committee on Appropriations (Braynon) recommended the following:

Senate Substitute for Amendment (903516) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical

881182

assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 2. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school~~

881182

~~board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or

881182

practice may not prohibit or limit the authority granted to the visiting individual ~~a board member~~ under this section.

Section 3. Paragraph (b) of subsection (6) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final

application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or

deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a

violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up

881182

to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

Section 4. Subsection (1) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two

881182

consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

Section 5. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraph (b) of subsection (10) of that section are amended, to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

881182

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

881182

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

881182

7. The specific ~~proposed~~ location or geographic area proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5 years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a) 1. A school of hope that meets the definition under

881182

subparagraph (1)(c)1. shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar

881182

requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope that meet the definition under subparagraph (1)(c)1. are eligible to receive funds from the Schools of Hope Program.

(e) Schools of hope that meet the definition under subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

881182

(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school~~

881182

~~will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 6. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the

881182

schools under his or her administration; however, he or she must expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal award under s. 1012.732.

Section 7. Paragraph (d) of subsection (2) and subsection (8), of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically

diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and

administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

Section 8. Paragraph (f) of subsection (6) and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is

881182

separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and

881182

attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002

881182

in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 9. Paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the

881182

private school has been verified as eligible by the Department of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school's failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student’s participation, including the private school’s and student’s fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student’s progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified

by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the

881182

scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the

881182

President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 10. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private

881182

school.

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the

881182

Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the

personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school

881182

administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at

881182

protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report, prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting

procedures from an independent certified public accountant who performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 11. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 12. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States

881182

and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 13. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn

881182

one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository

881182

institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 14. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

881182

(c) Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 15. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 16. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment,

and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central

abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 17. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for

881182

specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in

881182

order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 18. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law

881182

enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 19. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high

881182

school acceleration program.

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may not limit the number of eligible public school students who may enroll in such structured programs.

(2)~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before

881182

January 1, 2018, for the 2018-2019 school year must be modified to include the provisions of paragraph (b).

(b) The contract must:

1.~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2.~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~ industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines;~~.~~

3.~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4.~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses;~~.~~

5.~~(e)~~ Identify student advising services and progress monitoring mechanisms;~~.~~

881182

6.~~(f)~~ Establish a program review and reporting mechanism regarding student performance outcomes; and~~.~~

7.~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a)~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements;~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the

881182

State Board of Education in rule; and the approved meta-major academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after graduating from high school.

(4) ~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board

881182

of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32.

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program under s. 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

881182

(6) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 20. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

881182

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1,

881182

provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity

881182

may include:

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a notice of intent of a performance-based agreement pursuant to s. 1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal's currently assigned school. The franchise model school principal may allocate resources and personnel between

881182

the schools he or she leads. The persistently low-performing school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

Section 21. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraph (a) of subsection (4) and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The

881182

Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the

computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE

881182

student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student

881182

counseling, nutrition education, and parental counseling. In addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

881182

(d) Each school district and hope operator shall submit approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s. 1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s. 1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age

881182

youth; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds may be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount as specified in the General Appropriations Act. Upon submission and approval of a plan that includes the elements specified in paragraph (b), charter schools are also entitled to a proportionate share of district funding for this program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses.

(a) Prior to the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, all of the following elements:

1. A collaborative effort or partnership between the school district and at least one local community program or agency

881182

involved in mental health to provide or to improve prevention, diagnosis, and treatment services for students;

2. Programs to assist students in dealing with bullying, trauma, and violence;

3. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems or substance use disorders;

4. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services;

5. Strategies to enhance the availability of school-based crisis intervention services and appropriate referrals for students in need of mental health services; and

6. Training opportunities for school personnel in the techniques and supports needed to identify students who have trauma histories and who have or are at risk of having a mental illness, and in the use of referral mechanisms that effectively link such students to appropriate treatment and intervention services in the school and in the community.

(c) The districts shall submit approved plans to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this subsection shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program.

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General

Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share.

Section 22. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined

881182

annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district's approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for

881182

district-level ~~to participate in discretionary~~ educational services provided by the school district.

Section 23. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 24. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional

881182

personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

881182

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a

881182

child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or

subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 25. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current

881182

school year if he or she maintains employment with the school district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 26. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principal or who have recruited and retained a high percentage of best and brightest teachers.

881182

(3)(a) A school principal identified pursuant to s. 1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not assigned to a Title I school and who is eligible under paragraph (3)(a).

Section 27. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

881182

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 28. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document

881182

the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 29. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose

881182

implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 30. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, 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, a political subdivision of

the state, a municipality, a Florida College System institution, or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a 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, administers, controls, or oversees the operation of any of the foregoing.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible

881182

charter schools within a district ~~school in subsection (2)~~ to determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~, beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 31. For the 2018-2019 fiscal year, the sum of $596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Funds are appropriated to the Department of Education to implement this act as follows: the sum of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

Section 32. This act shall take effect July 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide technical assistance and authorized staff; amending s. 1001.4205, F.S.; authorizing a member of the State Legislature to visit any district school, including any charter school, in his or her legislative district; amending s. 1002.33, F.S.; extending the period of time for which a charter school may defer its opening for specified reasons; amending s. 1002.331, F.S.; revising the requirements for a charter school to be considered a high-performing charter school; amending s. 1002.333, F.S.; redefining the terms "persistently low-performing school" and "school of hope"; revising the required contents of a school of hope notice of intent and performance-based agreement; revising school of hope facility requirements; specifying that certain schools of hope are eligible to receive hope supplemental service allocation funds; requiring the State Board of Education to provide awards to all eligible schools that meet certain requirements; prohibiting a school

881182

of hope operator or owner from serving as the principal of a school of hope that he or she manages; conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program

881182

ineligibility; revising the purposes of department site visits at private schools participating in the Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain circumstances; requiring the department to annually visit a certain percentage of certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include

financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven-and-one-half, rather than eight, credits in electives; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a required curriculum; providing instruction to be based on certain programs; providing an exemption; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security;

881182

requiring that district school boards and private school principals or governing boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs; requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.273, F.S.; defining the term "structured program"; providing additional options for students participating in a structured program; prohibiting a district school board from limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the

881182

allocation; providing that implementation plans may include certain models; providing requirements for implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental health assistance allocation; providing the purpose of the allocation; providing for the annual allocation of such funds on a specified basis; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses; providing requirements for school districts and charter schools; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the Commissioner of Education by a specified date; requiring that entities that receive such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.315, F.S.; revising the

881182

applicability of certain provisions related to disqualification from employment for the conviction of specified offenses; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program to school district employees who, in the immediately preceding school year, were classroom teachers and met eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term "affiliated party of

881182

the charter school”; revising the Department of Education’s calculation methodology for a school district’s distribution of discretionary millage to its eligible charter schools; providing appropriations; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
	.	
	.	
	.	

The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 1995 and 1996
insert:

Section 23. Subsection (4) is added to section 1003.44, Florida Statutes, to read:

1003.44 Patriotic programs; rules.—

(4) Each district school board shall adopt rules to require, in all of the schools of the district and in each

798988

building used by the district school board, the display of the state motto, "In God We Trust," designated under s. 15.0301, in a conspicuous place.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3504

and insert:

credits in electives; amending s. 1003.44, F.S.; requiring each district school board to adopt rules for the display of the official state motto in specified places; creating s. 1003.457, F.S.;

344352

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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	.	
	.	

The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment to Amendment (903516) (with title amendment)

Between lines 222 and 223
insert:

Section 8. Subsection (3) is added to section 1002.221, Florida Statutes, to read:

1002.221 K-12 education records; public records exemption.—

(3) This section does not limit the application of exemptions from public records requirements for security system

344352

plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

Section 9. Subsection (4) is added to section 1002.225, Florida Statutes, to read:

1002.225 Education records of students in public postsecondary educational institutions; penalty.—

(4) This section does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3198

and insert:

educational options and terminology; amending ss. 1002.221 and 1002.225, F.S.; providing for construction regarding the applicability of public records exemptions for security system plans and security systems; amending s.

583458

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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	.	
	.	

The Committee on Appropriations (Stargel) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 224 - 340
and insert:
Section 8. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8),

583458

paragraph (n) of subsection (9), and paragraph (b) of subsection (20) of that section are amended, to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at

583458

least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is

583458

denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school

applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The

583458

charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school’s mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

583458

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student

583458

academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

583458

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from

583458

violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for ~~4 or~~ 5 years, excluding 1 planning year. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and

the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term “relative” means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-

583458

law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board ~~and physically located on the same campus~~, regardless of the renewal cycle. A charter school with a grade of "C" or higher that closes as part of a consolidation shall be reported by the school district as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting

583458

of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-(g) and (9)(o)~~.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence ~~for any of the following grounds~~:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Material violation of law.

4. Other good cause shown.

(b) At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted ~~at the sponsor's election in accordance with one of the following procedures:~~

583458

~~1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or~~

~~2. A hearing conducted~~ by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 ~~60~~ days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final ~~recommended~~ order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals ~~A majority vote by the sponsor shall be required to adopt or modify the administrative law judge's recommended order. The sponsor shall issue a final order~~.

~~(c) The final order shall state the specific reasons for the sponsor's decision. The sponsor shall provide its final order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance.~~ The charter school's governing board may, within 30 calendar days after receiving the ~~sponsor's~~ final order, appeal the decision pursuant to s. 120.68.

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the

583458

governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a

corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation.

583458

The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. ~~The letter of termination must meet the requirements of paragraph (8)(c).~~ A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(e)-(g) and (9)(o)~~.

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and

583458

corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(20) SERVICES.—

(b) If goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against ~~for a dispute resolution hearing before the Charter School Appeal Commission~~. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

Section 9. Paragraph (a) of subsection (2) and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are

583458

amended to read:

1002.331 High-performing charter schools.—

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the ~~current facility~~ capacity of the facility at the time of enrollment. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

583458

(3)

(b) A high-performing charter school may not establish more than two ~~one~~ charter schools ~~school~~ within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 10. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law

583458

enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection

583458

terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. If the district school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days after the submission of the fingerprints, it shall reimburse the cost of background screening.

Section 11. Section 1012.562, Florida Statutes, is amended to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs ~~may be offered by school districts or postsecondary institutions and~~ lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs ~~may be offered by school districts,~~ build upon Level I training~~,~~ and lead to renewal certification as a school principal.

(1) PURPOSE.—The purpose of school leader preparation programs are to:

583458

(a) Increase the supply of effective school leaders in the public schools of this state.

(b) Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.

(c) Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.

(d) Produce leaders with the competencies and skills necessary to achieve the state's education goals.

(e) Sustain the state system of school improvement and education accountability.

(2) LEVEL I PROGRAMS.—

(a) Initial approval of a Level I program shall be for a period of 5 years. A postsecondary institution, ~~or~~ school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level I school leader preparation program. To be approved, a Level I program must:

1. Provide competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. If the program is provided by a postsecondary institution, partner with at least one school district.

3. Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.

4. Describe how the training provided through the program will be aligned to the personnel evaluation criteria under s. 1012.34.

583458

(b) Renewal of a Level I program's approval shall be for a period of 5 years and shall be based upon evidence of the program's continued ability to meet the requirements of paragraph (a). A postsecondary institution or school district must submit an institutional program evaluation plan in a format prescribed by the department for a Level I program to be considered for renewal. The plan must include:

1. The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.

2. Results from the personnel evaluations required under s. 1012.34 for personnel who complete the program.

3. The passage rate of personnel who complete the program on the Florida Education Leadership Examination.

4. The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner pursuant to s. 1012.34(7).

5. Strategies for continuous improvement of the program.

6. Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.

7. Additional data included at the discretion of the postsecondary institution or school district.

(c) A Level I program must guarantee the high quality of personnel who complete the program for the first 2 years after program completion or the person's initial certification as a school leader, whichever occurs first. If a person who completed the program is evaluated at less than highly effective or

583458

effective under s. 1012.34 and the person's employer requests additional training, the Level I program must provide additional training at no cost to the person or his or her employer. The training must include the creation of an individualized plan agreed to by the employer that includes specific learning outcomes. The Level I program is not responsible for the person's employment contract with his or her employer.

(3) LEVEL II PROGRAMS.—Initial approval and subsequent renewal of a Level II program shall be for a period of 5 years. A school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level II school leader preparation program or for program renewal. To be approved or renewed, a Level II program must:

(a) Demonstrate that personnel accepted into the Level II program have:

1. Obtained their certificate in educational leadership under s. 1012.56.

2. Earned a highly effective or effective designation under s. 1012.34.

3. Satisfactorily performed instructional leadership responsibilities as measured by the evaluation system in s. 1012.34.

(b) Demonstrate that the Level II program:

1. Provides competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. Provides training aligned to the personnel evaluation criteria under s. 1012.34 and professional development program

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in s. 1012.986.

3. Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.

4. Conducts program evaluations and implements program improvements using input from personnel who completed the program and employers and data gathered pursuant to paragraph (2)(b).

(c) Gather and monitor the data specified in paragraph (2)(b).

(4) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 12. Paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. Tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school

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board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without the written permission of the school district.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 3360 - 3362

and insert:

1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising requirements for the term of a charter; revising provisions for the modification of and the nonrenewal or termination of a charter; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that can be established by a high-performing charter school; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1012.562, F.S.; authorizing charter schools and charter management organizations to offer school leader preparation programs; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain

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765 actions by a charter school without the written
766 permission of the school district; amending s.
767 1002.331, F.S.; revising the

185740

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Bean) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 3137 and 3138
insert:

Section 38. Subsection (11) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(11) The department shall disseminate to the school community proven model professional development programs that

185740

have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

(a) Provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards.

(b) Describe the knowledge and vocabulary necessary for comprehension.

(c) Promote the instructional shifts required within the Florida Standards.

(d) Illustrate the interdependence of grade level expectations within and across content areas within a grade.

================ T I T L E A M E N D M E N T ================

And the title is amended as follows:

185740

Between lines 3616 and 3617
insert:
1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; providing requirements for such templates; amending s.

480754

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with directory and title amendments)

Between lines 2169 and 2170
insert:

(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

480754

suspension, also referred to as 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 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 board's rules authorizing suspension expire. All 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.

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete line 2161

and insert:

Section 27. Paragraph (a) of subsection (1), and subsections (4) and (6) of section 1006.07,

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:

Delete line 3529

480754

and insert:

provisions; amending s. 1006.07, F.S.; requiring a district school board to review its rules authorizing 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; requiring

203668

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with directory and title amendments)

Between lines 173 and 174
insert:

(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

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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 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 suspension, also referred to as out-of-school suspension, as provided in s. 1006.07(1)(a).

====== D I R E C T O R Y C L A U S E A M E N D M E N T ======
And the directory clause is amended as follows:

Delete line 156
and insert:

Section 7. Paragraph (b) of subsection (2), paragraph (a) of subsection (4), and subsection

================ T I T L E A M E N D M E N T ================
And the title is amended as follows:

Delete line 3359
and insert:

educational options and terminology; authorizing a parent to give public testimony regarding a district school board's suspension policy at a specified meeting; amending s.

663800

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 2913 and 2914
insert:

Section 34. Subsection (4) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(a) Notwithstanding provisions of chapter 447 relating to

663800

district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(b)1. In addition to the provisions under s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:

a. The number of employees in the bargaining unit who are eligible for representation by the employee organization.

b. The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

663800

Delete line 3599

and insert:

expenses; amending s. 1012.2315, F.S.; requiring certain employee organizations to include specified information in a specified application and to petition for recertification for specified purposes; amending s. 1012.315, F.S.; revising the

496800

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 2023 and 2024
insert:

Section 25. Section 1004.097, Florida Statutes, is created to read:

1004.097 Free expression on campus.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Free speech zone" means a designated area on a public

496800

institution of higher education's campus for the purpose of political protesting.

(b) "Outdoor areas of campus" means generally accessible areas of the campus where members of the campus community are commonly allowed, including grassy areas, walkways, or other similar common areas. The term does not include outdoor areas where access is restricted.

(c) "Public institution of higher education" means any public technical center, state university, law school, medical school, dental school, or Florida College System institution as defined in s. 1000.21.

(2) RIGHT TO FREE SPEECH ACTIVITIES.—

(a) Expressive activities protected under this section include, but are not limited to, any lawful verbal or written means by which an individual may communicate ideas to others, including all forms of peaceful assembly, protests, speeches, and guest speakers; distributing literature; carrying signs; circulating petitions; and the recording and publication, including Internet publication, of video or audio recorded in outdoor areas of campus of public institutions of higher education.

(b) A person who wishes to engage in an expressive activity in the outdoor areas of campus of a public institution of higher education may do so freely, spontaneously, and contemporaneously as long as the person's conduct is lawful and does not materially and substantially disrupt the functioning of the public institution of higher education.

(c) The outdoor areas of campus of a public institution of higher education that accepts federal funding are considered

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traditional public forums. A public institution of higher education may create and enforce restrictions that are reasonable and content-neutral on time, place, and manner of expression and that are narrowly tailored to a significant institutional interest. Restrictions must be clear, be published, and provide for ample alternative means of expression.

(d) A public institution of higher education may not designate any area of campus as a free speech zone or otherwise create policies restricting expressive activities to a particular area of campus.

(e) Students, faculty, or staff of a public institution of higher education may not materially disrupt previously scheduled or reserved activities on campus occurring at the same time.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3514

and insert:

made by the act; creating s. 1004.097, F.S.; defining terms; providing applicability; authorizing a public institution of higher education to create and enforce certain restrictions relating to expressive activities on campus; providing applicability; prohibiting a public institution of higher education from designating free speech zones or other restrictive policies; prohibiting students, faculty, or staff of a public institution of higher education from materially disrupting scheduled activities; creating s. 1006.05,

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F.S.; providing

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Substitute Amendment (240726) (with title amendment)

Between lines 3284 and 3285
insert:

Section 41. Subsections (1) and (2) of section 1002.41, Florida Statutes, are amended, and subsections (11), (12), and (13) are added to that section, to read:

1002.41 Home education programs.—

(1) As used in this section, the term ~~A~~ "home education

157794

program" has the same meaning as ~~is defined~~ in s. 1002.01. A home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements under s. 1003.21(1). The parent is not required to hold a valid regular Florida teaching certificate.

(a) The parent, as defined in s. 1000.21, who establishes and maintains a home education program shall notify the district school superintendent of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice must ~~shall~~ be in writing, signed by the parent, and ~~shall~~ include the full legal names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice must ~~shall~~ be filed in the district school superintendent's office within 30 days of the establishment of the home education program.

(b) The district school superintendent shall accept the notice and immediately register the home education program upon receipt of the notice. The district may not require any additional information or verification from the parent unless the student chooses to participate in a school district program or service. The district school superintendent may not assign a grade level to the home education student or include a social security number or any other personal information of the student in any school district or state database unless the student chooses to participate in a school district program or service; and

(c) The parent shall file a written notice of termination upon completion of the home education program with ~~shall be~~

~~filed in~~ the district school superintendent, along with the annual evaluation required in paragraph (f), within ~~superintendent's office within~~ 30 days of ~~after said~~ termination.

(d) ~~(b)~~ The parent shall maintain a portfolio of records and materials. The portfolio must ~~shall~~ consist of the following:

1. A log of educational activities that is made contemporaneously with the instruction and that designates by title any reading materials used.

2. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.

(e) The parent shall determine the content of the portfolio, preserve it ~~shall be preserved by the parent~~ for 2 years, and make it ~~shall be made~~ available for inspection, if requested, by the district school superintendent, or the district school superintendent's agent, upon 15 days' written notice. Nothing in this section shall require the district school superintendent to inspect the portfolio.

(f) ~~(c)~~ The parent shall provide for an annual educational evaluation in which is documented the student's demonstration of educational progress at a level commensurate with her or his ability. The parent shall select the method of evaluation and shall file a copy of the evaluation annually with the district school superintendent's office in the county in which the student resides. The annual educational evaluation shall consist of one of the following:

1. A teacher selected by the parent shall evaluate the student's educational progress upon review of the portfolio and discussion with the student. Such teacher shall hold a valid

regular Florida certificate to teach academic subjects at the elementary or secondary level;

2. The student shall take any nationally normed student achievement test administered by a certified teacher;

3. The student shall take a state student assessment test used by the school district and administered by a certified teacher, at a location and under testing conditions approved by the school district;

4. The student shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. 490.003(7) or (8); or

5. The student shall be evaluated with any other valid measurement tool as mutually agreed upon by the district school superintendent of the district in which the student resides and the student's parent.

(2) The district school superintendent shall ~~review and~~ accept the results of the annual educational evaluation of the student in a home education program. If the student does not demonstrate educational progress at a level commensurate with her or his ability, the district school superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the student. At the end of the 1-year probationary period, the student shall be reevaluated as specified in paragraph (1)(f) ~~(1)(c)~~. Continuation in a home education program shall be contingent upon the student demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

(11) A school district may provide access to career and technical courses and programs for a home education program student who enrolls in a public school solely for the career and technical courses or programs. The school district that provides the career and technical courses and programs shall report each student as a full-time equivalent student in the class and in a manner prescribed by the department, and funding shall be provided through the Florida Education Finance Program pursuant to s. 1011.62.

(12) Industry certifications, national assessments, and statewide, standardized assessments offered by the school district shall be available to home education program students. Each school district shall notify home education program students of the available certifications and assessments; the date, time, and locations for the administration of each certification and assessment; and the deadline for notifying the school district of the student's intent to participate and the student's preferred location.

(13) A school district may not further regulate, exercise control over, or require documentation from parents of home education program students beyond the requirements of this section unless the regulation, control, or documentation is necessary for participation in a school district program.

Section 42. Subsection (4) of section 1003.21, Florida Statutes, is amended to read:

1003.21 School attendance.—

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the

157794

provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child who is being enrolled in public school who the district school superintendent ~~whom he or she~~ believes to be within the limits of compulsory attendance as provided for by law; however, the district school superintendent may not require evidence from any child who meets regular attendance requirements by attending a school or program listed in s. 1003.01(13)(b)-(e). If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(a) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;

(b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;

(c) An insurance policy on the child's life that has been in force for at least 2 years;

(d) A bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the parent;

(e) A passport or certificate of arrival in the United States showing the age of the child;

(f) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a

public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. 39.0016, shall be given temporary exemption from this section for 30 school days.

Section 43. Paragraph (f) of subsection (1) and paragraph (a) of subsection (2) of section 1003.26, Florida Statutes, are amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and

157794

unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education

157794

program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, who ~~and~~ may

refer the case to the child study team in paragraph (1)(b) at the school the student would be assigned according to district school board attendance area policies or to the case staffing committee, established pursuant to s. 984.12. The child study team shall diligently facilitate intervention services and shall report the case back to the district school superintendent only when all reasonable efforts to resolve the nonenrollment behavior are exhausted. If the parent still refuses to cooperate or enroll the child in school, the district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

Section 44. Subsection (2) of section 1003.27, Florida Statutes, is amended to read:

1003.27 Court procedure and penalties.—The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(2) NONENROLLMENT AND NONATTENDANCE CASES.—

(a) In each case of nonenrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such nonenrollment or nonattendance is found, the district school superintendent shall institute a criminal prosecution against the student's parent. However, criminal prosecution may not be instituted against the student's parent until the school and school district have complied with s. 1003.26.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused

absences in a period of 90 calendar days. ~~Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091.~~ The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to the provisions of s. 322.091.

(c) Each designee of the governing body of each private school and each parent whose child is enrolled in a home education program may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. 322.091. The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to s. 322.091.

Section 45. Paragraph (c) of subsection (3) of section 1006.15, Florida Statutes, is amended to read:

1006.15 Student standards for participation in interscholastic and intrascholastic extracurricular student activities; regulation.—

(3)

(c) An individual home education student is eligible to participate at the public school to which the student would be assigned according to district school board attendance area policies or which the student could choose to attend pursuant to s. 1002.31, or may develop an agreement to participate at a private school, in the interscholastic extracurricular activities of that school, provided the following conditions are met:

1. The home education student must meet the requirements of the home education program pursuant to s. 1002.41.

2. During the period of participation at a school, the home education student must demonstrate educational progress as required in paragraph (b) in all subjects taken in the home education program by a method of evaluation agreed upon by the parent and the school principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned through correspondence; grades earned in courses taken at a Florida College System institution, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in s. 1002.41.

3. The home education student must meet the same residency requirements as other students in the school at which he or she participates.

4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.

5. The student must register with the school his or her intent to participate in interscholastic extracurricular activities as a representative of the school before participation ~~the beginning date of the season for the activity in which he or she wishes to participate~~. A home education student must be able to participate in curricular activities if that is a requirement for an extracurricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extracurricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to subparagraph 2.

7. Any public school or private school student who has been unable to maintain academic eligibility for participation in interscholastic extracurricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one grading period in home education pursuant to subparagraph 2. to become eligible to participate as a home education student.

Section 46. Subsection (3) and paragraph (b) of subsection (13) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(3) Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average and the minimum score

on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework. Student eligibility requirements for continued enrollment in college credit dual enrollment courses must include the maintenance of a 3.0 unweighted high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Regardless of meeting student eligibility requirements for continued enrollment, a student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school grade point average. Exceptions to the required grade point averages may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement established pursuant to subsection (21). Florida College System institution boards of trustees may establish additional initial student eligibility requirements, which shall be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction. Additional requirements included in the agreement may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses or limit the number of dual enrollment courses in which a student may enroll based solely upon enrollment by the student at an independent postsecondary

institution.

(13)

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students. A high school grade point average may not be required for home education students who meet the minimum score on a common placement test adopted by the State Board of Education which indicates that the student is ready for college-level coursework; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

157794

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

Section 47. Subsection (5), paragraph (j) of subsection (6), and subsection (8) of section 1007.35, Florida Statutes, are amended to read:

1007.35 Florida Partnership for Minority and Underrepresented Student Achievement.—

(5) Each public high school, including, but not limited to, schools and alternative sites and centers of the Department of Juvenile Justice, shall provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), or the PreACT ~~preliminary ACT~~ to all enrolled 10th grade students. However, a written notice shall be provided to each parent which must include the opportunity to exempt his or her child from taking the PSAT/NMSQT or the PreACT ~~preliminary ACT~~.

(a) Test results will provide each high school with a database of student assessment data which certified school counselors will use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.

(b) Funding for the PSAT/NMSQT or the PreACT ~~preliminary ACT~~ for all 10th grade students shall be contingent upon annual funding in the General Appropriations Act.

(c) Public school districts must choose either the PSAT/NMSQT or the PreACT ~~preliminary ACT~~ for districtwide administration.

(6) The partnership shall:

(j) Provide information to students, parents, teachers,

157794

counselors, administrators, districts, Florida College System institutions, and state universities regarding PSAT/NMSQT or the PreACT ~~preliminary ACT~~ administration, including, but not limited to:

1. Test administration dates and times.

2. That participation in the PSAT/NMSQT or the PreACT ~~preliminary ACT~~ is open to all 10th grade students.

3. The value of such tests in providing diagnostic feedback on student skills.

4. The value of student scores in predicting the probability of success on AP or other advanced course examinations.

(8)(a) By September 30 of each year, the partnership shall submit to the department a report that contains an evaluation of the effectiveness of the delivered services and activities. Activities and services must be evaluated on their effectiveness at raising student achievement and increasing the number of AP or other advanced course examinations in low-performing middle and high schools. Other indicators that must be addressed in the evaluation report include the number of middle and high school teachers trained; the effectiveness of the training; measures of postsecondary readiness of the students affected by the program; levels of participation in 10th grade PSAT/NMSQT or the PreACT ~~preliminary ACT~~ testing; and measures of student, parent, and teacher awareness of and satisfaction with the services of the partnership.

(b) The department shall contribute to the evaluation process by providing access, consistent with s. 119.071(5)(a), to student and teacher information necessary to match against

157794

databases containing teacher professional development data and databases containing assessment data for the PSAT/NMSQT, SAT, ACT, PreACT, AP, and other appropriate measures. The department shall also provide student-level data on student progress from middle school through high school and into college and the workforce, if available, in order to support longitudinal studies. The partnership shall analyze and report student performance data in a manner that protects the rights of students and parents as required in 20 U.S.C. s. 1232g and s. 1002.22.

Section 48. Paragraph (l) of subsection (5) and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(l) Fees for an annual evaluation of educational progress by a state-certified teacher under s. 1002.41(1)(f) ~~s. 1002.41(1)(c)~~, if this option is chosen for a home education student.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

157794

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(f) ~~s. 1002.41(1)(c)~~; or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible

Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3632

and insert:

its eligible charter schools; amending s. 1002.41, F.S.; specifying that a home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements; revising the content requirements of a notice of enrollment of a student in a home education program; requiring the district school superintendent to immediately register a home education program upon receipt of the notice; prohibiting a school district from requiring additional information or verification of a home education student except in specified circumstances; authorizing a school district to provide home education program students with access to

157794

certain courses and programs offered by the school district; requiring reporting and funding through the Florida Education Finance Program; requiring home education program students be provided access to certain certifications and assessments offered by the school district; prohibiting a school district from taking certain actions against a home education program student's parent unless such action is necessary for a school district program; amending s. 1003.21, F.S.; prohibiting a district school superintendent from requiring certain evidence relating to a child's age from children enrolled in specified schools and programs; amending s. 1003.26, F.S.; revising reporting requirements for specified issues relating to compulsory school attendance; amending s. 1003.27, F.S.; requiring a school and school district to comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance; amending s. 1006.15, F.S.; revising the standards required for a home education student to participate in extracurricular activities; amending s. 1007.271, F.S.; prohibiting the dual enrollment articulation agreement from including course enrollment limitations for certain students; prohibiting dual enrollment course and program limitations for home education students from exceeding limitations for other students; providing an exemption from the grade point average requirement for initial

157794

enrollment in a dual enrollment program for certain home education students; amending s. 1007.35, F.S.; updating terminology; requiring the Department of Education to provide certain teacher and student ACT and PreACT information for the evaluation of certain services and activities; amending s. 1002.385, F.S.; conforming cross-references; amending s. 212.08,

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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 608 and 609
insert:

Section 12. Present paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, is amended, and a new paragraph (c) is added to that subsection, to read:

1002.37 The Florida Virtual School.—

(9)

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(c) Industry certification examinations, national assessments, and statewide assessments offered by the school district must be available to all Florida Virtual School students.

(d) ~~(c)~~ Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.

Section 13. Paragraph (a) of subsection (2) and paragraph (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings

for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact ~~via phone~~ with the parent and the student each month;

5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional approval shall be valid for 1 school year only and, based on the provider's experience in offering the courses, the department shall determine whether to grant approval to offer a virtual

instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

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g. Student, educator, and school performance accountability outcomes;

9. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

(8) ASSESSMENT AND ACCOUNTABILITY.—

(d) An approved provider's contract is automatically ~~must be~~ terminated if the provider earns two consecutive ~~receives a~~ school grades ~~grade~~ of ~~"D" or~~ "F" under s. 1008.34 after all school grade appeals are final or receives two consecutive ~~a~~ school improvement ratings ~~rating~~ of "Unsatisfactory" under s. 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has violated any qualification requirement pursuant to subsection (2); however, the State Board of Education may grant the provider a waiver of termination. A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has corrected each cause of the provider's low performance.

Section 14. Subsection (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(13)(a) The dual enrollment program for a home education student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.

2. The initial and continued eligibility requirements for

home education student participation, not to exceed those required of other dually enrolled students.

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(24)

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

337510

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student or the private school that the student attends.

~~6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.~~

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Between lines 3383 and 3384

insert:

1002.37, F.S.; requiring school districts to provide Florida Virtual School students access to certain examinations and assessments and certain information; amending s. 1002.45, F.S.; revising documentation requirements for virtual education providers; providing for the automatic termination of a virtual instruction provider's contract under certain circumstances; authorizing the State Board of Education to grant a waiver of such termination; amending s. 1007.271, F.S.; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; amending s.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 757 - 861
and insert:
Section 13. Section 1002.39, Florida Statutes, is amended to read:
1002.39 The John M. McKay Scholarships for Students with Disabilities Program. ~~There is established a program that is separate and distinct from the Opportunity Scholarship Program~~

515880

~~and is named the John M. McKay Scholarships for Students with Disabilities Program.~~

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom:

(a) An individual educational plan has been written in accordance with rules of the State Board of Education; ~~or~~

(b) A 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or

(c) A written diagnosis of a disability, as defined in this section, has been received from a physician licensed under chapter 458 or chapter 459 or a psychologist licensed under chapter 490.

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state

515880

a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student ~~has~~:

1. Has received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or

2. ~~Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, prior school year in attendance means that the student~~ Was enrolled and reported for funding in the October or February Florida Education Finance Program survey immediately preceding the request to participate in the program pursuant to paragraph (b) by:

a. A school district, ~~for funding during the preceding October and February Florida Education Finance Program surveys~~ in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;

b. The Florida School for the Deaf and the Blind, ~~during the preceding October and February student membership surveys~~ in kindergarten through grade 12; or

c. A school district ~~for funding during the preceding October and February Florida Education Finance Program surveys~~, was at least 4 years of age when so enrolled and reported, and

515880

was eligible for services under s. 1003.21(1)(e).

However, a dependent child of a member of the United States Armed Forces who transfers to a school in this state from out of state or from a foreign country due to a parent's permanent change of station orders or a foster child is exempt from this paragraph but must meet all other eligibility requirements to participate in the program.

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (8) and has requested from the department a scholarship at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the district of the parent's intent upon receipt of the parent's request.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

~~(e) While he or she is participating in a private tutoring~~

515880

~~program pursuant to s. 1002.43;~~

(e) ~~(f)~~ While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(f) ~~(g)~~ While he or she is enrolled in the Florida School for the Deaf and the Blind;

(g) ~~(h)~~ While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(h) ~~(i)~~ If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

(4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

(a) For purposes of continuity of educational choice, a John M. McKay Scholarship shall remain in force until the student returns to a public school, graduates from high school, or reaches the age of 22, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term. However, if a student enters a Department of Juvenile Justice detention center for a period of no more than 21 days, the student is not considered to have returned to a public school for that purpose.

(b) Upon reasonable notice to the department and the school

district, the student's parent may remove the student from the private school and place the student in a public school in accordance with this section.

(c) Upon reasonable notice to the department, the student's parent may move the student from one participating private school to another participating private school.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. By April 1 of each year and within 10 days after an individual education plan meeting or a 504 accommodation plan is issued under s. 504 of the Rehabilitation Act of 1973, a school district shall notify the parent of the student of all options available pursuant to this section, inform the parent of the availability of the department's telephone hotline and Internet website for additional information on John M. McKay Scholarships, and offer that student's parent an opportunity to enroll the student in another public school in the district.

2. The parent is not required to accept the offer of enrolling in another public school in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school.

3. If the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, the school district shall provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the district school board's choice plan under s. 1002.31.

515880

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. Within 10 school days after it receives notification of a parent's request for a John M. McKay Scholarship, a school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for a John M. McKay Scholarship. This notice should include the required completion date for the matrix.

b. The school district must complete the matrix of services for any student who is participating in the John M. McKay Scholarships for Students with Disabilities Program and must notify the department of the student's matrix level within 30 days after receiving notification of a request to participate in the scholarship program. The school district must provide the student's parent with the student's matrix level within 10 school days after its completion.

c. The department shall notify the private school of the amount of the scholarship within 10 days after receiving the school district's notification of the student's matrix level.

d. A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error.

(c) If a school district receives a physician's written diagnosis pursuant to paragraph (1)(c) from the parent, the

515880

school district must notify the department of its receipt of such documentation immediately after receiving notice of the parent's request for a John M. McKay Scholarship.

(d) ~~(c)~~ A school district shall provide notification to parents of the availability of a reevaluation at least every 3 years of each student who receives a John M. McKay Scholarship.

(e) ~~(d)~~ If the parent chooses the private school option and the student is accepted by the private school pending the availability of a space for the student, the parent of the student must notify the department 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(f) ~~(e)~~ The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan or 504 accommodation plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(g) ~~(f)~~ For a student who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends private school shall provide locations and times to take all statewide assessments.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

515880

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (8).

(c) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(d) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(e) Cross-check the list of participating scholarship students with the public school enrollment lists prior to each scholarship payment to avoid duplication.

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is~~ solely to verify compliance with the provisions of subsection (7) aimed at

515880

protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or

welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

2. May deny, suspend, or revoke a private school's participation in the scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the Department of Education for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or

operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit

written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and

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Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The c ommissioner’s order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student’s participation, including the private school’s and student’s fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student’s progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

515880

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under this chapter in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a John M. McKay Scholarship is exercising his or her parental option to place his or her child in a private school.

(a) The parent must select the private school and apply for the admission of his or her child.

(b) The parent must have requested the scholarship at least 60 days prior to the date of the first scholarship payment.

(c) For a student eligible pursuant to paragraph (1)(c), the parent must provide documentation of the physician's diagnosis of a disability, as defined in this section, to the school district.

515880

(d) ~~(c)~~ Any student participating in the John M. McKay Scholarships for Students with Disabilities Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(e) ~~(d)~~ Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(f) ~~(e)~~ If the parent requests that the student participating in the John M. McKay Scholarships for Students with Disabilities Program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) ~~(f)~~ Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

(10) TRANSITION-TO-WORK PROGRAM.—A student participating in the John M. McKay Scholarships for Students with Disabilities Program who is at least 17 years, but not older than 22 years, of age and who has not received a high school diploma or certificate of completion is eligible for enrollment in his or her private school's transition-to-work program. A transition-to-work program shall consist of academic instruction, work skills training, and a volunteer or paid work experience.

515880

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student's parent, the student, and a representative of the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

(b) A student enrolled in a transition-to-work program must, at a minimum:

1. Receive 15 instructional hours at the private school's physical facility, which must include academic instruction and

work skills training.

2. Participate in 10 hours of work at the student's volunteer or paid work experience.

(c) To participate in a transition-to-work program, a business must:

1. Maintain an accurate record of the student's performance and hours worked and provide the information to the private school.

2. Comply with all state and federal child labor laws.

(11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. The maximum scholarship granted for an eligible student with disabilities shall be equivalent to the base student allocation in the Florida Education Finance Program multiplied by the appropriate cost factor for the educational program that would have been provided for the student in the district school to which he or she was assigned, multiplied by the district cost differential.

2. In addition, a share of the guaranteed allocation for exceptional students shall be determined and added to the amount in subparagraph 1. The calculation shall be based on the methodology and the data used to calculate the guaranteed allocation for exceptional students for each district in chapter 2000-166, Laws of Florida. Except as provided in subparagraphs 3. and 4., the calculation shall be based on the student's grade, matrix level of services, and the difference between the 2000-2001 basic program and the appropriate level of services cost factor, multiplied by the 2000-2001 base student allocation and the 2000-2001 district cost differential for the sending district. The calculated amount shall include the per-student

share of supplemental academic instruction funds, instructional materials funds, technology funds, and other categorical funds as provided in the General Appropriations Act.

3. The scholarship amount for a student who is eligible under sub-subparagraph (2)(a)2.b. shall be calculated as provided in subparagraphs 1. and 2. However, the calculation shall be based on the school district in which the parent resides at the time of the scholarship request.

4. Until the school district completes the matrix required by paragraph (5)(b), the calculation shall be based on the matrix that assigns the student to support Level I of service as it existed prior to the 2000-2001 school year. When the school district completes the matrix, the amount of the payment shall be adjusted as needed.

5. The scholarship amount for a student eligible under s. 504 of the Rehabilitation Act of 1973 or paragraph (1)(c) shall be based on the program cost factor the student currently generates through the Florida Education Finance Program.

6. The scholarship amount granted for an eligible student with disabilities is not subject to the maximum value for funding a student under s. 1011.61(4).

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school’s tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c)1. The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay

515880

Scholarships shall be reported separately from other students reported for purposes of the Florida Education Finance Program.

2. For program participants who are eligible under sub-subparagraph (2)(a)2.b., the school district that is used as the basis for the calculation of the scholarship amount as provided in subparagraph (a)3. shall:

a. Report to the department all such students who are attending a private school under this program.

b. Be held harmless for such students from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b. during the first school year in which the students are reported.

(d) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the department shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. Funds may not be transferred from any funding provided to the Florida School for the Deaf and the Blind for program participants who are eligible under sub-subparagraph (2)(a)2.b. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the John M. McKay Scholarship calculated pursuant to paragraph (b) shall be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the department must receive all

documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

(e) Upon notification by the department that it has received the documentation required under paragraph (d), the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the department to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(f) Subsequent to each scholarship payment, the department shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

(12) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a John M. McKay Scholarship.

(13) SCOPE OF AUTHORITY.—The inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(14) RULES.—The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules that school districts must use to expedite the development of a matrix of services based on an active individual education plan from another state or a foreign country for a transferring student with a disability who is a dependent child of a member of the United States Armed Forces. The rules must identify the appropriate school district personnel who must complete the matrix of services. For purposes of these rules, a transferring student with a disability is one who was previously enrolled as a student with a disability in an out-of-state or an out-of-country public or private school or agency program and who is transferring from out of state or from a foreign country pursuant to a parent's permanent change of station orders.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 3392 - 3404

and insert:

s. 1002.39, F.S.; revising student eligibility and ineligibility criteria for the John M. McKay Scholarships for Students with Disabilities Program; revising school district obligations; revising the purposes of department site visits at private schools participating in the program; authorizing the department to make followup site visits at any time to certain private schools; requiring certain participating private schools to annually provide a

515880

specified report from an independent certified public accountant by a specified date; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising parent and student obligations; removing obsolete language; making technical changes; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising

179276

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 609 - 756
and insert:

Section 12. Paragraph (d) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended, and paragraph (p) is added to subsection (5) of that section, to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) ~~Enrollment in, or~~ Tuition or fees associated with full-

179276

time or part-time enrollment in~~,~~ a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the postsecondary institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

(p) Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for

the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend

the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a

student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with

the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 13. Section 1002.411, Florida Statutes, is created to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. An eligible student who is classified as an English Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Learner students shall receive priority.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying

expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

(b) The parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) For the 2018-2019 school year, the amount of the scholarship shall be $500 per eligible student. Thereafter, the maximum amount awarded an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department shall release the student’s scholarship funds to such organization to be deposited into the student’s account.

(d) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge

179276

an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Section 14. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit."—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that

179276

has been authorized to implement block scheduling by the district school board. In lieu of the 135- and 120-hour instruction requirements, district school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996, may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 15. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools shall be as follows:

(a) ~~(1)~~ Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(b) ~~(2)~~ Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."

(c) ~~(3)~~ Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(d) ~~(4)~~ Grade "D" equals 60 percent through 69 percent, has

a grade point average value of 1, and is defined as "lowest acceptable progress."

(e) ~~(5)~~ Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(f) ~~(6)~~ Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

(2) District school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may use an alternative interpretation of letter grades to measure student success in grades 6 through 12.

For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

Section 16. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-Based ~~Competency-Based~~ Education Pilot Program is created within the Department of Education to be administered for a period of 5 years. The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student progression and the awarding of credits.

(1) PARTICIPATION.—The P.K. Yonge Developmental Research School and public school districts, including, but not limited to, the Lake, Palm Beach, Pinellas, and Seminole County School Districts, may submit an application in a format prescribed by

the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of mastery-based ~~competency-based~~ education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.

2. Promotion and retention rates.

3. Graduation rates.

4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.

(f) A plan for using technology and digital and blended learning to enhance student achievement and facilitate the mastery-based ~~competency-based~~ education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

(a) Beginning with the 2018-2019 school year, participating school districts may amend their applications to include alternatives for awarding credit, as authorized under s. 1003.436, and for the interpretation of middle and high school letter grades, as authorized under s. 1003.437.

1. Alternatives to awarding credit must include a verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work.

2. Alternatives to the interpretation of middle and high school letter grades may substitute the applicable language from the school district's rigorous scoring rubric.

(b) An application that is amended pursuant to this subsection must be approved by the district school board.

(5)~~(4)~~ STUDENT FUNDING.—Students enrolled in a participating school shall be reported for and generate funding pursuant to s. 1011.62.

(6)~~(5)~~ DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of participating schools before and after implementation of the pilot program.

179276

(b) Provide participating schools with access to statewide, standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions.

~~(6) RULES.—The State Board of Education shall adopt rules to administer this section.~~

Section 17. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

Section 18. For the 2018-2019 fiscal year, the sum of $9.7 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education to fund reading scholarship accounts pursuant to s. 1002.411, Florida Statutes, and $300,000 in recurring funds from the General Revenue Fund shall be provided as an administrative fee pursuant to s. 1002.411(7)(g), Florida Statutes.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete lines 3387 - 3391

and insert:

eligible expenditures for the program; revising requirements for private schools that participate in

446 the program; specifying that the failure or refusal,
447 rather than the inability of, a private school to meet
448 certain requirements constitutes a basis for program
449 ineligibility; conforming cross-references; creating
450 s. 1002.411, F.S.; establishing reading scholarship
451 accounts for specified purposes; providing for
452 eligibility for scholarships; providing for
453 administration; providing duties of the Department of
454 Education; providing school district obligations;
455 specifying options for parents; providing that maximum
456 funding shall be specified in the General
457 Appropriations Act; providing for payment of funds;
458 specifying that no state liability arises from the
459 award or use of such an account; amending s. 1003.436,
460 F.S.; authorizing a district school board
461 participating in the Mastery-Based Education Pilot
462 Program to award credit based on student mastery of
463 certain content and skills; amending s. 1003.437,
464 F.S.; authorizing a district school board
465 participating in the Mastery-Based Education Pilot
466 Program to use an alternative interpretation of letter
467 grades for certain students; amending s. 1003.4996,
468 F.S.; renaming the Competency-Based Education Pilot
469 Program as the Mastery-Based Education Pilot Program;
470 authorizing public school districts to submit
471 applications for the program; authorizing
472 participating school districts to amend their
473 applications to include alternatives for the award
474 credits and interpretation of letter grades; providing

179276

requirements for such alternatives; deleting a requirement that the State Board of Education adopt rules; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to ensure fair and equitable access for students with mastery-based, nontraditional diplomas and transcripts; providing an appropriation; amending

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LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
02/28/2018	.	
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The Committee on Appropriations (Passidomo) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 1632 and 1633
insert:

Section 16. Section 1002.411, Florida Statutes, is created to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for

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students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

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f. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

(I) Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

(II) Services provided by speech-language pathologists as defined in s. 468.1125.

(III) Occupational therapy services as defined in s. 468.203.

(IV) Services provided by physical therapists as defined in s. 486.021.

(V) Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

(b) The parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

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(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) The maximum amount granted for an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department shall release the student’s scholarship funds to such organization to be deposited into the student’s account.

(d) Accrued interest in the student’s account is in addition to, and not part of, the awarded funds. Account funds

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include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

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(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3471

and insert:

program; creating s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the

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award or use of a reading scholarship account;

amending s. 1002.421, F.S.; defining the term

677148

LEGISLATIVE ACTION

Senate	.	House
Comm: FC	.	
02/28/2018	.	
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The Committee on Appropriations (Gibson) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Between lines 223 and 224
insert:

Section 8. Subsection (3) is added to section 1002.221, Florida Statutes, to read:

1002.221 K-12 education records; public records exemption.—

(3) This section does not limit the application of exemptions from public records requirements for security system

677148

plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

Section 9. Subsection (4) is added to section 1002.225, Florida Statutes, to read:

1002.225 Education records of students in public postsecondary educational institutions; penalty.—

(4) This section does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems, provided under ss. 119.071(3)(a) and 281.301.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete line 3359

and insert:

educational options and terminology; amending ss. 1002.221 and 1002.225, F.S.; providing for construction regarding the applicability of public records exemptions for security system plans and security systems; amending s.

501258

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Brandes) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 609 - 756
and insert:

Section 12. Paragraph (d) of subsection (2), paragraphs (d), (h), (i), and (j) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended, and paragraphs (p) and (q) are added to subsection (5) of that section, to read:

501258

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) ~~Enrollment in, or~~ Tuition or fees associated with full-

501258

time or part-time enrollment in~~,~~ a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the postsecondary institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds a valid professional standard teaching certificate issued by another state; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

(i) Fees for ~~specialized~~ summer education programs.

(j) Fees for ~~specialized~~ after-school education programs.

(p) Fees for art, music, or sports lessons.

(q) Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

501258

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide

assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

501258

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible

501258

Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 13. Section 1002.411, Florida Statutes, is created to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year. An eligible student who is classified as an English Learner and is enrolled in a program or receiving services that are specifically designed to meet the instructional needs of English Learner students shall receive priority.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

501258

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

501258

(b) The parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) For the 2018-2019 school year, the amount of the scholarship shall be $500 per eligible student. Thereafter, the maximum amount awarded an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

501258

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department shall release the student's scholarship funds to such organization to be deposited into the student's account.

(d) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such

501258

administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Section 14. Paragraph (a) of subsection (1) of section 1003.436, Florida Statutes, is amended to read:

1003.436 Definition of "credit."—

(1)(a) For the purposes of requirements for high school graduation, one full credit means a minimum of 135 hours of bona fide instruction in a designated course of study that contains student performance standards, except as otherwise provided

501258

through the Credit Acceleration Program (CAP) under s. 1003.4295(3). One full credit means a minimum of 120 hours of bona fide instruction in a designated course of study that contains student performance standards for purposes of meeting high school graduation requirements in a district school that has been authorized to implement block scheduling by the district school board. In lieu of the 135- and 120-hour instruction requirements, district school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996, may determine and award credit based on a student's mastery of the core content and skills, consistent with s. 1003.41, as approved by the district school board. The State Board of Education shall determine the number of postsecondary credit hours earned through dual enrollment pursuant to s. 1007.271 that satisfy the requirements of a dual enrollment articulation agreement according to s. 1007.271(21) and that equal one full credit of the equivalent high school course identified pursuant to s. 1007.271(9).

Section 15. Section 1003.437, Florida Statutes, is amended to read:

1003.437 Middle and high school grading system.—

(1) The grading system and interpretation of letter grades used to measure student success in grade 6 through grade 12 courses for students in public schools shall be as follows:

(a) ~~(1)~~ Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."

(b) ~~(2)~~ Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above

501258

average progress."

(c) ~~(3)~~ Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."

(d) ~~(4)~~ Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."

(e) ~~(5)~~ Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."

(f) ~~(6)~~ Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete."

(2) District school boards participating in the Mastery-Based Education Pilot Program under s. 1003.4996 may use an alternative interpretation of letter grades to measure student success in grades 6 through 12.

For the purposes of class ranking, district school boards may exercise a weighted grading system pursuant to s. 1007.271.

Section 16. Section 1003.4996, Florida Statutes, is amended to read:

1003.4996 Mastery-Based ~~Competency-Based~~ Education Pilot Program. ~~Beginning with the 2016-2017 school year,~~ The Mastery-Based ~~Competency-Based~~ Education Pilot Program is created within the Department of Education to be administered for a period of 5 years. The purpose of the pilot program is to provide an educational environment that allows students to advance to higher levels of learning upon the mastery of concepts and skills through statutory exemptions relating to student

501258

progression and the awarding of credits.

(1) PARTICIPATION.—The P.K. Yonge Developmental Research School and public school districts, including, but not limited to, the Lake, Palm Beach, Pinellas, and Seminole County School Districts, may submit an application in a format prescribed by the department to participate in the pilot program.

(2) APPLICATION.—The application to participate in the pilot program must, at a minimum, include:

(a) The vision and timelines for the implementation of mastery-based ~~competency-based~~ education within the school district, including a list of the schools that will participate in the pilot program during the first school year and the list of schools that will be integrated into the program in subsequent school years.

(b) The annual goals and performance outcomes for participating schools, including, but not limited to:

1. Student performance as defined in s. 1008.34.

2. Promotion and retention rates.

3. Graduation rates.

4. Indicators of college and career readiness.

(c) A communication plan for parents and other stakeholders, including local businesses and community members.

(d) The scope of and timelines for professional development for school instructional and administrative personnel.

(e) A plan for student progression based on the mastery of content, including mechanisms that determine and ensure that a student has satisfied the requirements for grade-level promotion and content mastery.

(f) A plan for using technology and digital and blended

501258

learning to enhance student achievement and facilitate the mastery-based ~~competency-based~~ education system.

(g) The proposed allocation of resources for the pilot program at the school and district levels.

(h) The recruitment and selection of participating schools.

(i) The rules to be waived for participating schools pursuant to subsection (3) to implement the pilot program.

(3) EXEMPTION FROM RULES.—In addition to the waivers authorized in s. 1001.10(3), the State Board of Education may authorize the commissioner to grant an additional waiver of rules relating to student progression and the awarding of credits.

(4) ALTERNATE CREDIT AND LETTER GRADE SYSTEMS.—

(a) Beginning with the 2018-2019 school year, participating school districts may amend their applications to include alternatives for awarding credit, as authorized under s. 1003.436, and for the interpretation of middle and high school letter grades, as authorized under s. 1003.437.

1. Alternatives to awarding credit must include a verification of the student's mastery of the applicable course content using rigorous scoring rubrics to evaluate the student's work.

2. Alternatives to the interpretation of middle and high school letter grades may substitute the applicable language from the school district's rigorous scoring rubric.

(b) An application that is amended pursuant to this subsection must be approved by the district school board.

(5) ~~(4)~~ STUDENT FUNDING.—Students enrolled in a participating school shall be reported for and generate funding

501258

pursuant to s. 1011.62.

(6) ~~(5)~~ DEPARTMENT DUTIES.—The department shall:

(a) Compile the student and staff schedules of participating schools before and after implementation of the pilot program.

(b) Provide participating schools with access to statewide, standardized assessments required under s. 1008.22.

(c) Annually, by June 1, provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report summarizing the activities and accomplishments of the pilot program and any recommendations for statutory revisions.

~~(6) RULES.—The State Board of Education shall adopt rules to administer this section.~~

Section 17. Subsection (7) is added to section 1007.23, Florida Statutes, to read:

1007.23 Statewide articulation agreement.—

(7) The articulation agreement must ensure fair and equitable access for high school graduates with mastery-based, nontraditional diplomas and transcripts.

Section 18. For the 2018-2019 fiscal year, the sum of $9.7 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education to fund reading scholarship accounts pursuant to s. 1002.411, Florida Statutes, and $300,000 in recurring funds from the General Revenue Fund shall be provided as an administrative fee pursuant to s. 1002.411(7)(g), Florida Statutes.

========== T I T L E A M E N D M E N T ==========

501258

And the title is amended as follows:

Delete lines 3387 - 3391

and insert:

eligible expenditures for the program; revising requirements for private schools that participate in the program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; creating s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the award or use of such an account; amending s. 1003.436, F.S.; authorizing a district school board participating in the Mastery-Based Education Pilot Program to award credit based on student mastery of certain content and skills; amending s. 1003.437, F.S.; authorizing a district school board participating in the Mastery-Based Education Pilot Program to use an alternative interpretation of letter grades for certain students; amending s. 1003.4996, F.S.; renaming the Competency-Based Education Pilot Program as the Mastery-Based Education Pilot Program;

501258

authorizing public school districts to submit applications for the program; authorizing participating school districts to amend their applications to include alternatives for the award credits and interpretation of letter grades; providing requirements for such alternatives; deleting a requirement that the State Board of Education adopt rules; amending s. 1007.23, F.S.; requiring the statewide articulation agreement to ensure fair and equitable access for students with mastery-based, nontraditional diplomas and transcripts; providing an appropriation; amending

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Braynon and Book) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 6 - 3329

and insert:

Section 1. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida

School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 2. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school board or charter school governing board member~~.—An individual

809628

member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to the

visiting individual ~~a board member~~ under this section.

Section 3. Paragraph (b) of subsection (6) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind.

Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the

809628

application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school

809628

applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The

charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

Section 4. Subsection (1) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established

809628

under s. 1002.33 is not eligible for designation as a high-performing charter school.

Section 5. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraph (b) of subsection (10) of that section are amended, to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit

809628

organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund

of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The specific ~~proposed~~ location or geographic area

809628

proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5 years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a)1. A school of hope that meets the definition under subparagraph (1)(c)1. shall use facilities that comply with the

Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed

809628

upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope that meet the definition under subparagraph (1)(c)1. are eligible to receive funds from the Schools of Hope Program.

(e) Schools of hope that meet the definition under subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) A traditional public school that is required to submit

809628

a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background~~

~~knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 6. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the schools under his or her administration; however, he or she must

809628

expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal award under s. 1012.732.

Section 7. Paragraph (d) of subsection (2) and subsection (8), of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as

809628

defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend

809628

the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

Section 8. Paragraph (f) of subsection (6) and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program

809628

and is named the John M. McKay Scholarships for Students with Disabilities Program.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background

screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002 in a state fiscal year, provide an annual report from an

independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 9. Paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department

809628

of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school's failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report

809628

required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments

pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of

809628

the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of

Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 10. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

809628

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints

taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment

under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with

809628

students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to

verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report, prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who

809628

performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 11. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 12. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and

809628

economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 13. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World

History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 14. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

(c) Another nationally recognized program that uses the

809628

most current evidence-based emergency cardiovascular care guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 15. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 16. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-

free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 17. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school

809628

that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each

809628

district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 18. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are

809628

employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 19. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high school acceleration program.

809628

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may not limit the number of eligible public school students who may enroll in such structured programs.

(2)~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before January 1, 2018, for the 2018-2019 school year must be modified

809628

to include the provisions of paragraph (b).

(b) The contract must:

1.~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2.~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~ industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines;~~.~~

3.~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4.~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses;~~.~~

5.~~(e)~~ Identify student advising services and progress monitoring mechanisms;~~.~~

6.~~(f)~~ Establish a program review and reporting mechanism

809628

regarding student performance outcomes; and~~.~~

7.~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a)~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements;~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the State Board of Education in rule; and the approved meta-major

809628

academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after graduating from high school.

(4) ~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by

809628

withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32.

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program under s. 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

(6) REPORTING REQUIREMENTS.—

809628

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 20. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated

809628

matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding

809628

negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include:

809628

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a notice of intent of a performance-based agreement pursuant to s. 1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal’s currently assigned school. The franchise model school principal may allocate resources and personnel between the schools he or she leads. The persistently low-performing

809628

school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

Section 21. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraph (a) of subsection (4) and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort

809628

for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for

required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided

809628

in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, and parental counseling. In

809628

addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

(d) Each school district and hope operator shall submit

809628

approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s. 1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s. 1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age youth; train educators and other school staff in detecting and

809628

responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds may be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount as specified in the General Appropriations Act. Upon submission and approval of a plan that includes the elements specified in paragraph (b), charter schools are also entitled to a proportionate share of district funding for this program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses.

(a) Prior to the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, all of the following elements:

1. A collaborative effort or partnership between the school district and at least one local community program or agency involved in mental health to provide or to improve prevention,

809628

diagnosis, and treatment services for students;

2. Programs to assist students in dealing with bullying, trauma, and violence;

3. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems or substance use disorders;

4. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services;

5. Strategies to enhance the availability of school-based crisis intervention services and appropriate referrals for students in need of mental health services; and

6. Training opportunities for school personnel in the techniques and supports needed to identify students who have trauma histories and who have or are at risk of having a mental illness, and in the use of referral mechanisms that effectively link such students to appropriate treatment and intervention services in the school and in the community.

(c) The districts shall submit approved plans to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this subsection shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program.

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide

additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share.

Section 22. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

809628

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district's approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational

809628

services provided by the school district.

Section 23. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 24. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01,

809628

are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

809628

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 25. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school

809628

district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 26. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principal or who have recruited and retained a high percentage of best and brightest teachers.

(3)(a) A school principal identified pursuant to s.

809628

1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not assigned to a Title I school and who is eligible under paragraph (3)(a).

Section 27. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(e) If allegations arise against an employee who is

809628

certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 28. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and

the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 29. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform

statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 30. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, 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, a political subdivision of the state, a municipality, a Florida College System institution,

or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a 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, administers, controls, or oversees the operation of any of the foregoing.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible charter schools within a district ~~school in subsection (2)~~ to

809628

determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~, beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 31. For the 2018-2019 fiscal year, the sum of $596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Funds are appropriated to the Department of Education to implement this act as follows: the sum of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

Section 32. This act shall take effect July 1, 2018.

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2158
2159 ================ T I T L E A M E N D M E N T ================
2160 And the title is amended as follows:
2161 Delete lines 3336 - 3636
2162 and insert:
2163 An act relating to education; amending s. 1001.10,
2164 F.S.; revising the private schools to which the
2165 Department of Education is required to provide
2166 technical assistance and authorized staff; amending s.
2167 1001.4205, F.S.; authorizing a member of the State
2168 Legislature to visit any district school, including
2169 any charter school, in his or her legislative
2170 district; amending s. 1002.33, F.S.; extending the
2171 period of time for which a charter school may defer
2172 its opening for specified reasons; amending s.
2173 1002.331, F.S.; revising the requirements for a
2174 charter school to be considered a high-performing
2175 charter school; amending s. 1002.333, F.S.; redefining
2176 the terms “persistently low-performing school” and
2177 “school of hope”; revising the required contents of a
2178 school of hope notice of intent and performance-based
2179 agreement; revising school of hope facility
2180 requirements; specifying that certain schools of hope
2181 are eligible to receive hope supplemental service
2182 allocation funds; requiring the State Board of
2183 Education to provide awards to all eligible schools
2184 that meet certain requirements; prohibiting a school
2185 of hope operator or owner from serving as the
2186 principal of a school of hope that he or she manages;

conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising the purposes of department site visits at private schools participating in the

Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain circumstances; requiring the department to annually visit a certain percentage of certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high

809628

school diploma to include one-half credit of instruction in personal financial literacy and money management and seven-and-one-half, rather than eight, credits in electives; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a required curriculum; providing instruction to be based on certain programs; providing an exemption; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school’s campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards and private school principals or governing boards allow campus

809628

tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs; requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.273, F.S.; defining the term "structured program"; providing additional options for students participating in a structured program; prohibiting a district school board from limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the allocation; providing that implementation plans may include certain models; providing requirements for

809628

implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental health assistance allocation; providing the purpose of the allocation; providing for the annual allocation of such funds on a specified basis; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses; providing requirements for school districts and charter schools; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the Commissioner of Education by a specified date; requiring that entities that receive such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.315, F.S.; revising the applicability of certain provisions related to disqualification from employment for the conviction of

809628

specified offenses; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program to school district employees who, in the immediately preceding school year, were classroom teachers and met eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term “affiliated party of the charter school”; revising the Department of Education’s calculation methodology for a school

809628

district's distribution of discretionary millage to its eligible charter schools; providing appropriations; providing an effective date.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
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03/02/2018 01:15 PM	.	
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The Committee on Appropriations (Passidomo) recommended the following:

Senate Substitute for Amendment (903516) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) Upon adoption of rules, the purchaser of a motor

692180

vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 2. Subsection (21) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(21)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.40, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization under s. 1002.40(13)(b)3. The eligible nonprofit scholarship-funding

692180

organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

(b) Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. An eligible nonprofit scholarship-funding organization is bound by the same requirements of confidentiality and the same penalties for a violation of the requirements as the department.

Section 3. Effective July 1, 2019, chapter 623, Florida Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04, 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12, 623.13, and 623.14, is repealed.

Section 4. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept

692180

scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 5. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and

692180

sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to the visiting individual ~~a board member~~ under this section.

Section 6. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A "private school" is a nonpublic school that is registered in accordance with s. 1002.42 and is defined as an

692180

individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school attended by a student in order to satisfy the attendance requirements of s. 1003.01(13). This definition does not include home education programs conducted in accordance with s. 1002.41.

(3) For purposes of this chapter, a "scholarship program" means any one of the following:

(a) The Opportunity Scholarship Program established pursuant to s. 1002.38.

(b) The Gardiner Scholarship Program established pursuant to s. 1002.385.

(c) The John M. McKay Scholarships for Students with Disabilities Program established pursuant to s. 1002.39.

(d) The Florida Tax Credit Scholarship Program established pursuant to s. 1002.395.

(e) The Hope Scholarship Program established pursuant to s. 1002.40.

692180

Section 7. Paragraph (b) of subsection (2) and subsection (6) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) *Regular school attendance.*—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a private parochial, religious, or denominational school; a private school; or a home education program~~; or a private tutoring program~~, in accordance with ~~the provisions of~~ s. 1003.01(13).

(6) EDUCATIONAL CHOICE.—

(a) *Public educational school choices.*—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE

692180

industry certifications, collegiate high school programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) *Private educational choices.*—The parent of a student may choose to enroll the student in a private school, as defined in s. 1002.01(2). Parents of public school students may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

3. Under the Gardiner Scholarship Program ~~Florida Personal Learning Scholarship Accounts Program~~, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship ~~personal learning scholarship~~ to be used for individual educational needs in accordance with s. 1002.385.

4. Under the Hope Scholarship Program, the parent of a

692180

student who was the victim of a substantiated incident of violence or abuse while attending a public school may seek a scholarship for the student to attend a private school in accordance with s. 1002.40.

(c) *Home education.*—The parent of a student may choose to place the student in a home education program, as defined in s. 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

~~(d) *Private tutoring.*—The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).~~

Section 8. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8), paragraph (n) of subsection (9), and paragraph (b) of subsection (20) of that section are amended, to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an

692180

application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

692180

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application <u>of a high-performing charter school</u> does not materially comply with the requirements in paragraph (a) <u>or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b)</u>;

692180

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of

692180

the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that

692180

violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school’s mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques.

692180

Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their

students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school’s code of student conduct. Admission or dismissal must not be based on a student’s academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the

description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for ~~4 or~~ 5 years, excluding 1 planning year. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the

692180

district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing

collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both

692180

parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board ~~and physically located on the same campus~~, regardless of the renewal cycle. A charter school with a grade of "C" or higher that closes as part of a consolidation shall be reported by the school district as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-(g) and (9)(o)~~.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence ~~for any of the following grounds~~:

1. Failure to participate in the state's education

692180

accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Material violation of law.

4. Other good cause shown.

(b) At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted ~~at the sponsor's election in accordance with one of the following procedures:~~

~~1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or~~

~~2. A hearing conducted~~ by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 ~~60~~ days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final ~~recommended~~ order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals ~~A majority vote by the sponsor shall be required to adopt or~~

692180

~~modify the administrative law judge's recommended order. The sponsor shall issue a final order~~.

~~(c) The final order shall state the specific reasons for the sponsor's decision. The sponsor shall provide its final order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance.~~ The charter school's governing board may, within 30 calendar days after receiving the ~~sponsor's~~ final order, appeal the decision pursuant to s. 120.68.

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a

692180

demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the

692180

existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

692180

678
679 The sponsor shall notify the charter school's governing board,
680 the charter school principal, and the department in writing when
681 a charter contract is terminated under this subparagraph. ~~The~~
682 ~~letter of termination must meet the requirements of paragraph~~
683 ~~(8)(c).~~ A charter terminated under this subparagraph must follow
684 the procedures for dissolution and reversion of public funds
685 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-~~
686 ~~(g) and (9)(o)~~.
687 4. The director and a representative of the governing board
688 of a graded charter school that has implemented a school
689 improvement plan under this paragraph shall appear before the
690 sponsor at least once a year to present information regarding
691 the progress of intervention and support strategies implemented
692 by the school pursuant to the school improvement plan and
693 corrective actions, if applicable. The sponsor shall communicate
694 at the meeting, and in writing to the director, the services
695 provided to the school to help the school address its
696 deficiencies.
697 5. Notwithstanding any provision of this paragraph except
698 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
699 at any time pursuant to subsection (8).
700 (20) SERVICES.—
701 (b) If goods and services are made available to the charter
702 school through the contract with the school district, they shall
703 be provided to the charter school at a rate no greater than the
704 district's actual cost unless mutually agreed upon by the
705 charter school and the sponsor in a contract negotiated
706 separately from the charter. When mediation has failed to

692180

resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against ~~for a dispute resolution hearing before the Charter School Appeal Commission~~. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

Section 9. Subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such

692180

audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the ~~current facility~~ capacity of the facility at the time of enrollment. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor

shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may not establish more than two ~~one~~ charter schools ~~school~~ within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 10. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraphs (b) and (d) of subsection (10) of that section are amended, to

692180

read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

692180

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be

692180

designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The specific ~~proposed~~ location or geographic area proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

692180

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5 years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a) 1. A school of hope that meets the definition under subparagraph (1)(c)1. shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same~~

692180

~~manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that

692180

receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope that meet the definition under subparagraph (1)(c)1. are eligible to receive funds from the Schools of Hope Program.

(e) Schools of hope that meet the definition under subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community~~

692180

~~collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(d) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the

692180

effective date of the original appropriation.

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 11. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the schools under his or her administration; however, he or she must expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal

692180

award under s. 1012.732.

Section 12. Present paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, is amended, and a new paragraph (c) is added to that subsection, to read:

1002.37 The Florida Virtual School.—

(9)

(c) Industry certification examinations, national assessments, and statewide assessments offered by the school district must be available to all Florida Virtual School students.

(d) ~~(c)~~ Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.

Section 13. Paragraph (d) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric

692180

Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the

692180

Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

692180

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter

692180

~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

692180

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 14. Subsection (3), paragraph (f) of subsection (6), and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with

692180

Disabilities Program.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

~~(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;~~

(e) ~~(f)~~ While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(f) ~~(g)~~ While he or she is enrolled in the Florida School for the Deaf and the Blind;

(g) ~~(h)~~ While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(h) ~~(i)~~ If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

692180

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

692180

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002 in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a

692180

private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 15. Subsection (4), paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

~~(e) Participating in a private tutoring program pursuant to s. 1002.43;~~

(e)~~(f)~~ Participating in a virtual school, correspondence

692180

school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(f) ~~(g)~~ Enrolled in the Florida School for the Deaf and the Blind.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a.,

692180

by February 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school’s failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

692180

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

692180

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

692180

Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 16. Section 1002.40, Florida Statutes, is created to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to

692180

provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse, as listed in subsection (3), an opportunity to transfer the student to another public school that has capacity or to request and receive a scholarship for the student to enroll in and attend an eligible private school.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Education.

(b) "Eligible contribution" or "contribution" means a monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as provided in s. 1002.395(2)(f), as determined by the department.

(d) "Eligible private school" has the same meaning as provided in s. 1002.395(2)(g), as determined by the department.

(e) "Motor vehicle" has the same meaning as provided in s. 320.01(1)(a), but does not include heavy trucks, truck tractors, trailers, and motorcycles.

(f) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose public school student was the victim of a reported incident, as listed in subsection (3).

(g) "Principal" means the principal or his or her designee.

(h) "Program" means the Hope Scholarship Program.

692180

(i) "School" includes any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(j) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act for the applicable state fiscal year.

(3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled full time in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if all of the following conditions are met:

(a) The student is the victim of a substantiated incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

(b) The incident is formally reported by the victim or the victim's parent to the principal.

(c) Through an investigation, the principal finds that the incident is substantiated.

(d) The principal's investigation remains open or the district's resolution of issues related to the incident remain unresolved after timely notification, deliberative evaluation, and 30 days of responsible and appropriate action taken in accordance with paragraph (5)(a).

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not

692180

be made if a student is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College-Preparatory Boarding Academy; the Florida Virtual School; a developmental research school authorized under s. 1002.32; or a charter school authorized under s. 1002.33, s. 1002.331, s. 1002.332, or s. 1002.333;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(d) Receiving any other educational scholarship pursuant to this chapter; or

(e) Participating in a home education program, as defined in s. 1002.01.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. Within 24 hours after receipt of a formal report of an incident listed in subsection (3)(a), the principal shall provide a copy of the report to the victim's parent and the alleged offender's parent. The report must include a statement of the expected investigative actions and the timeline for reporting the outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and

692180

other required information.

2. In accordance with s. 1006.09, the principal must investigate the incident to determine if the incident is substantiated or unsubstantiated, and if the incident must be reported. The principal may, at his or her discretion, determine the extent to which each student was engaged in instigating, initiating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

3. During the investigation period, the principal and the superintendent shall take all necessary actions to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

4. Upon the principal's determination that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim's parent and the alleged offender's parent the findings, outcome, or status of the investigation. The principal shall continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

5. If the principal's investigation into the incident remains open more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved, the school district, in accordance with the

692180

school district's code of student conduct, shall:

a. Notify the victim's parent of the availability of the program and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding; and

b. Provide the victim's parent with a written notification of the result of the principal's investigation of the alleged incident. The parent must provide such notification to the scholarship-funding organization that verifies the student's eligibility.

6. To facilitate timely, appropriate, and fiscally accountable scholarship payments, school districts must report and verify student enrollment information during and outside of regular FTE student enrollment survey periods, as requested by the department pursuant to paragraph (7)(d).

(b)1. A parent who, pursuant to s. 1002.31, chooses to enroll his or her student in a Florida public school located outside the district in which the student resides shall be eligible for a scholarship under paragraph (11)(b) to transport the student.

2. For each student participating in the program in a private school who chooses to participate in the statewide assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.

(6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

692180

(a) Meet the definition of a private school in s. 1002.01 and comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b) Provide to the organization and the department, upon request, all documentation required for the student's participation, including, but not limited to, the private school's and the student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent.

3. Cooperating with the student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in

692180

writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Maintain in this state a physical location where a scholarship student regularly attends classes.

(f) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the department.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the program.

(b) Annually verify the eligibility of private schools that

692180

meet the requirements of subsection (6).

(c) Require an annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

(d) Cross-check the list of participating students with the public school enrollment lists and participation lists in other scholarship programs established under this chapter before each scholarship payment to avoid duplication.

(e) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

(g) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school climate and code of student conduct of each public school that reported the occurrence of a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent’s and student’s rights which are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district;

b. An assessment of the effectiveness of communication

692180

procedures with the students involved in an incident, the students' parents, and the school and school district personnel;

c. An analysis of school incident and discipline data; and

d. The challenges and obstacles relating to implementing recommendations from this review.

2. Reviewing the school climate and code of student conduct of each public school a student transferred to if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which the majority of the school's total enrolled students in the prior school year participated in one or more scholarship programs, as defined in s. 1002.01, in which there are at least 10 participating students who have scores for tests administered; and reviewing the school climate and code of student conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or relating to the use of the scholarship.

(h) Upon the request of a participating private school, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed

692180

its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

(i) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry or make a referral to the appropriate agency for an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if such complaint contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education pursuant to this section has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(j)1. Conduct site visits to participating private schools. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, teachers' fingerprinting results, and other conditions required pursuant to s. 1002.421

692180

and this section. The department may not make more than seven site visits each year; however, the department may make additional site visits at any time to a school that is the subject of a violation complaint submitted pursuant to paragraph (i), is identified by an organization for a known or suspected violation, or has received a notice of noncompliance or a notice of proposed action within the current year or the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program, and the corrective action taken by the department.

(8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's participation in the program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the program.

2. May deny, suspend, or revoke a private school's participation in the program if the commissioner determines that

692180

an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the department for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke

692180

a private school's participation in the program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall refer the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of

692180

the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's suspension of payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Hope Scholarship is

692180

exercising his or her parental option to place his or her student in an eligible private school.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must comply with the regular attendance requirements of s. 1003.01(13) and remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the program take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to

692180

whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish scholarships for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.

(c) Preparing and submitting quarterly and annual reports to the department pursuant to paragraphs (7)(f) and (g). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the scholarship program.

(d) Notifying the department of any known or suspected violation of this section by a private school, parent, or student.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

692180

2. Ninety-two percent for a student enrolled in grade 6 through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

(b) The maximum amount awarded to a student enrolled in a Florida public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the organization must receive all documentation required for the student's participation, including a copy of the report of the substantiated incident received pursuant to subsection (5) and the private school's and the student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer made by debit cards, electronic payment cards, or other means of payment which the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payment is made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's

692180

attorney in fact to endorse a scholarship warrant or approve a funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

692180

(12) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832 for use by a taxpayer that makes an eligible contribution to the program. Each eligible contribution is limited to a single payment of $20 at the time of purchase of a motor vehicle or a single payment of $20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by an election to contribute to the program and shall be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue. Payments of contributions shall be made to a dealer, as defined in chapter 212, at the time of purchase of a motor vehicle or to an agent of the Department of Revenue, as designated by s. 212.06(10), at the time of registration of a motor vehicle that was not purchased from a dealer.

(b) A tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as an

692180

agent of the Department of Revenue pursuant to s. 212.06(10) or who is a dealer shall:

1. Provide the purchaser the contribution election form, as prescribed by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer's or agent's federal employer identification number, remit to an organization on or before the 20th day of each month the total amount of contributions made to that organization and collected during the preceding calendar month.

4. Report on each return filed with the Department of Revenue the total amount of credits allowed under s. 212.1832 during the preceding calendar month.

(c) An organization shall report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include the federal employer identification number of each tax collector, authorized agent of the Department of Revenue, or dealer who remitted contributions to the organization during that reporting period.

(d) A person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft of charitable funds, punishable as follows:

1. If the total amount stolen is less than $300, the

692180

offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(14) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(16) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 17. Section 1002.411, Florida Statutes, is created

692180

to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has

692180

demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

f. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

(I) Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

(II) Services provided by speech-language pathologists as defined in s. 468.1125.

(III) Occupational therapy services as defined in s. 468.203.

(IV) Services provided by physical therapists as defined in s. 486.021.

(V) Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

(b) The parent is responsible for the payment of all

692180

eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) The maximum amount granted for an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department

692180

shall release the student's scholarship funds to such organization to be deposited into the student's account.

(d) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be

692180

used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Section 18. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to

692180

s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher

692180

hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

692180

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school

692180

administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or

692180

operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report,

692180

prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 19. Section 1002.43, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (2) and paragraph (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this

state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact ~~via phone~~ with the parent and the student each month;

5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional

692180

approval shall be valid for 1 school year only and, based on the provider's experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional

692180

personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

9. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

(8) ASSESSMENT AND ACCOUNTABILITY.—

(d) An approved provider's contract is automatically ~~must be~~ terminated if the provider earns two consecutive ~~receives a~~ school grades ~~grade~~ of ~~"D" or~~ "F" under s. 1008.34 after all school grade appeals are final or receives two consecutive ~~a~~ school improvement ratings ~~rating~~ of "Unsatisfactory" under s. 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has violated any qualification requirement pursuant to subsection (2); however, the State Board of Education may grant the provider a waiver of termination. A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has

692180

corrected each cause of the provider's low performance.

Section 21. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 22. Subsection (13) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by a student's full-time attendance in one of the following options:

(a) A public school supported by public funds, including, but not limited to, the Florida School for the Deaf and the Blind, the Florida Virtual School, a developmental research school, and a charter school established pursuant to chapter

692180

1002.~~;~~

~~(b) A parochial, religious, or denominational school;~~

(b)~~(c)~~ A private school, as defined in s. 1002.01(2) and in compliance with s. 1002.42, including, but not limited to, a private parochial, religious, or denominational school; and a private school supported in whole or in part by tuition charges or by endowments or gifts. This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3).~~;~~

(c)~~(d)~~ A home education program, as defined in s. 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.~~;~~ ~~or~~

~~(e) A private tutoring program that meets the requirements of chapter 1002.~~

Section 23. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the

692180

schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district’s regular school terms until

692180

the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

Section 24. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

692180

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 25. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

692180

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal

692180

financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 26. Subsection (4) is added to section 1003.44, Florida Statutes, to read:

1003.44 Patriotic programs; rules.—

(4) Each district school board shall adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," designated under s. 15.0301, in a conspicuous place.

Section 27. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

692180

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 28. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

(c) Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 29. Section 1006.05, Florida Status, is created to read:

1006.05 Mental health assistance allocation

692180

specifications.—Pursuant to s. 1011.62(17), the mental health assistance allocation is created to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs that increase awareness of mental health issues among children and school-age youth; to train educators and other school staff in detecting and responding to mental health issues; and to connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

(1) Funding provided pursuant to s. 1011.62(17) shall be allocated in accordance with the following:

(a) Before the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, the elements in subparagraphs 1., 2., and 3., and the districts and charter schools are strongly encouraged to include in their respective plans the elements specified in subparagraphs 4., 5., and 6., as follows:

1. A contract or a memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services

692180

to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth;

2. Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training programs for all school personnel who have contact with students. The training must cover risk factors and warning signs for mental health and addiction concerns, strategies for providing assistance to individuals in both crisis and non-crisis situations, and the use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community. Topics covered should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention;

3. A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate;

4. Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;

5. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and

692180

6. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.

(c) The districts shall submit approved plans to the commissioner by August 1 of each year.

(2) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this section shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred for services or assistance.

(c) Students who receive services or assistance.

(d) Parents or guardians notified.

(e) School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the plan required under this subsection.

Section 30. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an

692180

affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

692180

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 31. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for

692180

emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current

692180

safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 32. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety

692180

officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 33. Subsection (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(13)(a) The dual enrollment program for a home education

692180

student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students.

692180

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(24)

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees,

692180

will not be passed along to the student or the private school that the student attends.

~~6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.~~

Section 34. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high school acceleration program.

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may

692180

not limit the number of eligible public school students who may enroll in such structured programs.

(2)~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before January 1, 2018, for the 2018-2019 school year must be modified to include the provisions of paragraph (b).

(b) The contract must:

1.~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2.~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~

692180

industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines;~~.~~

3.~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4.~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses;~~.~~

5.~~(e)~~ Identify student advising services and progress monitoring mechanisms;~~.~~

6.~~(f)~~ Establish a program review and reporting mechanism regarding student performance outcomes; and~~.~~

7.~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a)~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry

692180

certifications to be taken by the student, if any; student attendance requirements;~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the State Board of Education in rule; and the approved meta-major academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after graduating from high school.

(4)~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high~~

692180

~~school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program under s. 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the

692180

dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

(6) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

692180

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 35. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies,

692180

science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

692180

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include:

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a notice of intent of a performance-based agreement pursuant to s. 1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school

692180

of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal's currently assigned school. The franchise model school principal may allocate resources and personnel between the schools he or she leads. The persistently low-performing school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if

692180

additional time is provided to implement the existing turnaround option.

Section 36. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraphs (o) and (t) of subsection (1), paragraph (a) of subsection (4), and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.*—

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool

692180

certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a

692180

certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

692180

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the

692180

certification is earned by the student. Any bonus awarded to a teacher pursuant to ~~under~~ this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

(t) *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation and the criteria under which a student's industry certification or grade may be rescinded.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local

692180

property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to

692180

the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should

692180

appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, and parental counseling. In addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

692180

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

(d) Each school district and hope operator shall submit approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s. 1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s. 1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided

692180

in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts and charter schools in their compliance with the requirements and specifications established in s. 1006.05. These funds must be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount, as provided in the General Appropriations Act. Eligible charter schools are entitled to a proportionate share of district funding for the program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses, except for personnel hired to implement the plans required by s. 1006.05. School districts and schools must maximize third-party funding from Medicaid and private insurance when appropriate.

692180

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share.

Section 37. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a

692180

school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district's approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may

692180

allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational services provided by the school district.

Section 38. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 39. Subsection (4) of section 1012.2315, Florida Statutes, is amended to read:

692180

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(a) Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(b)1. In addition to the provisions under s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:

a. The number of employees in the bargaining unit who are eligible for representation by the employee organization.

b. The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

692180

Section 40. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

692180

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated

child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a

child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 41. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school

district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to

692180

appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. If the district school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days after the submission of the fingerprints, it shall reimburse the cost of background screening.

Section 42. Section 1012.562, Florida Statutes, is amended to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs ~~may be offered by school districts or postsecondary institutions and~~ lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs ~~may be offered by school districts,~~ build upon Level I training~~,~~ and lead to renewal certification as a school principal.

(1) PURPOSE.—The purpose of school leader preparation programs are to:

(a) Increase the supply of effective school leaders in the

692180

public schools of this state.

(b) Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.

(c) Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.

(d) Produce leaders with the competencies and skills necessary to achieve the state's education goals.

(e) Sustain the state system of school improvement and education accountability.

(2) LEVEL I PROGRAMS.—

(a) Initial approval of a Level I program shall be for a period of 5 years. A postsecondary institution, ~~or~~ school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level I school leader preparation program. To be approved, a Level I program must:

1. Provide competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. If the program is provided by a postsecondary institution, partner with at least one school district.

3. Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.

4. Describe how the training provided through the program will be aligned to the personnel evaluation criteria under s. 1012.34.

(b) Renewal of a Level I program's approval shall be for a

692180

period of 5 years and shall be based upon evidence of the program's continued ability to meet the requirements of paragraph (a). A postsecondary institution or school district must submit an institutional program evaluation plan in a format prescribed by the department for a Level I program to be considered for renewal. The plan must include:

1. The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.

2. Results from the personnel evaluations required under s. 1012.34 for personnel who complete the program.

3. The passage rate of personnel who complete the program on the Florida Education Leadership Examination.

4. The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner pursuant to s. 1012.34(7).

5. Strategies for continuous improvement of the program.

6. Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.

7. Additional data included at the discretion of the postsecondary institution or school district.

(c) A Level I program must guarantee the high quality of personnel who complete the program for the first 2 years after program completion or the person's initial certification as a school leader, whichever occurs first. If a person who completed the program is evaluated at less than highly effective or effective under s. 1012.34 and the person's employer requests

692180

additional training, the Level I program must provide additional training at no cost to the person or his or her employer. The training must include the creation of an individualized plan agreed to by the employer that includes specific learning outcomes. The Level I program is not responsible for the person's employment contract with his or her employer.

(3) LEVEL II PROGRAMS.—Initial approval and subsequent renewal of a Level II program shall be for a period of 5 years. A school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level II school leader preparation program or for program renewal. To be approved or renewed, a Level II program must:

(a) Demonstrate that personnel accepted into the Level II program have:

1. Obtained their certificate in educational leadership under s. 1012.56.

2. Earned a highly effective or effective designation under s. 1012.34.

3. Satisfactorily performed instructional leadership responsibilities as measured by the evaluation system in s. 1012.34.

(b) Demonstrate that the Level II program:

1. Provides competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. Provides training aligned to the personnel evaluation criteria under s. 1012.34 and professional development program in s. 1012.986.

692180

3. Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.

4. Conducts program evaluations and implements program improvements using input from personnel who completed the program and employers and data gathered pursuant to paragraph (2)(b).

(c) Gather and monitor the data specified in paragraph (2)(b).

(4) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 43. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a

692180

commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 44. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest

692180

Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principals or who have recruited and retained a high percentage of best and brightest teachers.

(3)(a) A school principal identified pursuant to s. 1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not assigned to a Title I school and who is eligible under paragraph

692180

(3)(a).

Section 45. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 46. Subsection (11) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant

692180

content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

(a) Provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards.

(b) Describe the knowledge and vocabulary necessary for comprehension.

(c) Promote the instructional shifts required within the Florida Standards.

(d) Illustrate the interdependence of grade level expectations within and across content areas within a grade.

Section 47. Paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(2) TANGIBLE PERSONAL PROPERTY.—

692180

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. Tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without the written permission of the school district.

Section 48. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document

692180

the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 49. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose

692180

implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 50. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, 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, a political subdivision of

692180

the state, a municipality, a Florida College System institution, or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a 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

692180

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.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible

692180

charter schools within a district ~~school in subsection (2)~~ to determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~, beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 51. Effective July 1, 2019, subsection (13) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws

692180

granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and 616.07~~, and 623.09~~, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 52. For the 2018-2019 fiscal year, the sum of $2,596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act as follows: the sum of $2 million in recurring funds shall be used to implement the Hope Scholarship Program created pursuant to s. 1002.40, Florida Statutes, the sums of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes, and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

692180

Section 53. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this act.

Section 54. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; creating s. 212.1832, F.S.; authorizing certain persons to receive a tax credit for certain contributions to eligible nonprofit scholarship-funding organizations for the Hope Scholarship Program; providing requirements for motor vehicle dealers; requiring the Department of Revenue to disregard certain tax credits for specified purposes; providing that specified provisions apply to certain provisions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share specified information with eligible nonprofit scholarship-funding organizations; providing that certain requirements apply to such organizations; repealing ch. 623, F.S., relating to private school corporations, on a specified date; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide

692180

technical assistance and authorized staff; amending s. 1001.4205, F.S.; authorizing a member of the State Legislature to visit any district school, including any charter school, in his or her legislative district; amending s. 1002.01, F.S.; revising and defining terms; amending s. 1002.20, F.S.; updating educational options and terminology; amending s. 1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising requirements for the term of a charter; revising provisions for the modification of and the nonrenewal or termination of a charter; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that can be established by a high-performing charter school; amending s. 1002.333, F.S.; redefining the terms "persistently low-performing school" and "school of hope"; revising the required contents of a school of hope notice of intent and performance-based agreement; revising school of hope facility requirements; specifying that certain schools of hope are eligible to receive hope supplemental service allocation funds; requiring the State Board of Education to provide awards to all eligible schools that meet certain requirements; providing for certain funds for the Schools of Hope Program to be carried forward for a specified number of years; prohibiting a school of hope operator or

692180

owner from serving as the principal of a school of hope that he or she manages; conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.37, F.S.; requiring school districts to provide Florida Virtual School students access to certain examinations and assessments and certain information; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; revising requirements for private schools that participate in the program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; revising the purpose of department site visits at private schools participating in the John M. McKay Scholarships for Students with Disabilities Program; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program

692180

ineligibility; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising the purpose of department site visits at private schools participating in the Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; creating s. 1002.40, F.S.; establishing the Hope Scholarship Program; providing the purpose of the program; defining terms; providing eligibility requirements; prohibiting the payment of a scholarship under certain circumstances; requiring a principal to provide copies of a report of physical violence or emotional abuse to certain individuals within specified timeframes; requiring the principal to investigate such incidents; requiring a school district to notify an eligible student's parent of the program under certain circumstances; requiring a school district to provide certain information relating to the statewide assessment program; providing requirements and obligations for eligible private schools; providing Department of Education obligations relating to participating students and

692180

private schools and program requirements; providing Commissioner of Education obligations; requiring the commissioner to deny, suspend, or revoke a private school's participation in the program or the payment of scholarship funds under certain circumstances; defining the term "owner or operator"; providing a process for review of a decision from the commissioner under certain circumstances; providing for the release of personally identifiable student information under certain circumstances; providing parent and student responsibilities for initial and continued participation in the program; providing nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing requirements for administrative expenses; prohibiting a nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers;

692180

providing reporting requirements for nonprofit scholarship-funding organizations relating to taxpayer contributions; providing penalties; providing for the restitution of specified funds under certain circumstances; providing the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education to adopt rules to administer the program; creating s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the award or use of a reading scholarship account; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain

692180

circumstances; requiring the department to annually visit a certain percentage of certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; repealing s. 1002.43, F.S., relating to private tutoring programs; amending s. 1002.45, F.S.; revising documentation requirements for virtual education providers; providing for the automatic termination of a virtual instruction provider's contract under certain circumstances; authorizing the State Board of Education to grant a waiver of such termination; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.01, F.S.; redefining the term "regular school attendance"; amending s. 1003.26, F.S.; conforming a cross-reference; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives; amending s.

692180

1003.44, F.S.; requiring each district school board to adopt rules for the display of the official state motto in specified places; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a required curriculum; providing instruction to be based on certain programs; providing an exemption; creating s. 1006.05, F.S.; providing the purpose of the mental health assistance allocation; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the Commissioner of Education; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the commissioner by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and

692180

prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards and private school principals or governing boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs; requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.271, F.S.; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; amending s. 1007.273, F.S.; defining the term "structured program"; providing additional options for students participating in a structured program; prohibiting a district school board from

692180

limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; prohibiting the award of certain bonuses to teachers who fail to maintain the security of certain examinations or violate certain protocols; authorizing the state board to adopt rules for specified purposes; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the allocation; providing that implementation plans may include certain models; providing requirements for implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other

692180

operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.2315, F.S.; requiring certain employee organizations to include specified information in a specified application and to petition for recertification for specified purposes; amending s. 1012.315, F.S.; revising the applicability of certain provisions related to disqualification from employment for the conviction of specified offenses; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1012.562, F.S.; authorizing charter schools and charter management organizations to offer school leader preparation programs; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program

692180

to school district employees who, in the immediately preceding school year, were classroom teachers and met eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; providing requirements for such templates; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain actions by a charter school without the written permission of the school district; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the

692180

chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term "affiliated party of the charter school"; revising the Department of Education's calculation methodology for a school district's distribution of discretionary millage to its eligible charter schools; amending s. 212.08, F.S.; conforming a cross-reference; providing appropriations; providing appropriations; authorizing the Department of Revenue to adopt emergency rules for specified purposes; providing effective dates.

A bill to be entitled

An act relating to education; amending s. 11.45, F.S.; revising the duties of the Auditor General; amending s. 112.313, F.S.; prohibiting former appointed district school superintendents from conducting certain lobbying activities; amending s. 112.31455, F.S.; requiring the governing body of a district school board to be notified if an officer or employee of the body owes a certain fine; requiring the governing body of a district school board to take specified actions under such circumstances; creating s. 212.1832, F.S.; authorizing certain persons to receive a tax credit for certain contributions to eligible nonprofit scholarship-funding organizations for the Hope Scholarship Program; providing requirements for motor vehicle dealers; requiring the Department of Revenue to disregard certain tax credits for specified purposes; providing that specified provisions apply to certain provisions; amending s. 213.053, F.S.; requiring the Department of Revenue to share specified information with eligible nonprofit scholarship-funding organizations; providing that certain requirements apply to such organizations; creating s. 250.483, F.S.; providing requirements relating to licensure or qualification of persons

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FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 7055 2018

ordered into active duty; amending s. 446.041, F.S.; providing duties of the Department of Education; amending s. 446.081, F.S.; providing construction; creating s. 683.147, F.S.; designating March 25 of each year as "Medal of Honor Day"; amending s. 1001.10, F.S.; authorizing the Commissioner of Education to coordinate resources during an emergency; amending s. 1001.20, F.S.; requiring the Office of Inspector General to investigate certain allegations and reports made by specified individuals; amending s. 1001.39, F.S.; requiring a district school board member's travel outside of the school district to be preapproved and meet certain criteria; providing requirements for such member's request for travel outside of the state; providing an opportunity for the public to speak on such travel; amending s. 1001.395, F.S.; providing that certain requirements for the salaries of district school board members apply every, rather than one specific, fiscal year; amending s. 1001.42, F.S.; providing that the standards of ethical conduct apply to administrative personnel and school officers; authorizing district school board members to request and receive specified budget information; requiring employment of internal auditors in certain school districts; revising provisions relating to the

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duties of such internal auditors; amending s. 1001.51, F.S.; revising the duties and responsibilities of school district superintendents relating to the organization and operation of schools; amending s. 1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising the requirements for the term of a charter; revising provisions for the modification of and the nonrenewal or termination of a charter; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the criteria for designation as a high-performing charter school; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that can be established by a high-performing charter school; amending s. 1002.333, F.S.; providing for certain funds for the Schools of Hope Program to be carried forward for a specified number of years; amending s. 1002.37, F.S.; providing that certain students shall be given priority; requiring school districts to provide Florida Virtual School students access to certain examinations and assessments and certain information; amending s. 1002.385, F.S.; revising eligible expenditures for the Gardiner Scholarship Program; conforming provisions to

changes made by the act; amending s. 1002.39, F.S.; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising the requirements for an annual report of certain student data for the Florida Tax Credit Scholarship Program; conforming provisions to changes made by the act; creating s. 1002.40, F.S.; establishing the Hope Scholarship Program; providing the purpose of the program; providing definitions; providing eligibility requirements; prohibiting the payment of a scholarship under certain circumstances; requiring a school principal to investigate a report of physical violence or emotional abuse; requiring a school district to notify an eligible student's parent of the program; requiring a school district to provide certain information relating to the statewide assessment program; providing requirements and obligations for eligible private schools; providing department obligations relating to participating students and private schools and program requirements; providing parent and student responsibilities for initial and continued participation in the program; providing eligible nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount

for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing requirements for administrative expenses; prohibiting an eligible nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing reporting requirements for eligible nonprofit scholarship-funding organizations relating to taxpayer contributions; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers; providing penalties; providing for the restitution of specified funds under certain circumstances; providing that the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education and the Department of Revenue to

adopt rules to administer the program; creating s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the award or use of such an account; amending s. 1002.421, F.S.; providing private school requirements for participation in educational scholarship programs; providing background screening requirements and procedures for owners of private schools; providing that a private school is ineligible to participate in an educational scholarship program under certain circumstances; providing department obligations relating to educational scholarship programs; providing commissioner authority and responsibilities for educational scholarship programs; authorizing the commissioner to deny, suspend, or revoke a private school's participation in an educational scholarship program; amending s. 1003.42, F.S.; revising the requirements for certain required instruction;

providing for a character development program that incorporates the values of the recipients of the Congressional Medal of Honor; amending s. 1003.576, F.S.; requiring a specified IEP system to be used statewide; deleting an obsolete date; amending s. 1006.07, F.S.; revising district school board duties to include security risk assessments; requiring certain self-assessments to be in a specified format; amending s. 1007.271, F.S.; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; amending s. 1008.22, F.S.; requiring certain portions of the English Language Arts assessments to include social studies content; revising the format requirements for certain statewide assessments; requiring published assessment items to be in a format that meets certain criteria; amending s. 1010.20, F.S.; requiring each school district to report certain expenditures to the Department of Education; providing department responsibilities; amending s. 1010.30, F.S.; requiring certain entities to provide an audit overview under certain circumstances; providing for the contents of the overview; amending ss. 1011.01 and 1011.03, F.S.;

conforming provisions to changes made by the act; amending s. 1011.035, F.S.; requiring each district school board to post on its website certain graphical representations and a link to a certain web-based tool; providing requirements for such graphical representations; amending s. 1011.051, F.S.; requiring a district school board to limit certain expenditures by a specified amount if certain financial conditions exist for a specified period of time; requiring the department to contract with a third party to conduct an investigation under certain circumstances; providing requirements for such investigation; requiring the results of such investigation to include certain information and be provided to certain entities; amending s. 1011.06, F.S.; requiring each district school board to approve certain expenditures by complying with specified provisions and amending its budget; requiring such board to provide a public explanation for such budget amendments; amending s. 1011.09, F.S.; providing certain expenditure limitations for a school district that meets specified criteria; amending s. 1011.10, F.S.; requiring certain school districts to withhold district school board member and school district superintendent salaries until certain conditions are corrected; amending s.

1011.60, F.S.; conforming cross-references; amending s. 1011.62, F.S.; renaming the "supplemental academic instruction categorical fund" as the "supplemental academic instruction allocation"; requiring certain school districts to use the allocation for specified purposes; deleting an obsolete date; deleting a provision authorizing the Florida State University School to expend specified funds for certain purposes; prohibiting the award of certain bonuses to teachers who fail to maintain the security of certain examinations or violate certain protocols; authorizing the state board to adopt rules for specified purposes; conforming provisions to changes made by the act; revising the research-based reading instruction allocation; revising the criteria for establishing the 300 lowest-performing elementary schools; providing requirements for staffing summer reading camps funded through the allocation; requiring school districts that meet specified criteria, rather than all school districts, to submit a comprehensive reading plan for specified purposes; deleting provisions for the release or withholding of funds based on a school district's comprehensive reading plan; revising a definition; amending s. 1011.6202, F.S.; renaming the "Principal Autonomy Pilot Program" as the "Principal

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

Autonomy Program"; providing that any school district may apply to participate in the program; providing that a school shall retain its exemption from specified laws under specified circumstances; requiring a designated leadership team at a participating school to complete a certain turnaround program; deleting a provision providing a specified amount of funds to a participating school district that completes the turnaround program; authorizing certain principals to manage additional schools under the control of an independent governing board; providing requirements for such schools; providing for such schools to participate in the program; providing requirements for such participation; specifying that no school district liability arises from the management of such schools; deleting a school's authority to renew participation in the program; deleting reporting requirements; providing for funding; revising the principal eligibility criteria for a salary supplement through the program; repealing s. 1011.64, F.S., relating to school district minimum classroom expenditure requirements; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified

purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; prohibiting a school district from withholding charter school administrative fees under certain circumstances; amending s. 1012.23, F.S.; prohibiting a school district superintendent and district school board from appointing or employing certain individuals in certain positions; providing an exception; requiring the Commission on Ethics to investigate alleged violations; amending s. 1012.2315, F.S.; requiring certain employee organizations to include specified information in a specified application and to petition for recertification for specified purposes; amending s. 1012.28, F.S.; conforming provisions to changes made by the act; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1012.55, F.S.; requiring the state board to issue a temporary certificate in educational leadership to certain persons; providing that certain instructors may receive the funds through a specified program; amending s. 1012.56, F.S.; requiring the state board to adopt certain rules relating to temporary educator certificates; amending

s. 1012.562, F.S.; authorizing charter schools and charter management organizations to offer school leader preparation programs; amending s. 1012.59, F.S.; requiring the state board to waive certain fees for specified persons; amending s. 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; providing requirements for such templates; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain actions by a charter school without the written permission of the school district; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; revising requirements for charter school capital outlay funding; conforming provisions to changes made by the act; providing appropriations; authorizing the Department of Revenue to adopt emergency rules for specified purposes; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (k) of subsection (2) of section

11.45, Florida Statutes, is redesignated as paragraph (l), and a new paragraph (k) is added to that subsection to read:

11.45 Definitions; duties; authorities; reports; rules.—

(2) DUTIES.—The Auditor General shall:

(k) Contact each district school board, as defined in s. 1003.01(1), with the findings and recommendations contained within the Auditor General's previous operational audit report. The district school board shall provide the Auditor General with evidence of the initiation of corrective action within 45 days after the date it is requested by the Auditor General and evidence of completion of corrective action within 180 days after the date it is requested by the Auditor General. If the district school board fails to comply with the Auditor General's request or is unable to take corrective action within the required timeframe, the Auditor General shall notify the Legislative Auditing Committee.

The Auditor General shall perform his or her duties independently but under the general policies established by the Legislative Auditing Committee. This subsection does not limit the Auditor General's discretionary authority to conduct other audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (14) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.—A person who has been elected to any county, municipal, special district, or school district office or an appointed superintendent of a school district may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

(a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.

(b) The "government body or agency" of any other county elected officer is the office or department headed by that officer, including all subordinate employees.

(c) The "government body or agency" of an elected municipal officer consists of the governing body of the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d) The "government body or agency" of an elected special district officer is the special district.

(e) The "government body or agency" of an elected school district officer is the school district.

Section 3. Subsection (1) of section 112.31455, Florida Statutes, is amended to read:

112.31455 Collection methods for unpaid automatic fines for failure to timely file disclosure of financial interests.—

(1) Before referring any unpaid fine accrued pursuant to s. 112.3144(5) or s. 112.3145(7) to the Department of Financial Services, the commission shall attempt to determine whether the individual owing such a fine is a current public officer or current public employee. If so, the commission may notify the Chief Financial Officer or the governing body of the appropriate county, municipality, district school board, or special district of the total amount of any fine owed to the commission by such individual.

(a) After receipt and verification of the notice from the commission, the Chief Financial Officer or the governing body of the county, municipality, district school board, or special district shall begin withholding the lesser of 10 percent or the maximum amount allowed under federal law from any salary-related payment. The withheld payments shall be remitted to the commission until the fine is satisfied.

(b) The Chief Financial Officer or the governing body of the county, municipality, district school board, or special district may retain an amount of each withheld payment, as provided in s. 77.0305, to cover the administrative costs incurred under this section.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

Section 4. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) Upon adoption of rules, the purchaser of a motor vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 5. Subsection (21) is added to section 213.053,

Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(21)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.40, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization under s. 1002.40(13)(b)3. The eligible nonprofit scholarship-funding organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

(b) Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. An eligible nonprofit scholarship-funding organization is bound by the same requirements of confidentiality and the same penalties for a violation of the requirements as the department.

Section 6. Section 250.483, Florida Statutes, is created to read:

250.483 Active duty; licensure or qualification.—

(1) If a member of the Florida National Guard or the United States Armed Forces Reserves seeking licensure or qualification for a trade, occupation, or profession is ordered into state active duty or into active duty as defined in this

chapter, and his or her period of training, study, apprenticeship, or practical experience is interrupted or the start thereof is delayed, he or she is entitled to licensure or qualification under the laws covering his or her licensure or qualification at the time of entrance into active duty pursuant to subsection (2).

(2) A board of examiners or other qualification board regulated under general law shall accept periods of training and practical experience in the Florida National Guard or the United States Armed Forces Reserves in place of the interrupted or delayed periods of training, study, apprenticeship, or practical experience if the board finds the standard and type of work or training performed in the Florida National Guard or the United States Armed Forces Reserves to be substantially the same as the standard and type required under the laws of this state.

(3) A member of the Florida National Guard or the United States Armed Forces Reserves must request licensure or qualification pursuant to this section by the respective board of examiners or other qualification board within 6 months after release from active duty with the Florida National Guard or the United States Armed Forces Reserves.

Section 7. Subsections (7) through (12) of section 446.041, Florida Statutes, are renumbered as subsections (8) through (13), respectively, and a new subsection (7) is added to that section to read:

446.041 Apprenticeship program, duties of the department.—The department shall:

(7) Lead and coordinate outreach efforts to educate veterans about apprenticeship and career opportunities.

Section 8. Subsection (4) is added to section 446.081, Florida Statutes, to read:

446.081 Limitation.—

(4) Nothing in ss. 446.011-446.092 or in any rules adopted or contained in any approved apprentice agreement under such sections invalidates any special provision for veterans, minority persons, or women in the standards, qualifications, or operation of the apprenticeship program which is not otherwise prohibited by any applicable general law, rule, or regulation.

Section 9. Section 683.147, Florida Statutes, is created to read:

683.147 Medal of Honor Day.—

(1) March 25 of each year is designated as "Medal of Honor Day."

(2) The Governor may annually issue a proclamation designating March 25 as Medal of Honor Day and calling upon public officials, schools, private organizations, and all residents of the state to commemorate Medal of Honor Day and honor recipients of the Congressional Medal of Honor who distinguished themselves through their conspicuous bravery and gallantry during wartime, and at considerable risk to their own

lives, while serving as members of the United States Armed Forces.

Section 10. Subsection (8) is added to section 1001.10, Florida Statutes, to read:

1001.10 Commissioner of Education; general powers and duties.—

(8) In the event of an emergency, the commissioner may coordinate through the most appropriate means of communication with local school districts, Florida College System institutions, and satellite offices of the Division of Blind Services and the Division of Vocational Rehabilitation to assess the need for resources and assistance to enable each school, institution, or satellite office to reopen as soon as possible after considering the health, safety, and welfare of students and clients.

Section 11. Paragraph (e) of subsection (4) of section 1001.20, Florida Statutes, is amended to read:

1001.20 Department under direction of state board.—

(4) The Department of Education shall establish the following offices within the Office of the Commissioner of Education which shall coordinate their activities with all other divisions and offices:

(e) Office of Inspector General.—Organized using existing resources and funds and responsible for promoting accountability, efficiency, and effectiveness and detecting

fraud and abuse within school districts, the Florida School for the Deaf and the Blind, and Florida College System institutions in Florida. If the Commissioner of Education determines that a district school board, the Board of Trustees for the Florida School for the Deaf and the Blind, or a Florida College System institution board of trustees is unwilling or unable to address substantiated allegations made by any person relating to waste, fraud, or financial mismanagement within the school district, the Florida School for the Deaf and the Blind, or the Florida College System institution, the office shall conduct, coordinate, or request investigations into such substantiated allegations. The office shall investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought. The office shall have access to all information and personnel necessary to perform its duties and shall have all of its current powers, duties, and responsibilities authorized in s. 20.055.

Section 12. Subsection (1) of section 1001.39, Florida Statutes, is amended to read:

1001.39 District school board members; travel expenses.—

(1) In addition to the salary provided in s. 1001.395, each member of a district school board shall be allowed, from

the district school fund, reimbursement of travel expenses as authorized in s. 112.061, ~~except as~~ provided that ~~in subsection (2).~~ any travel outside the district requires prior approval by the district school board to confirm that such travel is for official business of the school district and complies with ~~shall also be governed by the~~ rules of the State Board of Education. Any request for travel outside the state must include an itemized list detailing all anticipated travel expenses, including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. Immediately preceding a request, the public must have an opportunity to speak on the specific travel agenda item.

Section 13. Subsection (3) of section 1001.395, Florida Statutes, is amended to read:

1001.395 District school board members; compensation.—

(3) Notwithstanding the provisions of this section and s. 145.19, ~~for the 2010-2011 fiscal year,~~ the salary of each district school board member shall be the amount calculated pursuant to subsection (1) or the district's beginning salary for teachers who hold baccalaureate degrees, whichever is less.

Section 14. Subsections (6) and (7), paragraphs (b) and (l) of subsection (12), and paragraph (b) of subsection (17) of section 1001.42, Florida Statutes, are 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:

(6) STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL PERSONNEL, ADMINISTRATIVE PERSONNEL, AND SCHOOL OFFICERS ~~ADMINISTRATORS~~.—~~Adopt~~ policies establishing standards of ethical conduct for instructional personnel, administrative personnel, and school officers ~~administrators~~. The policies must require all instructional personnel, administrative personnel, and school officers ~~administrators~~, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel, administrative personnel, and school officers ~~administrators~~ to report, and procedures for reporting, alleged misconduct by other instructional or administrative personnel and school officers ~~school administrators~~ which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A district school board, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional or administrative personnel or school officers ~~administrators, or personnel or administrators~~ who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel, administrative personnel, or school officers ~~administrators~~ with employment references or discuss the personnel's or officers' ~~administrators'~~ performance with

prospective employers in another educational setting, without disclosing the personnel's or officers' ~~administrators'~~ misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel, administrative personnel, or school officers ~~administrators~~ which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(7) DISQUALIFICATION FROM EMPLOYMENT.—Disqualify instructional personnel and administrative personnel ~~school administrators~~, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel ~~or administrators~~ are ineligible for such employment under s. 1012.315. An elected or appointed school board official forfeits his or her salary for 1 year if:

(a) The school board official knowingly signs and transmits to any state official a report of alleged misconduct by instructional personnel or administrative personnel ~~school administrators~~ which affects the health, safety, or welfare of a student and the school board official knows the report to be false or incorrect; or

(b) The school board official knowingly fails to adopt policies that require instructional personnel and administrative personnel ~~school administrators~~ to report alleged misconduct by other instructional personnel and administrative personnel

~~school administrators~~, or that require the investigation of all reports of alleged misconduct by instructional personnel and administrative personnel ~~school administrators~~, if the misconduct affects the health, safety, or welfare of a student.

(12) FINANCE.—Take steps to assure students adequate educational facilities through the financial procedure authorized in chapters 1010 and 1011 and as prescribed below:

(b) Annual budget.—

1. Cause to be prepared, adopt, and have submitted to the Department of Education as required by law and rules of the State Board of Education, the annual school budget, such budget to be so prepared and executed as to promote the improvement of the district school system.

2. An individual school board member may request and shall receive any proposed, tentative, and official budget documents, including all supporting and background information.

(l) Internal auditor.—May or, in the case of a school district receiving annual federal, state, and local funds in excess of $500 million, shall employ an internal auditor. The duties of the internal auditor shall include oversight of every functional and program area of the school system.

1. The internal auditor shall ~~to~~ perform ongoing financial verification of the financial records of the school district, a comprehensive risk assessment of all areas of the school system every 5 years, and other audits and reviews as the district

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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

school board directs for determining:

a. The adequacy of internal controls designed to prevent and detect fraud, waste, and abuse.

b. Compliance with applicable laws, rules, contracts, grant agreements, district school board-approved policies, and best practices.

c. The efficiency of operations.

d. The reliability of financial records and reports.

e. The safeguarding of assets.

f. Financial solvency.

g. Projected revenues and expenditures.

h. The rate of change in the general fund balance.

2. The internal auditor shall prepare audit reports of his or her findings and report directly to the district school board or its designee.

3. Any person responsible for furnishing or producing any book, record, paper, document, data, or sufficient information necessary to conduct a proper audit or examination which the internal auditor is by law authorized to perform is subject to s. 11.47(3) and (4).

(17) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

(b) Adopt rules to strengthen family involvement and empowerment pursuant to s. 1002.23. The rules shall be developed in collaboration with administrative personnel ~~school administrators~~, parents, teachers, and community partners.

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Section 15. Subsection (6) of section 1001.51, Florida Statutes, is amended to read:

1001.51 Duties and responsibilities of district school superintendent.—The district school superintendent shall exercise all powers and perform all duties listed below and elsewhere in the law, provided that, in so doing, he or she shall advise and counsel with the district school board. The district school superintendent shall perform all tasks necessary to make sound recommendations, nominations, proposals, and reports required by law to be acted upon by the district school board. All such recommendations, nominations, proposals, and reports by the district school superintendent shall be either recorded in the minutes or shall be made in writing, noted in the minutes, and filed in the public records of the district school board. It shall be presumed that, in the absence of the record required in this section, the recommendations, nominations, and proposals required of the district school superintendent were not contrary to the action taken by the district school board in such matters.

(6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS, CLASSES, AND SERVICES.—Recommend the establishment, organization, and operation of such schools, classes, and services as are needed to provide adequate educational opportunities for all children in the district. Recommendations may include the organization and operation of schools by an

independent governing board to create the optimal learning environment to address the academic needs of students by giving instructional personnel freedom from burdensome regulations. To avoid any conflict of interest regarding the review, approval, and oversight of the school, members of the governing board may not be employees of the school district or any school operated by the governing board. Any school in which all instructional personnel are employees of an independent governing board shall operate in accordance with:

(a) The contract between the independent governing board and the district school board.

(b) The exemptions from law provided in s. 1011.6202(3)(a) and (b).

(c) The provisions of s. 1011.6202(5)(b) and (c), relating to tort liability and employer status.

Section 16. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8), paragraph (n) of subsection (9), and paragraph (b) of subsection (20) of that section are amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive

corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or

deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application of a high-performing charter school does not materially comply with the requirements in paragraph (a) or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact

during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that

violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school's mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to

provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques. Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of

academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school's code of student conduct. Admission or dismissal must not be based on a student's academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the

impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for ~~4 or~~ 5 years, excluding 1 planning year. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but

only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except

as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both

parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board ~~and physically located on the same campus~~, regardless of the renewal cycle. A charter school with a grade of "C" or higher that closes as part of a consolidation shall be reported by the school district as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-(g) and (9)(o)~~.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also

choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence ~~for any of the following grounds~~:

1. Failure to participate in the state's education accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Material violation of law.

4. Other good cause shown.

(b) At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted ~~at the sponsor's election in accordance with one of the following procedures:~~

~~1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or~~

~~2. A hearing conducted~~ by an administrative law judge

assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 ~~60~~ days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final ~~recommended~~ order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals ~~A majority vote by the sponsor shall be required to adopt or modify the administrative law judge's recommended order. The sponsor shall issue a final order~~.

~~(c) The final order shall state the specific reasons for the sponsor's decision. The sponsor shall provide its final order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance.~~ The charter school's governing board may, within 30 calendar days after receiving the ~~sponsor's~~ final order, appeal the decision pursuant to s. 120.68.

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon

approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is

subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s.

1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

The sponsor shall notify the charter school's governing board, the charter school principal, and the department in writing when a charter contract is terminated under this subparagraph. ~~The letter of termination must meet the requirements of paragraph~~

~~(8)(c).~~ A charter terminated under this subparagraph must follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-(g) and (9)(o)~~.

4. The director and a representative of the governing board of a graded charter school that has implemented a school improvement plan under this paragraph shall appear before the sponsor at least once a year to present information regarding the progress of intervention and support strategies implemented by the school pursuant to the school improvement plan and corrective actions, if applicable. The sponsor shall communicate at the meeting, and in writing to the director, the services provided to the school to help the school address its deficiencies.

5. Notwithstanding any provision of this paragraph except sub-subparagraphs 3.a.-c., the sponsor may terminate the charter at any time pursuant to subsection (8).

(20) SERVICES.—

(b) If goods and services are made available to the charter school through the contract with the school district, they shall be provided to the charter school at a rate no greater than the district's actual cost unless mutually agreed upon by the charter school and the sponsor in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or

contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against ~~for a dispute resolution hearing before the Charter School Appeal Commission~~. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

Section 17. Subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply for the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the ~~current facility~~ capacity of the facility at the time of enrollment. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may not establish more than two ~~one~~ charter schools ~~school~~ within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. However, a high-performing

charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 18. Paragraph (d) is added to subsection (10) of section 1002.333, Florida Statutes, to read:

1002.333 Persistently low-performing schools.—

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(d) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the effective date of the original appropriation.

Section 19. Paragraph (b) of subsection (1) and present paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, are amended, and a new paragraph (c) is added to subsection (9) of that section, to read:

1002.37 The Florida Virtual School.—

(1)

(b) The mission of the Florida Virtual School is to provide students with technology-based educational opportunities to gain the knowledge and skills necessary to succeed. The school shall serve any student in the state who meets the profile for success in this educational delivery context and

shall give priority to:

1. Students who need expanded access to courses in order to meet their educational goals, such as home education students and students in inner-city and rural high schools who do not have access to higher-level courses.

2. Students seeking accelerated access in order to obtain a high school diploma at least one semester early.

3. Students who are children of an active duty member of the United States Armed Forces who is not stationed in this state whose home of record or state of legal residence is Florida.

The board of trustees of the Florida Virtual School shall identify appropriate performance measures and standards based on student achievement that reflect the school's statutory mission and priorities, and shall implement an accountability system for the school that includes assessment of its effectiveness and efficiency in providing quality services that encourage high student achievement, seamless articulation, and maximum access.

(9)

(c) Industry certification examinations, national assessments, and statewide assessments offered by the school district shall be available to all Florida Virtual School students.

(d) ~~(c)~~ Unless an alternative testing site is mutually

agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.

Section 20. Paragraph (e) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), paragraph (c) of subsection (9), paragraph (a) of subsection (10), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended, and paragraph (p) is added to subsection (5) of that section, to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(e) "Eligible nonprofit scholarship-funding organization" or "organization" means a nonprofit scholarship-funding organization that is approved pursuant to s. 1002.395(15) ~~s. 1002.395(16)~~.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) ~~Enrollment in, or~~ Tuition or fees associated with full-time or part-time enrollment in~~,~~ a home education program,

an eligible private school, an eligible postsecondary educational institution or a program offered by the postsecondary institution, a private tutoring program authorized under s. 1002.43, a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(p) Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the

Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

~~(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.~~

~~(c) Be academically accountable to the parent for meeting the educational needs of the student by:~~

~~1. At a minimum, annually providing to the parent a written explanation of the student's progress.~~

(b)1.~~2.~~ Annually administer or make ~~administering or making~~ provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school

shall report a student's scores to the parent.

2.~~3.~~ Administer ~~Cooperating with the scholarship student whose parent chooses to have the student participate in~~ the statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private school chooses to offer the statewide assessments~~, administering the assessments at the school~~.

~~a.~~ A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10 and must~~.~~

~~b. A participating private school shall~~ submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

~~(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.~~

~~(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the~~

~~American Institute of Certified Public Accountants.~~

If a private school fails ~~is unable~~ to meet the requirements of this subsection or s. 1002.421 ~~or has consecutive years of material exceptions listed in the report required under paragraph (c)~~, the commissioner may determine that the private school is ineligible to participate in the scholarship program.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(c) Investigate any written complaint of a violation of this section by a parent, a student, a private school, a public school or a school district, an organization, a provider, or another appropriate party in accordance with the process established by s. 1002.421 ~~s. 1002.395(9)(f)~~.

(10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. May suspend or revoke program participation or use of program funds by the student or participation or eligibility of an organization, ~~eligible private school,~~ eligible postsecondary educational institution, approved provider, or other party for a violation of this section.

2. May determine the length of, and conditions for lifting, a suspension or revocation specified in this subsection.

3. May recover unexpended program funds or withhold

payment of an equal amount of program funds to recover program funds that were not authorized for use.

4. Shall deny or terminate program participation upon a parent's forfeiture of a Gardiner Scholarship pursuant to subsection (11).

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b)-(d).

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(b) ~~paragraph (8)(c)~~;

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 21. Subsections (8) through (14) of section 1002.39, Florida Statutes, are renumbered as subsections (7) through (13), respectively, and paragraph (b) of subsection (2), paragraph (h) of subsection (3), and present subsections (6), (7), and (8) of that section are amended to read:

1002.39 The John M. McKay Scholarships for Students with

Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(b) The parent has obtained acceptance for admission of the student to a private school that is eligible for the program under subsection (7) ~~subsection (8)~~ and has requested from the department a scholarship at least 60 days before the date of the first scholarship payment. The request must be communicated directly to the department in a manner that creates a written or electronic record of the request and the date of receipt of the request. The department must notify the district of the parent's intent upon receipt of the parent's request.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(h) While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (9) ~~subsection (10)~~; or

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department

shall~~:~~

~~(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.~~

~~(b) Annually verify the eligibility of private schools that meet the requirements of subsection (8).~~

~~(c) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.~~

~~(d) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.~~

~~(c)~~ cross-check the list of participating scholarship students with the public school enrollment lists prior to each

scholarship payment to avoid duplication.

~~(f)1. Conduct random site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may not make more than three random site visits each year and may not make more than one random site visit each year to the same private school.~~

~~2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.~~

~~(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.~~

~~(a) The Commissioner of Education:~~

~~1. Shall deny, suspend, or revoke a private school's~~

~~participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.~~

~~2. May deny, suspend, or revoke a private school's participation in the scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.~~

~~a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the Department of Education for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension,~~

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F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

~~or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.~~

~~b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.~~

~~(b) The commissioner's determination is subject to the following:~~

~~1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.~~

~~2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the department's agency clerk a~~

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~~request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.~~

~~3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.~~

~~(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:~~

~~1. An imminent threat to the health, safety, or welfare of the students; or~~

~~2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally~~

~~identifiable records or reports of students to the following persons or organizations:~~

~~a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

~~b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

~~c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

~~The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).~~

(7) ~~(8)~~ PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be

sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (10)(e) ~~paragraph (11)(c)~~. A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

~~(c) Be academically accountable to the parent for meeting the educational needs of the student by:~~

~~1. At a minimum, annually providing to the parent a written explanation of the student's progress.~~

~~2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.~~

~~(d) Maintain in this state a physical location where a scholarship student regularly attends classes.~~

If ~~The inability of~~ a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible ~~shall constitute a basis for the ineligibility of the private school~~

to participate in the scholarship program ~~as determined by the department~~.

Section 22. Subsections (12) through (16) of section 1002.395, Florida Statutes, are renumbered as subsections (11) through (15), respectively, and paragraph (f) of subsection (2), paragraphs (n), (o), and (p) of subsection (6), and present subsections (8), (9), and (11) of that section are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(2) DEFINITIONS.—As used in this section, the term:

(f) "Eligible nonprofit scholarship-funding organization" means a state university; or an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools; or is a charitable organization that:

1. Is exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code;

2. Is a Florida entity formed under chapter 605, chapter 607, or chapter 617 and whose principal office is located in the state; and

3. Complies with subsections (6) and (15) ~~subsections (6) and (16)~~.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING

ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(n) Must prepare and submit quarterly reports to the Department of Education pursuant to paragraph (9)(i) ~~paragraph (9)(m)~~. In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the Department of Education relating to the scholarship program.

(o)1.a. Must participate in the joint development of agreed-upon procedures ~~to be performed by an independent certified public accountant as required under paragraph (8)(c) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this section~~ during the 2009-2010 state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under s. 1002.421 ~~paragraph (9)(c)~~; has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The

procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February of each biennium ~~2013 and biennially thereafter~~, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15 of the year in which the revisions were completed. The revised agreed-upon procedures shall take effect the subsequent school year. For the 2018-2019 school year only, the joint review of the agreed-upon procedures must be completed and the revisions submitted to the commissioner no later than September 15, 2018. The revised procedures are applicable to the 2018-2019 school year~~, 2013, and biennially thereafter~~.

c. Must monitor the compliance of a private school with s. 1002.421(1)(q) ~~paragraph (8)(c)~~ if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to s. 1002.421(1)(q) ~~paragraph (8)(c)~~, the appropriate scholarship-funding organization shall annually notify the Commissioner of Education by October 30~~, 2011, and annually thereafter~~ of:

(I) A private school's failure to submit a report required under s. 1002.421(1)(q) ~~paragraph (8)(c)~~; or

(II) Any material exceptions set forth in the report required under s. 1002.421(1)(q) ~~paragraph (8)(e)~~.

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools and the Department of Education when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

(p) Must maintain the surety bond or letter of credit required by subsection (15) ~~subsection (16)~~. The amount of the surety bond or letter of credit may be adjusted quarterly to equal the actual amount of undisbursed funds based upon submission by the organization of a statement from a certified public accountant verifying the amount of undisbursed funds. The requirements of this paragraph are waived if the cost of acquiring a surety bond or letter of credit exceeds the average 10-year cost of acquiring a surety bond or letter of credit by 200 percent. The requirements of this paragraph are waived for a state university; or an independent college or university which is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, located and chartered in this state, is not for profit, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

~~(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.~~

~~(c) Be academically accountable to the parent for meeting the educational needs of the student by:~~

~~1. At a minimum, annually providing to the parent a written explanation of the student's progress.~~

(b)1.~~2.~~ Annually administer or make ~~administering or making~~ provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students

with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to a state university ~~the Learning System Institute~~ described in paragraph (9)(f) ~~paragraph (9)(j)~~.

2. Administer ~~3. Cooperating with the scholarship student whose parent chooses to have the student participate in~~ the statewide assessments pursuant to s. 1008.22 ~~or,~~ if a private school chooses to offer the statewide assessments~~, administering the assessments at the school~~.

~~a.~~ A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10 and~~.~~

~~b. A participating private school~~ must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

~~(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.~~

~~(c) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than~~

~~$250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.~~

If a private school fails ~~is unable~~ to meet the requirements of this subsection or s. 1002.421 ~~or has consecutive years of material exceptions listed in the report required under paragraph (c)~~, the commissioner may determine that the private school is ineligible to participate in the scholarship program ~~as determined by the Department of Education~~.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(a) Annually submit to the department and division, by March 15, a list of eligible nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(f).

(b) Annually verify the eligibility of nonprofit scholarship-funding organizations that meet the requirements of paragraph (2)(f).

~~(c) Annually verify the eligibility of private schools that meet the requirements of subsection (8).~~

(c) ~~(d)~~ Annually verify the eligibility of expenditures as provided in paragraph (6)(d) using the audit required by paragraph (6)(m) and s. 11.45(2)(l) ~~s. 11.45(2)(k)~~.

~~(e) Establish a toll-free hotline that provides parents and private schools with information on participation in the scholarship program.~~

~~(f) Establish a process by which individuals may notify the Department of Education of any violation by a parent, private school, or school district of state laws relating to program participation. The Department of Education shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the Department of Education may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.~~

~~(g) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.~~

(d) ~~(h)~~ Cross-check the list of participating scholarship students with the public school enrollment lists to avoid

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FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 7055 2018

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(e) ~~(i)~~ Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in subparagraph (8)(b)1 ~~subparagraph (8)(c)2~~. The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) ~~(j)~~ Issue a project grant award to a state university ~~the Learning System Institute at the Florida State University~~, to which participating private schools must report the scores of participating students on the nationally norm-referenced tests or the statewide assessments administered by the private school in grades 3 through 10. The project term is 2 years, and the amount of the project is up to $250,000 ~~$500,000~~ per year. The project grant award must be reissued in 2-year intervals in accordance with this paragraph.

1. The state university ~~Learning System Institute~~ must annually report to the Department of Education on the student performance of participating students:

a. On a statewide basis. The report shall also include, to the extent possible, a comparison of scholarship students' performance to the statewide student performance of public school students with socioeconomic backgrounds similar to those of students participating in the scholarship program. To minimize costs and reduce time required for the state university's ~~Learning System Institute's~~ analysis and

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evaluation, the Department of Education shall coordinate with the state university ~~Learning System Institute~~ to provide data to the state university ~~Learning System Institute~~ in order to conduct analyses of matched students from public school assessment data and calculate control group student performance using an agreed-upon methodology with the state university ~~Learning System Institute~~; and

b. On an individual school basis. The annual report must include student performance for each participating private school in which at least 51 percent of the total enrolled students in the private school participated in the Florida Tax Credit Scholarship Program in the prior school year. The report shall be according to each participating private school, and for participating students, in which there are at least 30 participating students who have scores for tests administered. If the state university ~~Learning System Institute~~ determines that the 30-participating-student cell size may be reduced without disclosing personally identifiable information, as described in 34 C.F.R. s. 99.12, of a participating student, the state university ~~Learning System Institute~~ may reduce the participating-student cell size, but the cell size must not be reduced to less than 10 participating students. The department shall provide each private school's prior school year's student enrollment information to the state university ~~Learning System Institute~~ no later than June 15 of each year, or as requested by

the state university ~~Learning System Institute~~.

2. The sharing and reporting of student performance data under this paragraph must be in accordance with requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act, and the applicable rules and regulations issued pursuant thereto, and shall be for the sole purpose of creating the annual report required by subparagraph 1. All parties must preserve the confidentiality of such information as required by law. The annual report must not disaggregate data to a level that will identify individual participating schools, except as required under sub-subparagraph 1.b., or disclose the academic level of individual students.

3. The annual report required by subparagraph 1. shall be published by the Department of Education on its website.

(g) ~~(k)~~ Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving educational scholarships pursuant to chapter 1002.

(h) ~~(l)~~ Notify an eligible nonprofit scholarship-funding organization of any of the organization's identified students who are receiving tax credit scholarships from other eligible nonprofit scholarship-funding organizations.

(i) ~~(m)~~ Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private

schools at which the students are enrolled, and other information deemed necessary by the Department of Education.

~~(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. The Department of Education may not make more than seven site visits each year; however, the department may make additional site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years.~~

~~2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.~~

(j) ~~(o)~~ Provide a process to match the direct certification list with the scholarship application data submitted by any nonprofit scholarship-funding organization eligible to receive

the 3-percent administrative allowance under paragraph (6)(j).

~~(p) Upon the request of a participating private school, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.~~

~~(11) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—~~

~~(a)1. The Commissioner of Education shall deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of this section. However, in instances in which the noncompliance is correctable within a reasonable amount of time and in which the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance that shall provide the private~~

~~school with a timeframe within which to provide evidence of compliance prior to taking action to suspend or revoke the private school's participation in the scholarship program.~~

~~2. The Commissioner of Education may deny, suspend, or revoke a private school's participation in the scholarship program if the commissioner determines that:~~

~~a. An owner or operator of a private school has exhibited a previous pattern of failure to comply with this section or s. 1002.421; or~~

~~b. An owner or operator of the private school is operating or has operated an educational institution in this state or another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.~~

~~In making the determination under this subparagraph, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator that led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the Department of Education or a nonprofit scholarship-funding organization for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction, civil fine, administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which the owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.~~

~~(b) The commissioner's determination is subject to the following:~~

~~1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the Department of Education shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the Department of Education. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.~~

~~2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the Department of Education's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the Department of Education shall forward the request to the Division of Administrative Hearings.~~

~~3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative~~

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

~~Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.~~

~~(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:~~

~~1. An imminent threat to the health, safety, and welfare of the students;~~

~~2. A previous pattern of failure to comply with this section or s. 1002.421; or~~

~~3. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the Department of Education's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:~~

~~a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with~~

~~a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

~~b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.~~

~~c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.~~

~~The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).~~

Section 23. Section 1002.40, Florida Statutes, is created to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was subjected to an incident listed in subsection (3) an opportunity to transfer the student to another public school or to request a

scholarship for the student to enroll in and attend an eligible private school.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Dealer" has the same meaning as provided in s. 212.06.

(b) "Department" means the Department of Education.

(c) "Designated agent" has the same meaning as provided in s. 212.06(10).

(d) "Eligible contribution" or "contribution" means a monetary contribution from a person purchasing a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The person making the contribution may not designate a specific student as the beneficiary of the contribution.

(e) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as provided in s. 1002.395(2)(f).

(f) "Eligible private school" has the same meaning as provided in s. 1002.395(2)(g).

(g) "Motor vehicle" has the same meaning as provided in s. 320.01(1)(a), but does not include a heavy truck, truck tractor, trailer, or motorcycle.

(h) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose student was subjected to an incident listed in subsection (3).

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

(i) "Program" means the Hope Scholarship Program.

(j) "School" means any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(k) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act, or by a subsequent special appropriations act, for the applicable state fiscal year.

(3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if the student has been subjected to an incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship to a student enrolled in a private school may not be made if a student is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the

College-Preparatory Boarding Academy; a developmental research school authorized under s. 1002.32; or a charter school authorized under s. 1002.33, s. 1002.331, or s. 1002.332;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(d) Receiving any other educational scholarship pursuant to this chapter.

(5) TERM OF HOPE SCHOLARSHIP.-For purposes of continuity of educational choice, a Hope scholarship shall remain in force until the student returns to public school or graduates from high school, whichever occurs first. A scholarship student who enrolls in a public school or public school program is considered to have returned to a public school for the purpose of determining the end of the scholarship's term.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a) Upon receipt of a report of an incident listed in subsection (3), the school principal shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by s. 1006.09(6). Upon conclusion of the investigation or within 15 days after the

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

incident was reported, whichever occurs first, the school district shall notify the parent of the program and offer the parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding. A parent who chooses to enroll his or her student in a public school located outside the district in which the student resides pursuant to s. 1002.31 shall be eligible for a scholarship to transport the student as provided in paragraph (11)(b).

(b) For each student participating in the program in an eligible private school who chooses to participate in the statewide assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.

(7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b)1. Annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22.

Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent.

2. Administer the statewide assessments pursuant to s. 1008.22 if a private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10 and must submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

If a private school fails to meet the requirements of this subsection or s. 1002.421, the commissioner may determine that the private school is ineligible to participate in the program.

(8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Cross-check the list of participating scholarship students with the public school enrollment lists to avoid duplication.

(b) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.

(c) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

(d) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school climate and code of student conduct of each public school from which 10 or more students transferred to another public school or private school using the Hope scholarship to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights that are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district.

b. An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel.

c. An analysis of school incident and discipline data.

d. The challenges and obstacles relating to implementing recommendations from the review.

2. Reviewing the school climate and code of student conduct of each public school to which a student transferred if the student was from a school identified in subparagraph 1. in

order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which at least 51 percent of the total enrolled students in the prior school year participated in the program and in which there are at least 10 participating students who have scores for tests administered.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges to or obstacles in addressing the incident or relating to the use of the scholarship.

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Hope scholarship is exercising his or her parental option to place his or her student in an eligible private school.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with such school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of such school. If payment is made by funds transfer in accordance with paragraph (11)(d), the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization may establish scholarships for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.

(c) Establishing a date by which the parent of a participating student must confirm continuing participation in the program.

(d) Awarding scholarship funds to eligible students, giving priority to renewing students from the previous year.

(e) Preparing and submitting quarterly reports to the department pursuant to paragraph (8)(c). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the program.

(f) Notifying the department of any violation of this section.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

2. Ninety-two percent for a student enrolled in grade 6 through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

(b) The maximum amount awarded to a student enrolled in a public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the eligible nonprofit scholarship-funding organization must receive all documentation required for the student's participation, including a copy of the report of the incident received pursuant to subsection (6) and the private school's and student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible

nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An eligible nonprofit scholarship-funding organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions. An eligible nonprofit scholarship-funding organization may not charge an application fee.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(12) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this paragraph within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP FUNDING TAX CREDITS—

(a) A tax credit is available under s. 212.1832(1) for use by a person that makes an eligible contribution. Each eligible

contribution is limited to a single payment of $105 per motor vehicle purchased at the time of purchase of a motor vehicle or a single payment of $105 per motor vehicle purchased at the time of registration of a motor vehicle that was not purchased from a dealer. Payments of contributions shall be made to a dealer at the time of purchase of a motor vehicle or to a designated agent or private tag agent at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by a contribution election form provided by the Department of Revenue. The form shall include, at a minimum, a brief description of the Hope Scholarship Program and a section allowing the consumer to designate, from all participating scholarship funding organizations, which organization will receive his or her donation. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(b) A dealer, designated agent, or private tag agent shall:

1. Provide the purchaser the contribution election form, as provided by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer's or agent's federal employer

identification number, remit to an organization no later than the date the return filed pursuant to s. 212.11 is due the total amount of contributions made to that organization and collected during the preceding reporting period. The dealer or agent shall also report this information to the Department of Revenue no later than the date the return filed pursuant to s. 212.11 is due.

4. Report to the Department of Revenue on each return filed pursuant to s. 212.11 the total amount of credits granted under s. 212.1832 for the preceding reporting period.

(c) An organization shall report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include:

1. The federal employer identification number of each designated agent, private tag agent, or dealer who remitted contributions to the organization during that reporting period.

2. The amount of contributions received from each designated agent, private tag agent, or dealer during that reporting period.

(d) A person who, with the intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft, punishable as follows:

1. If the total amount stolen is less than $300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(f) Upon a finding that a dealer failed to remit a contribution under subparagraph (b)3. for which the dealer claimed a credit pursuant to s. 212.1832(2), the Department of Revenue shall notify the dealer of such finding and request evidence from the dealer that demonstrates the remittance

obligation was met within 30 days after such notice was issued. If, within 30 days after such notice was issued, the dealer fails to provide evidence to the Department of Revenue that the contribution in question was remitted, the Department of Revenue may impose a civil fine in an amount equal to twice the amount of contributions the dealer failed to remit, which fine shall be transferred into the General Revenue Fund. If the fine is not paid within 60 days after it is imposed, the Department of Revenue may bring a civil action under s. 120.69 to recover such fine.

(g) Any dealer, designated agent, private tag agent, or organization that fails to timely submit reports to the Department of Revenue as required in paragraphs (b) and (c) is subject to a penalty of $1,000 for every month, or part thereof, the report is not provided, up to a maximum amount of $10,000. Such penalty shall be collected by the Department of Revenue and shall be transferred into the General Revenue Fund. Such penalty must be settled or compromised if it is determined by the Department of Revenue that the noncompliance is due to reasonable cause and not due to willful negligence, willful neglect, or fraud.

(14) LIABILITY.—The state is not liable for the award of or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school

district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(16) RULES.—The State Board of Education shall adopt rules to administer this section, except the Department of Revenue shall adopt rules to administer subsection (13).

Section 24. Section 1002.411, Florida Statutes, is created to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

f. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

(I) Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

(II) Services provided by speech-language pathologists as defined in s. 468.1125.

(III) Occupational therapy services as defined in s. 468.203.

(IV) Services provided by physical therapists as defined in s. 486.021.

(V) Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

(b) The parent is responsible for the payment of all eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding

organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) The maximum amount granted for an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department shall release the student's scholarship funds to such organization to be deposited into the student's account.

(d) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to

lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Section 25. Section 1002.421, Florida Statutes, is amended to read:

1002.421 ~~Accountability of private schools participating in~~ State school choice scholarship program accountability and oversight ~~programs~~.—

(1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A ~~Florida~~ private school participating in ~~the Florida Tax Credit~~

~~Scholarship Program established pursuant to s. 1002.395 or~~ an educational scholarship program established pursuant to this chapter must be a Florida private school as defined in s. 1002.01(2), be registered, and be in compliance ~~comply~~ with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools, and must:~~.~~

~~(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:~~

(a) Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.

(b) Notify the department of its intent to participate in a scholarship program.

(c) Notify the department of any change in the school's name, school director, mailing address, or physical location within 15 days after the change.

(d) Provide to the department or scholarship-funding organization all documentation required for a student's participation, including the private school's and student's individual fee schedule, and ~~Complete student enrollment and attendance verification requirements, including use of an online~~

attendance verification as required by the department or scholarship-funding organization ~~form~~, prior to scholarship payment.

(e) Annually complete and submit to the department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to s. 943.0542 and have met the screening standards of s. 435.04.

(f) Demonstrate fiscal soundness and accountability by:

1. Being in operation for at least 3 school years or obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department.

2. Requiring the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school or approve a funds transfer before any funds are deposited for a student. The school may not act as attorney in fact for the parent of a scholarship student under the authority of a power of attorney executed by such parent, or under any other authority, to endorse a scholarship warrant or approve a funds transfer ~~warrants~~ on behalf of such parent.

(g) Meet applicable state and local health, safety, and welfare laws, codes, and rules, including:

1. Firesafety.

2. Building safety.

(h) Employ or contract with teachers who hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(i) Maintain a physical location in the state at which each student has regular and direct contact with teachers.

(j) Publish on the school's website, or in a written format, information for parents regarding the school, including, but not limited to, programs, services, and the qualifications of classroom teachers.

(k) At a minimum, provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.

(l) Cooperate with a student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(m) ~~(i)~~ Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening

standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 is not required to comply with the provisions of this paragraph.

5. ~~(3)(a)~~ All fingerprints submitted to the Department of Law Enforcement as required by this section shall be retained by the Department of Law Enforcement in a manner provided by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). Such fingerprints shall thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric

identification system pursuant to s. 943.051.

6.~~(b)~~ The Department of Law Enforcement shall search all arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 5 ~~paragraph (a)~~. Any arrest record that is identified with the retained fingerprints of a person subject to the background screening under this section shall be reported to the employing school with which the person is affiliated. Each private school participating in a scholarship program is required to participate in this search process by informing the Department of Law Enforcement of any change in the employment or contractual status of its personnel whose fingerprints are retained under subparagraph 5 ~~paragraph (a)~~. The Department of Law Enforcement shall adopt a rule setting the amount of the annual fee to be imposed upon each private school for performing these searches and establishing the procedures for the retention of private school employee and contracted personnel fingerprints and the dissemination of search results. The fee may be borne by the private school or the person fingerprinted.

7.~~(c)~~ Employees and contracted personnel whose fingerprints are not retained by the Department of Law Enforcement under subparagraphs 5. and 6. ~~paragraphs (a) and (b)~~ are required to be refingerprinted and must meet state and national background screening requirements upon reemployment or

reengagement to provide services in order to comply with the requirements of this section.

8.~~(d)~~ Every 5 years following employment or engagement to provide services with a private school, employees or contracted personnel required to be screened under this section must meet screening standards under s. 435.04, at which time the private school shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for national processing. If the fingerprints of employees or contracted personnel are not retained by the Department of Law Enforcement under subparagraph 5. ~~paragraph (a)~~, employees and contracted personnel must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the private school shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for national processing, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 5 ~~paragraph (a)~~.

~~(4) A private school that accepts scholarship students under s. 1002.39 or s. 1002.395 must:~~

~~(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment~~

~~under s. 1012.315.~~

(n) ~~(b)~~ Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be

enforced.

(o) ~~(c)~~ Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

(p) Require each owner or operator of the private school, prior to employment or engagement to provide services, to undergo level 2 background screening as provided under chapter 435. For purposes of this paragraph, the term "owner or operator" means an owner, operator, superintendent, or principal of, or a person with equivalent decisionmaking authority over, a private school participating in a scholarship program established pursuant to this chapter. The fingerprints for the background screening must be electronically submitted to the Department of Law Enforcement and may be taken by an authorized law enforcement agency or a private company who is trained to take fingerprints. However, the complete set of fingerprints of an owner or operator may not be taken by the owner or operator. The owner or operator shall provide a copy of the results of the state and national criminal history check to the Department of Education. The cost of the background screening may be borne by

the owner or operator.

1. Every 5 years following employment or engagement to provide services, each owner or operator must meet level 2 screening standards as described in s. 435.04, at which time the owner or operator shall request the Department of Law Enforcement to forward the fingerprints to the Federal Bureau of Investigation for level 2 screening. If the fingerprints of an owner or operator are not retained by the Department of Law Enforcement under subparagraph 2., the owner or operator must electronically file a complete set of fingerprints with the Department of Law Enforcement. Upon submission of fingerprints for this purpose, the owner or operator shall request that the Department of Law Enforcement forward the fingerprints to the Federal Bureau of Investigation for level 2 screening, and the fingerprints shall be retained by the Department of Law Enforcement under subparagraph 2.

2. Fingerprints submitted to the Department of Law Enforcement as required by this paragraph must be retained by the Department of Law Enforcement in a manner approved by rule and entered in the statewide automated biometric identification system authorized by s. 943.05(2)(b). The fingerprints must thereafter be available for all purposes and uses authorized for arrest fingerprints entered in the statewide automated biometric identification system pursuant to s. 943.051.

3. The Department of Law Enforcement shall search all

arrest fingerprints received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under subparagraph 2. Any arrest record that is identified with an owner's or operator's fingerprints must be reported to the owner or operator, who must report to the Department of Education. Any costs associated with the search shall be borne by the owner or operator.

4. An owner or operator who fails the level 2 background screening is not eligible to participate in a scholarship program under this chapter.

5. In addition to the offenses listed in s. 435.04, a person required to undergo background screening pursuant to this part or authorizing statutes must not have an arrest awaiting final disposition for, must not have been found guilty of, or entered a plea of nolo contendere to, regardless of adjudication, and must not have been adjudicated delinquent for, and the record must not have been sealed or expunged for, any of the following offenses or any similar offense of another jurisdiction:

a. Any authorizing statutes, if the offense was a felony.

b. This chapter, if the offense was a felony.

c. Section 409.920, relating to Medicaid provider fraud.

d. Section 409.9201, relating to Medicaid fraud.

e. Section 741.28, relating to domestic violence.

f. Section 817.034, relating to fraudulent acts through

mail, wire, radio, electromagnetic, photoelectronic, or photooptical systems.

g. Section 817.234, relating to false and fraudulent insurance claims.

h. Section 817.505, relating to patient brokering.

i. Section 817.568, relating to criminal use of personal identification information.

j. Section 817.60, relating to obtaining a credit card through fraudulent means.

k. Section 817.61, relating to fraudulent use of credit cards, if the offense was a felony.

l. Section 831.01, relating to forgery.

m. Section 831.02, relating to uttering forged instruments.

n. Section 831.07, relating to forging bank bills, checks, drafts, or promissory notes.

o. Section 831.09, relating to uttering forged bank bills, checks, drafts, or promissory notes.

p. Section 831.30, relating to fraud in obtaining medicinal drugs.

q. Section 831.31, relating to the sale, manufacture, delivery, or possession with the intent to sell, manufacture, or deliver any counterfeit controlled substance, if the offense was a felony.

6. At least 30 calendar days before a transfer of

ownership of a private school, the owner or operator shall notify the parent of each scholarship student.

7. The owner or operator of a private school that has been deemed ineligible to participate in a scholarship program pursuant to this chapter may not transfer ownership or management authority of the school to a relative in order to participate in a scholarship program as the same school or a new school. For purposes of this subparagraph, the term "relative" means father, mother, son, daughter, grandfather, grandmother, brother, sister, uncle, aunt, cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

(q) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed pursuant to s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter in a state fiscal year. A private school subject to this subsection must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. However, a school that receives more than $250,000 in scholarship funds only through the John M. McKay Scholarship for Students with Disabilities Program pursuant to s. 1002.39 must submit the report by

September 15 to the department. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The department shall suspend the payment of funds ~~under ss. 1002.39 and 1002.395~~ to a private school that knowingly fails to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

~~(5)~~ If ~~The inability of~~ a private school fails to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (q), the commissioner may determine that the private school is ineligible ~~section shall constitute a basis for the ineligibility of the private school~~ to participate in a scholarship program ~~as determined by the department~~.

(2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

(a) The Department of Education shall:

1. Annually verify the eligibility of private schools that meet the requirements of this section, specific requirements identified within respective scholarship program laws, and other provisions of state law that apply to private schools.

2. Establish a toll-free hotline that provides parents and private schools with information on participation in the

scholarship programs.

3. Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. If the department has reasonable cause to believe that a violation of this section or any rule adopted by the State Board of Education has occurred, it shall conduct an inquiry or make a referral to the appropriate agency for an investigation. A department inquiry is not subject to the requirements of chapter 120.

4. Require an annual, notarized, sworn compliance statement from participating private schools certifying compliance with state laws, and retain such records.

5. Coordinate with the entities conducting the health inspection for a private school to obtain copies of the inspection reports.

6. Conduct site visits to private schools entering a scholarship program for the first time. Beginning with the 2019-2020 school year, a private school is not eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is in compliance with all other requirements of this section.

7. Coordinate with the State Fire Marshal to obtain access to fire inspection reports for private schools. The authority conducting the fire safety inspection shall certify to the State

Fire Marshal that the annual inspection has been completed and that the school is in full compliance. The certification shall be made electronically or by such other means as directed by the State Fire Marshal.

8. Upon the request of a participating private school authorized to administer statewide assessments, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

(b) The department may conduct site visits to any private school participating in a scholarship program pursuant to this chapter that has received a complaint about a violation of state law or state board rule pursuant to subparagraph (a)3. or has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

(c) Annually, by December 15, the department shall report to the Governor, the President of the Senate, and the Speaker of the House of Representatives its actions in implementing accountability in the scholarship programs under this section, any substantiated allegations or violations of law or rule by an eligible private school under this section, and the corrective action taken.

(3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—The Commissioner of Education:

(a) Shall deny, suspend, or revoke a private school's participation in a scholarship program if it is determined that the private school has failed to comply with this section or exhibits a previous pattern of failure to comply. However, if the noncompliance is correctable within a reasonable amount of time, not to exceed 45 days, and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

(b) May deny, suspend, or revoke a private school's participation in a scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary

to the health, safety, or welfare of the public or if the owner or operator has exhibited a previous pattern of failure to comply with this section or specific requirements identified within respective scholarship program laws. For purposes of this subsection, the term "owner or operator" has the same meaning as provided in paragraph (1)(p).

(c)1. In making such a determination, may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial, suspension, or revocation of participation in a state or federal education scholarship program; an owner's or operator's failure to reimburse the department or scholarship-funding organization for scholarship funds improperly received or retained by a school; the imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; the imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

2. The commissioner's determination is subject to the

following:

a. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

b. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

c. Upon receipt of a request referred pursuant to this subparagraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall

be entered by the agency within 30 days after the entry of a recommended order. The provisions of this sub-subparagraph may be waived upon stipulation by all parties.

(d) May immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students;

2. A previous pattern of failure to comply with this section; or

3. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in subparagraph (c)2.

(4) ~~(6)~~ The inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(5) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section, including rules to establish a deadline for private school applications for participation and timelines for the department to conduct site visits.

Section 26. Subsection (2) of section 1003.42, Florida Statutes, is amended to read:

1003.42 Required instruction.—

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

(a) The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.

(b) The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the 10 amendments that make up the Bill of Rights and how the constitution provides the structure of our government.

(c) The arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers.

(d) Flag education, including proper flag display and flag salute.

(e) The elements of civil government, including the primary functions of and interrelationships between the Federal

Government, the state, and its counties, municipalities, school districts, and special districts.

(f) The history of the United States, including the period of discovery, early colonies, the War for Independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.

(g) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

(h) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of

African Americans to society. Instructional materials shall include the contributions of African Americans to American society.

(i) The elementary principles of agriculture.

(j) The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.

(k) Kindness to animals.

(l) The history of the state.

(m) The conservation of natural resources.

(n) Comprehensive health education that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy; mental and emotional health; injury prevention and safety; Internet safety; nutrition; personal health; prevention and control of disease; and substance use and abuse. The health education curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component that includes, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

(o) Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the district school board in fulfilling the requirements of law.

(p) The study of Hispanic contributions to the United States.

(q) The study of women's contributions to the United States.

(r) The nature and importance of free enterprise to the United States economy.

(s) A character-development program in the elementary schools, similar to Character First or Character Counts, which is secular in nature. Beginning in school year 2004-2005, the character-development program shall be required in kindergarten through grade 12. Each district school board shall develop or adopt a curriculum for the character-development program that shall be submitted to the department for approval. The character-development curriculum shall stress the qualities of patriotism; responsibility; citizenship; kindness; respect for authority, life, liberty, and personal property; honesty; charity; self-control; racial, ethnic, and religious tolerance; and cooperation. The character-development curriculum for grades 9 through 12 shall, at a minimum, include instruction on developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume; developing and

practicing the skills necessary for employment interviews; conflict resolution, workplace ethics, and workplace law; managing stress and expectations; and developing skills that enable students to become more resilient and self-motivated.

(t) In order to encourage patriotism, the sacrifices that veterans and Medal of Honor recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans' Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor recipients when practicable.

The State Board of Education is encouraged to adopt standards and pursue assessment of the requirements of this subsection. A character development program that incorporates the values of the recipients of the Congressional Medal of Honor and that is offered as part of a social studies, English Language Arts, or other schoolwide character building and veteran awareness initiative meets the requirements of paragraphs (s) and (t).

Section 27. Section 1003.576, Florida Statutes, is amended to read:

1003.576 Individual education plans for exceptional students.—The Department of Education must develop and have an operating electronic IEP system in place for ~~potential~~ statewide use ~~no later than July 1, 2007~~. The statewide system shall be

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

developed collaboratively with school districts and must include input from school districts currently developing or operating electronic IEP systems.

Section 28. Subsection (6) 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:

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~ conduct a security risk assessment at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the department. Based on these assessment ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually, each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board

meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

Section 29. Subsection (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(13)(a) The dual enrollment program for a home education student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate

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FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 7055 2018

in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students.

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(24)

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but

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not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.

~~6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.~~

Section 30. Paragraphs (a) and (d) of subsection (3) and paragraph (a) of subsection (8) of section 1008.22, Florida

Statutes, are amended to read:

1008.22 Student assessment program for public schools.—

(3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The Commissioner of Education shall design and implement a statewide, standardized assessment program aligned to the core curricular content established in the Next Generation Sunshine State Standards. The commissioner also must develop or select and implement a common battery of assessment tools that will be used in all juvenile justice education programs in the state. These tools must accurately measure the core curricular content established in the Next Generation Sunshine State Standards. Participation in the assessment program is mandatory for all school districts and all students attending public schools, including adult students seeking a standard high school diploma under s. 1003.4282 and students in Department of Juvenile Justice education programs, except as otherwise provided by law. If a student does not participate in the assessment program, the school district must notify the student's parent and provide the parent with information regarding the implications of such nonparticipation. The statewide, standardized assessment program shall be designed and implemented as follows:

(a) Statewide, standardized comprehensive assessments.—The statewide, standardized Reading assessment shall be administered annually in grades 3 through 10. The statewide, standardized Writing assessment shall be administered annually at least once

at the elementary, middle, and high school levels. When the Reading and Writing assessments are replaced by English Language Arts (ELA) assessments, ELA assessments shall be administered to students in grades 3 through 10. Retake opportunities for the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must be provided. Students taking the ELA assessments shall not take the statewide, standardized assessments in Reading or Writing. Reading passages and writing prompts for ELA assessments shall incorporate grade-level core curricula content from social studies ~~be administered online~~. The statewide, standardized Mathematics assessments shall be administered annually in grades 3 through 8. Students taking a revised Mathematics assessment shall not take the discontinued assessment. The statewide, standardized Science assessment shall be administered annually at least once at the elementary and middle grades levels. In order to earn a standard high school diploma, a student who has not earned a passing score on the grade 10 Reading assessment or, upon implementation, the grade 10 ELA assessment must earn a passing score on the assessment retake or earn a concordant score as authorized under subsection (9).

(d) Implementation schedule.—

1. The Commissioner of Education shall establish and publish on the department's website an implementation schedule to transition from the statewide, standardized Reading and

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FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 7055 2018

Writing assessments to the ELA assessments and to the revised Mathematics assessments, including the Algebra I and Geometry EOC assessments. The schedule must take into consideration funding, sufficient field and baseline data, access to assessments, instructional alignment, and school district readiness to administer the assessments online. All such assessments must be delivered through computer-based testing~~, however, the following assessments must be delivered in a computer-based format, as follows: the grade 3 Mathematics assessment beginning in the 2016-2017 school year; the grade 4 ELA assessment, beginning in the 2015-2016 school year; and the grade 4 Mathematics assessment, beginning in the 2016-2017 school year~~. Notwithstanding the requirements of this subparagraph, statewide, standardized ELA and mathematics assessments in grades 3 through 6 must be delivered only in a paper-based format~~, beginning with the 2017-2018 school year, and all such assessments must be paper-based~~ no later than the 2018-2019 school year, and statewide, standardized ELA and mathematics assessments in grades 7 and 8 must be delivered only in a paper-based format no later than the 2019-2020 school year.

2. The Department of Education shall publish minimum and recommended technology requirements that include specifications for hardware, software, networking, security, and broadband capacity to facilitate school district compliance with the requirements of this section.

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(8) PUBLICATION OF ASSESSMENTS.—To promote transparency in the statewide assessment program, in any procurement for the ELA assessment in grades 3 through 10 and the mathematics assessment in grades 3 through 8, the Department of Education shall solicit cost proposals for publication of the state assessments on its website in accordance with this subsection.

(a) The department shall publish each assessment administered under paragraph (3)(a) and subparagraph (3)(b)1., excluding assessment retakes, at least once on a triennial basis pursuant to a schedule determined by the Commissioner of Education. Each assessment, when published, must have been administered during the most recent school year and be in a format that facilitates the sharing of assessment items.

Section 31. Subsection (2) of section 1010.20, Florida Statutes, is amended to read:

1010.20 Cost accounting and reporting for school districts.—

(2) COST REPORTING.—

(a) Each district shall report on a district-aggregate basis expenditures for inservice training pursuant to s. 1011.62(3) and for categorical programs as provided in s. 1011.62(6).

(b) Each district shall report to the department on a school-by-school and on an aggregate district basis expenditures for:

1. Each program funded in s. 1011.62(1)(c).

2. Total operating costs as reported pursuant to s. 1010.215.

3. Expenditures for classroom instruction pursuant to the calculation in s. 1010.215(4)(b)1. and 2.

(c) The department shall:

1. Categorize all public schools and public school districts into appropriate groups based primarily on average full-time equivalent student enrollment as reported on the most recent student membership survey under s. 1011.62 and in state board rule to determine groups of peer schools and districts.

2. Annually calculate for each public school, public school district, and the entire state the percentage of classroom expenditures to total operating expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

3. Annually calculate for all public schools, public school districts, and the state the average percentage of classroom expenditures to total operating expenditures reported in subparagraphs (b)2. and 3. The results shall be categorized pursuant to this paragraph.

4. Develop a web-based fiscal transparency tool that identifies public schools and public school districts that produce high academic achievement based on the ratio of classroom instruction expenditures to total expenditures. The

fiscal transparency tool shall combine the data calculated pursuant to this paragraph with the student performance measurements calculated pursuant to s. 1012.34(7) to determine the financial efficiency of each public school and public school district. The results shall be displayed in an easy-to-use format that enables the user to compare performance among public schools and public school districts.

(d) ~~(c)~~ The Commissioner of Education shall present to the Legislature, prior to the opening of the regular session each year, a district-by-district report of the expenditures reported pursuant to paragraphs (a) and (b). The report shall include total expenditures, a detailed analysis showing expenditures for each program, and such other data as may be useful for management of the education system. The Commissioner of Education shall also compute cost factors relative to the base student allocation for each funded program in s. 1011.62(1)(c).

Section 32. Subsection (2) of section 1010.30, Florida Statutes, is amended to read:

1010.30 Audits required.—

(2) If an audit contains a significant deficiency or material weakness ~~finding~~, the district school board, the Florida College System institution board of trustees, or the university board of trustees shall conduct an audit overview during a public meeting. The audit overview shall describe the corrective action to be taken and a timeline for completion of

such action.

Section 33. Paragraph (a) of subsection (3) of section 1011.01, Florida Statutes, is amended to read:

1011.01 Budget system established.—

(3)(a) Each district school board and each Florida College System institution board of trustees shall prepare, adopt, and submit to the Commissioner of Education an annual operating budget. Operating budgets shall be prepared and submitted in accordance with the provisions of law, rules of the State Board of Education, the General Appropriations Act, and for district school boards in accordance with the provisions of s. 200.065 ~~ss. 200.065 and 1011.64~~.

Section 34. Subsection (2) of section 1011.03, Florida Statutes, is amended to read:

1011.03 Public hearings; budget to be submitted to Department of Education.—

~~(2) The advertisement of a district that has been required by the Legislature to increase classroom expenditures pursuant to s. 1011.64 must include the following statement: "This proposed budget reflects an increase in classroom expenditures as a percent of total current operating expenditures of XX percent over the (previous fiscal year) fiscal year. This increase in classroom expenditures is required by the Legislature because the district has performed below the required performance standard on XX of XX student performance~~

~~standards for the (previous school year) school year. In order to achieve the legislatively required level of classroom expenditures as a percentage of total operating expenditures, the proposed budget includes an increase in overall classroom expenditures of $XX,XXX,XXX above the amount spent for this same purpose during the (previous fiscal year) fiscal year. In order to achieve improved student academic performance, this proposed increase is being budgeted for the following activities: ...(list activities and amount budgeted)...."~~

Section 35. Subsection (2) of section 1011.035, Florida Statutes, is amended to read:

1011.035 School district fiscal ~~budget~~ transparency.—

(2) Each district school board shall post on its website a plain language version of each proposed, tentative, and official budget which describes each budget item in terms that are easily understandable to the public and includes:

(a) Graphical representations, for each public school within the district and for the school district, of the following:

1. Summary financial efficiency data.

2. Fiscal trend information for the previous 3 years on:

a. The ratio of full-time equivalent students to full-time equivalent instructional personnel.

b. The ratio of full-time equivalent students to full-time equivalent administrative personnel.

c. The total operating expenditures per full-time equivalent student.

d. The total instructional expenditures per full-time equivalent student.

e. The general administrative expenditures as a percentage of the total budget.

f. The rate of change in the general fund's ending fund balance which is not classified as restricted.

(b) A link to the web-based fiscal transparency tool developed by the department pursuant to s. 1010.20 to enable taxpayers to evaluate the financial efficiency of the school district and compare the financial efficiency of the school district with other similarly situated school districts.

This information must be prominently posted on the school district's website in a manner that is readily accessible to the public.

Section 36. Subsections (1) and (2) of section 1011.051, Florida Statutes, are amended to read:

1011.051 Guidelines for general funds.—The district school board shall maintain a general fund ending fund balance that is sufficient to address normal contingencies.

(1) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is

projected to fall below 3 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. If such financial condition exists for 2 consecutive fiscal years, the superintendent shall reduce the district's administrative expenditures reported pursuant to s. 1010.215(4)(a) in proportion to the reduction in the general fund's ending balance or the reduction in student enrollment, whichever is greater.

(2)(a) If at any time the portion of the general fund's ending fund balance not classified as restricted, committed, or nonspendable in the district's approved operating budget is projected to fall below 2 percent of projected general fund revenues during the current fiscal year, the superintendent shall provide written notification to the district school board and the Commissioner of Education. Within 14 days after receiving such notification, if the commissioner determines that the district does not have a plan that is reasonably anticipated to avoid a financial emergency as determined pursuant to s. 218.503, the commissioner shall appoint a financial emergency board that shall operate under the requirements, powers, and duties specified in s. 218.503(3)(g).

(b) If any of the conditions identified in s. 218.503(1) existed in the 2015-2016 school year or thereafter, the department shall contract with an independent third party to

conduct an investigation of all accounts and records to determine the cause of the deficit; what efforts, if any, were made to avoid the deficit; and whether any of the conditions identified in s. 1011.10 have occurred. The investigation must include a detailed review and analysis of documents and records, including, but not limited to, budget reports, journal entries, budget methodologies, staff emails, hard copy records, monthly financial statements, quarterly revenue and expenditure reports, finance staff job descriptions, and minutes from meetings. The results of the investigation must include recommendations for corrective action and controls to avoid a reoccurrence of a future budget shortfall. A final report shall be provided to the district school board, the department, the Legislative Auditing Committee, and the district's financial emergency board, if applicable.

Section 37. Subsection (2) of section 1011.06, Florida Statutes, is amended to read:

1011.06 Expenditures.—

(2) EXPENDITURES FROM DISTRICT AND OTHER FUNDS.— Expenditures from district and all other funds available for the public school program of any district shall be authorized by law and must be in accordance with procedures prescribed by the district school board. A district school board may establish policies that allow expenditures to exceed the amount budgeted by function and object, provided that the district school board

complies with s. 1011.09(4) and approves the expenditure by amending ~~and amends~~ the budget at the next scheduled public meeting. The district school board must provide a full explanation of any amendments at the public meeting ~~within timelines established by school board policies~~.

Section 38. Subsection (4) of section 1011.09, Florida Statutes, is amended to read:

1011.09 Expenditure of funds by district school board.—All state funds apportioned to the credit of any district constitute a part of the district school fund of that district and must be budgeted and expended under authority of the district school board subject to the provisions of law and rules of the State Board of Education.

(4) If the financial conditions in s. 1011.051 exist, a district school board ~~During the 2009-2010 fiscal year, unless otherwise specifically approved by the district school board, public funds~~ may not make expenditures ~~be expended~~ for ~~out-of-state~~ travel outside of the district or cellular phones, cellular phone service, personal digital assistants, or any other mobile wireless communication device or service, including text messaging, whether through purchasing, leasing, contracting, or any other method, while the financial conditions exist. The expenditure of public funds for art programs, music programs, sports programs, and extracurricular programs for students is a higher priority than expending funds for employee

travel and cellular phones.

Section 39. Subsection (3) is added to section 1011.10, Florida Statutes, to read:

1011.10 Penalty.—

(3) If any of the conditions identified in s. 218.503(1) exist within a school district, the salary of each district school board member and district school superintendent, calculated pursuant to ss. 1001.395 and 1001.47, shall be withheld until the conditions are corrected.

Section 40. Subsection (8) of section 1011.60, Florida Statutes, is amended to read:

1011.60 Minimum requirements of the Florida Education Finance Program.—Each district which participates in the state appropriations for the Florida Education Finance Program shall provide evidence of its effort to maintain an adequate school program throughout the district and shall meet at least the following requirements:

~~(8) MINIMUM CLASSROOM EXPENDITURE REQUIREMENTS.—Comply with the minimum classroom expenditure requirements and associated reporting pursuant to s. 1011.64.~~

Section 41. Paragraphs (f), (o), and (t) of subsection (1), paragraph (b) of subsection (6), and paragraphs (a), (c), and (d) of subsection (9) of section 1011.62, Florida Statutes, are amended to read:

1011.62 Funds for operation of schools.—If the annual

allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(f) Supplemental academic instruction allocation; ~~categorical fund~~.—

1. There is created the supplemental academic instruction allocation ~~a categorical fund~~ to provide supplemental academic instruction to students in kindergarten through grade 12. ~~This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."~~

2. The supplemental academic instruction allocation shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds are ~~categorical fund is~~ in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. Beginning with the 2018-2019 fiscal year, ~~These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program.~~ each school district

that has a school earning a grade of "D" or "F" pursuant to s. 1008.34 must use that school's portion of the supplemental academic instruction allocation to implement the intervention and support strategies for school improvement pursuant to s. 1008.33 and for salary incentives pursuant to s. 1012.2315(3) or salary supplements pursuant to s. 1012.22(1)(c)5.c. that are provided through a memorandum of understanding between the collective bargaining agent and the school board that addresses the selection, placement, and expectations of instructional personnel and school administrators. For all other schools, the school district's use of the supplemental academic instruction allocation ~~one or more of the 300 lowest-performing elementary schools based on the state reading assessment for the prior year shall use these funds, together with the funds provided in the district's research-based reading instruction allocation and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools. This additional hour of instruction must be provided by teachers or reading specialists who have demonstrated effectiveness in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading. Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis.~~

~~Exceptional student education centers shall not be included in the 300 schools. The designation of the 300 lowest-performing elementary schools must be based on the state reading assessment for the prior year. After this requirement has been met,~~ ~~supplemental instruction strategies~~ may include, but is ~~are~~ not limited to, the~~:~~ use of a modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, a reduction in class size, extended school year, intensive skills development in summer school, dropout prevention programs as defined in ss. 1003.52 and 1003.53(1)(a), (b), and (c), and other methods of improving student achievement. Supplemental academic instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. ~~Categorical funds for supplemental academic instruction shall be provided annually in the Florida Education Finance Program as specified in the General Appropriations Act. These funds shall be provided as a supplement to the funds appropriated for the basic funding level and shall be included in the total funds of each district.~~ The supplemental academic instruction allocation shall consist of a base amount that has a workload adjustment based on changes in unweighted FTE. ~~In addition, districts that have elementary schools included in the~~

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CS/HB 7055 2018

~~300 lowest-performing schools designation shall be allocated additional funds to assist those districts in providing intensive reading instruction to students in those schools. The amount provided shall be based on each district's level of per-student funding in the reading instruction allocation and the supplemental academic instruction categorical fund and on the total FTE for each of the schools.~~ The supplemental academic instruction allocation ~~categorical funding~~ shall be recalculated during the fiscal year ~~following an updated designation of the 300 lowest-performing elementary schools and shall be based on actual student membership from the FTE surveys~~. Upon recalculation of funding for the supplemental academic instruction allocation ~~categorical fund~~, if the total allocation is greater than the amount provided in the General Appropriations Act, the allocation shall be prorated to the level provided to support the appropriation, based on each district's share of the total.

4. ~~Effective with the 1999-2000 fiscal year,~~ Funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction allocation and

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other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

~~5. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.~~

~~6. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d)3.~~

(o) Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.—

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school

grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6

through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE

Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher pursuant to ~~under~~ this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

(t) Computation for funding through the Florida Education Finance Program.—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation and the criteria under which a student's industry certification

or grade may be rescinded.

(6) CATEGORICAL FUNDS.—

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for safe schools.

~~3. Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).~~

3.~~4.~~ Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

4.~~5.~~ Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and

course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. Each school district that has one or more of the 300 lowest-performing elementary schools based on a 3-year average of the state reading assessment data shall give priority to using that school's portion of the allocation to provide ~~providing~~ an additional hour per day of intensive reading instruction ~~beyond the normal school day for each day of the entire school year~~ for the students in each school. ~~The designation of the 300 lowest-performing elementary schools must be based on the state reading assessment for the prior year.~~ Students enrolled in these schools who earned a ~~have~~ level 4 or level 5 score on the statewide, standardized English Language Arts assessment for the previous school year ~~scores~~ may participate in the additional hour of instruction ~~on an optional basis~~. Exceptional student education centers may not be included in the 300 schools. The intensive reading instruction delivered in this additional hour ~~and for other students~~ shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency;

differentiated instruction based on screening, diagnostic, progress monitoring, or student assessment data to meet students' specific reading needs; explicit and systematic reading strategies to develop phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. ~~The provision of~~ An additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who have demonstrated effectiveness in teaching reading as required in paragraph (a).

2. Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.

3. ~~The provision of~~ Highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective

reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text, to help school district teachers earn a certification or an endorsement in reading.

5. ~~The provision of~~ Summer reading camps, using only teachers or other district personnel who are certified or endorsed in reading consistent with s. 1008.25(7)(b)3., for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized ~~reading assessment or, upon implementation, the~~ English Language Arts assessment.

6. ~~The provision of~~ Supplemental instructional materials that are grounded in scientifically based reading research as identified by the Just Read, Florida! Office pursuant to s. 1001.215(8).

7. ~~The provision of~~ Intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized English Language Arts assessment.

(d)1. Each school district that has a school that earns a grade below a "B" pursuant to s. 1008.34 shall annually~~, by a date determined by the Department of Education but before May 1, school districts shall~~ submit a ~~K-12~~ comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the department as part of the monitoring, intervention, and support strategies required under s. 1008.33 ~~Just Read, Florida! Office created pursuant to s. 1001.215~~. ~~The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution.~~ School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading intervention through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall provide for ~~allow courses in core, career, and alternative programs that deliver~~ intensive reading intervention ~~remediation~~ through integrated curricula, provided that the interventions are delivered by a teacher who is certified or endorsed in ~~deemed highly qualified to teach~~ reading or working toward that status. ~~No later than July 1~~

~~annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.~~

2. Each school district that has a school designated as one of the 300 lowest-performing elementary schools as specified in paragraph (a) shall specifically delineate in the comprehensive reading plan, or in an addendum to the comprehensive reading plan, the implementation design and reading intervention strategies that will be used for the required additional hour of reading instruction.

The term "reading intervention" may include strategies identified by the Just Read, Florida! Office pursuant to s. 1001.215(8), ~~includes evidence-based strategies frequently used to remediate reading deficiencies and also includes~~ individual instruction, tutoring, mentoring, or the use of technology that

targets specific reading skills and abilities.

Section 42. Section 1011.6202, Florida Statutes, is amended to read:

1011.6202 Principal Autonomy ~~Pilot~~ Program Initiative.—The Principal Autonomy ~~Pilot~~ Program Initiative is created within the Department of Education. The purpose of the ~~pilot~~ program is to provide a ~~the~~ highly effective principal of a participating school with increased autonomy and authority to operate his or her school, as well as other schools, in a way that produces significant improvements in student achievement and school management while complying with constitutional requirements. The State Board of Education may, upon approval of a principal autonomy proposal, enter into a performance contract with the ~~up to seven~~ district school board ~~boards~~ for participation in the ~~pilot~~ program.

(1) PARTICIPATING SCHOOL DISTRICTS.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a ~~The~~ district school board ~~boards in Broward, Duval, Jefferson, Madison, Palm Beach, Pinellas, and Seminole Counties~~ may submit, no later than December 1, to the state board for approval a principal autonomy proposal that exchanges statutory and rule exemptions for an agreement to meet performance goals established in the proposal. If approved by the state board, the ~~each of these~~ school district is ~~districts shall be~~ eligible to participate in the

~~pilot~~ program for 3 years. ~~At the end of the 3 years, the performance of all participating schools in the school district shall be evaluated.~~

(2) PRINCIPAL AUTONOMY PROPOSAL.—

(a) To participate in the ~~pilot~~ program, a school district must:

1. Identify three schools that received at least two school grades of "D" or "F" pursuant to s. 1008.34 during the previous 3 school years.

2. Identify three principals who have earned a highly effective rating on the prior year's performance evaluation pursuant to s. 1012.34, one of whom shall be assigned to each of the participating schools.

3. Describe the current financial and administrative management of each participating school; identify the areas in which each school principal will have increased fiscal and administrative autonomy, including the authority and responsibilities provided in s. 1012.28(8); and identify the areas in which each participating school will continue to follow district school board fiscal and administrative policies.

4. Explain the methods used to identify the educational strengths and needs of the participating school's students and identify how student achievement can be improved.

5. Establish performance goals for student achievement, as defined in s. 1008.34(1), and explain how the increased autonomy

of principals will help participating schools improve student achievement and school management.

6. Provide each participating school's mission and a description of its student population.

(b) The state board shall establish criteria, which must include the criteria listed in paragraph (a), for the approval of a principal autonomy proposal.

(c) A district school board must submit its principal autonomy proposal to the state board for approval by December 1 in order to begin participation in the subsequent school year. By February 28 of the school year in which the proposal is submitted, the state board shall notify the district school board in writing whether the proposal is approved.

(3) EXEMPTION FROM LAWS.—

(a) With the exception of those laws listed in paragraph (b), a participating school or a school operated by an independent governing board pursuant to subsection (5) is exempt from the provisions of chapters 1000-1013 and rules of the state board that implement those exempt provisions.

(b) A participating school or a school operated by an independent governing board pursuant to subsection (5) shall comply with the provisions of chapters 1000-1013, and rules of the state board that implement those provisions, pertaining to the following:

1. Those laws relating to the election and compensation of

district school board members, the election or appointment and compensation of district school superintendents, public meetings and public records requirements, financial disclosure, and conflicts of interest.

2. Those laws relating to the student assessment program and school grading system, including chapter 1008.

3. Those laws relating to the provision of services to students with disabilities.

4. Those laws relating to civil rights, including s. 1000.05, relating to discrimination.

5. Those laws relating to student health, safety, and welfare.

6. Section 1001.42(4)(f), relating to the uniform opening date for public schools.

7. Section 1003.03, governing maximum class size, except that the calculation for compliance pursuant to s. 1003.03 is the average at the school level for a participating school.

8. Sections 1012.22(1)(c) and 1012.27(2), relating to compensation and salary schedules.

9. Section 1012.33(5), relating to workforce reductions for annual contracts for instructional personnel. This subparagraph does not apply to at-will employees.

10. Section 1012.335, relating to annual contracts for instructional personnel hired on or after July 1, 2011. This subparagraph does not apply to at-will employees.

11. Section 1012.34, relating to personnel evaluation procedures and criteria.

12. Those laws pertaining to educational facilities, including chapter 1013, except that s. 1013.20, relating to covered walkways for relocatables, and s. 1013.21, relating to the use of relocatable facilities exceeding 20 years of age, are eligible for exemption.

13. Those laws pertaining to participating school districts, including this section and ss. 1011.69(2) and 1012.28(8).

(c) A school shall remain exempt, as provided in this subsection, beyond the term of the program so long as the school receives no grade lower than a "B."

(4) PROFESSIONAL DEVELOPMENT.—Each participating school district shall require that the principal of each participating school and a designated leadership team selected by the principal of the participating school~~, a three-member leadership team from each participating school, and district personnel working with each participating school~~ complete a nationally recognized school turnaround program which focuses on improving leadership, instructional infrastructure, talent management, and differentiated support and accountability. The required personnel must enroll in the nationally recognized school turnaround program upon acceptance into the ~~pilot~~ program. ~~Each participating school district shall receive $100,000 from the~~

~~department for participation in the nationally recognized school turnaround program.~~

(5) DISTRICT-INDEPENDENT AUTONOMOUS SCHOOLS.—To foster the development of principal autonomy and autonomous schools, participating school districts may expand the impact of participating principals by allowing participating principals to manage multiple schools under an independent governing board.

(a) A participating principal who successfully completes the training required by subsection (4) may manage one or more schools that are operated by an independent governing board through a contract with the school board. To avoid any conflict of interest regarding the review, approval, and oversight of the school, members of the governing board may not be employees of the school district or any school operated by the governing board.

(b) For the purposes of tort liability, the independent governing board, autonomous school, and its employees or agents shall be governed by s. 768.28. The school board shall not be liable for civil damages under state law for the employment actions or personal injury, property damage, or death resulting from an act or omission of an independent governing board, autonomous school, and its employees or agents.

(c) An autonomous school may be a private or a public employer. As a public employer, the autonomous school may participate in the Florida Retirement System upon application

and approval as a covered group under s. 121.021(34). If an autonomous school participates in the Florida Retirement System, the school's employees shall be compulsory members of the Florida Retirement System.

(6) ~~(5)~~ TERM OF PARTICIPATION.—The state board shall authorize a school district to participate in the ~~pilot~~ program for a period of 3 years commencing with approval of the principal autonomy proposal. ~~Authorization to participate in the pilot program may be renewed upon action of the state board.~~ The state board may revoke authorization to participate in the ~~pilot~~ program if the school district fails to meet the requirements of this section during the 3-year period.

~~(6) REPORTING.—Each participating school district shall submit an annual report to the state board. The state board shall annually report on the implementation of the Principal Autonomy Pilot Program Initiative. Upon completion of the pilot program's first 3-year term, the Commissioner of Education shall submit to the President of the Senate and the Speaker of the House of Representatives by December 1 a full evaluation of the effectiveness of the pilot program.~~

(7) FUNDING.—Subject to an annual appropriation, ~~The Legislature shall provide an appropriation to~~ the department shall fund ~~for~~ the costs of the ~~pilot~~ program to include the~~,~~ ~~including~~ administrative ~~costs~~ and enrollment costs for the nationally recognized school turnaround program required in

subsection (4)~~,~~ and an ~~additional~~ amount not to exceed ~~of~~ $10,000 for each participating principal in each participating district as an annual salary supplement for 3 years~~, a fund for the principal's school to be used at the principal's discretion, or both, as determined by the district~~. To be eligible for a salary supplement under this subsection, a participating principal must:

(a) Be rated "highly effective" as determined by the principal's performance evaluation under s. 1012.34;

(b) Be transferred to, or manage pursuant to subsection (5), a school that earned a grade of "F" or two ~~three~~ consecutive grades of "D" pursuant to s. 1008.34 and provided additional authority and responsibilities pursuant to s. 1012.28(8); and

(c) Have implemented a turnaround option under s. 1008.33 ~~s. 1008.33(4)~~ at a school as the school's principal or manager. The turnaround option must have resulted in the school improving by at least one letter grade while he or she was serving as the school's principal or manager.

(8) RULEMAKING.—The State Board of Education shall adopt rules to administer this section.

Section 43. Section 1011.64, Florida Statutes, is repealed.

Section 44. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as permitted by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration, which includes the district's indirect cost rate, not to exceed a total of 8 percent; ~~and~~

3. A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and

4. A necessary and reasonable amount, not to exceed 1 percent, for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, as well as wrap-around services.

Any funds provided by eligible schools pursuant to paragraph (b) shall not be included calculation of the 1-percent limitation.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational services provided by the school district under paragraph (a).

Section 45. Paragraph (e) of 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 charter schools pursuant to s. 1013.62(3) and for district schools to fund:

(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. If payments under lease-purchase agreements in the aggregate, including lease-purchase agreements entered into before June 30, 2009, exceed three-fourths of the proceeds from the millage levied pursuant to this subsection, the district school board may not withhold the administrative fees authorized by s. 1002.33(20) from any charter school operating in the school district.

Section 46. Subsection (2) of section 1012.23, Florida Statutes, is amended to read:

1012.23 School district personnel policies.—

(2) A district school superintendent or a district school board member may not appoint or ~~not~~ employ ~~or appoint~~ a relative, as defined in s. 112.3135, to work under the direct

supervision of that district school board member or district school superintendent. This subsection does not apply to employees appointed or employed before the election or appointment of a school board member or a district school superintendent. The Commission on Ethics shall accept and investigate any alleged violations of this subsection pursuant to the procedures in ss. 112.322-112.3241.

Section 47. Subsection (4) of section 1012.2315, Florida Statutes, is amended to read:

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(a) Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(b)1. In addition to the provisions under s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:

a. The number of employees in the bargaining unit who are eligible for representation by the employee organization.

b. The number of employees who are represented by the

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CS/HB 7055 2018

employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

Section 48. Subsection (8) of section 1012.28, Florida Statutes, is amended to read:

1012.28 Public school personnel; duties of school principals.—

(8) The principal of a school participating in the Principal Autonomy ~~Pilot~~ Program Initiative under s. 1011.6202 has the following additional authority and responsibilities:

(a) In addition to the authority provided in subsection (6), the authority to select qualified instructional personnel for placement or to refuse to accept the placement or transfer of instructional personnel by the district school superintendent. Placement of instructional personnel at a

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participating school in a participating school district does not affect the employee's status as a school district employee.

(b) The authority to deploy financial resources to school programs at the principal's discretion to help improve student achievement, as defined in s. 1008.34(1), and meet performance goals identified in the principal autonomy proposal submitted pursuant to s. 1011.6202.

(c) To annually provide to the district school superintendent and the district school board a budget for the operation of the participating school that identifies how funds provided pursuant to s. 1011.69(2) are allocated. ~~The school district shall include the budget in the annual report provided to the State Board of Education pursuant to s. 1011.6202(6).~~

Section 49. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in

F L O R I D A H O U S E O F R E P R E S E N T A T I V E S

CS/HB 7055 2018

compliance with s. 1002.33(12)(g), must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. If the district school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days after the submission of the fingerprints, it shall reimburse the cost of background screening.

Section 50. Subsection (4) of section 1012.55, Florida Statutes, is amended, and paragraph (e) is added to subsection (1) of that section, to read:

1012.55 Positions for which certificates required.—

(1)

(e)1. The department shall issue a 3-year temporary

certificate in educational leadership under s. 1012.56(7) to an individual who:

a. Earned a passing score on the Florida Educational Leadership Examination.

b. Served as a commissioned or noncommissioned military officer in the United States Armed Forces for at least 3 years.

c. Was honorably discharged or has retired from the United States Armed Forces.

d. Is employed full time in a position for which an educator certificate is required in a Florida public school, state-supported school, or nonpublic school that has a Level II program under s. 1012.562.

2. A Level II program under s. 1012.562 must accept an applicant who holds a temporary certificate under subparagraph 1. The department shall issue a permanent certification as a school principal to an individual who holds a temporary certificate under subparagraph 1. and successfully completes the Level II program.

(4) A commissioned or noncommissioned military officer who is an instructor of junior reserve officer training shall be exempt from requirements for teacher certification, except for the background screening pursuant to s. 1012.32, if he or she meets the following qualifications:

(a) Is retired from active military duty, pursuant to chapter 102 of Title 10 U.S.C.

(b) Satisfies criteria established by the appropriate military service for certification by the service as a junior reserve officer training instructor.

(c) Has an exemplary military record.

If such instructor is assigned instructional duties other than junior reserve officer training, he or she shall hold the certificate required by law and rules of the state board for the type of service rendered. An instructor of junior reserve officer training under this subsection may receive funding through the Florida Teachers Classroom Supply Assistance Program under s. 1012.71.

Section 51. Subsection (7) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(7) TYPES AND TERMS OF CERTIFICATION.—

(a) The Department of Education shall issue a professional certificate for a period not to exceed 5 years to any applicant who fulfills one of the following:

1. Meets all the requirements outlined in subsection (2).

2. For a professional certificate covering grades 6 through 12:

a. Meets the requirements of paragraphs (2)(a)-(h).

b. Holds a master's or higher degree in the area of science, technology, engineering, or mathematics.

c. Teaches a high school course in the subject of the advanced degree.

d. Is rated highly effective as determined by the teacher's performance evaluation under s. 1012.34, based in part on student performance as measured by a statewide, standardized assessment or an Advanced Placement, Advanced International Certificate of Education, or International Baccalaureate examination.

e. Achieves a passing score on the Florida professional education competency examination required by state board rule.

3. Meets the requirements of paragraphs (2)(a)-(h) and completes a professional preparation and education competence program approved by the department pursuant to paragraph (8)(c). An applicant who completes the program and is rated highly effective as determined by his or her performance evaluation under s. 1012.34 is not required to take or achieve a passing score on the professional education competency examination in order to be awarded a professional certificate.

(b) The department shall issue a temporary certificate to any applicant who completes the requirements outlined in paragraphs (2)(a)-(f) and completes the subject area content requirements specified in state board rule or demonstrates mastery of subject area knowledge pursuant to subsection (5) and holds an accredited degree or a degree approved by the Department of Education at the level required for the subject

area specialization in state board rule.

(c) The department shall issue one nonrenewable 2-year temporary certificate and one nonrenewable 5-year professional certificate to a qualified applicant who holds a bachelor's degree in the area of speech-language impairment to allow for completion of a master's degree program in speech-language impairment.

Each temporary certificate is valid for 3 school fiscal years and is nonrenewable. However, the requirement in paragraph (2)(g) must be met within 1 calendar year of the date of employment under the temporary certificate. Individuals who are employed under contract at the end of the 1 calendar year time period may continue to be employed through the end of the school year in which they have been contracted. A school district shall not employ, or continue the employment of, an individual in a position for which a temporary certificate is required beyond this time period if the individual has not met the requirement of paragraph (2)(g). At least 1 year before an individual's temporary certificate is set to expire, the department shall electronically notify the individual of the date on which his or her certificate will expire and provide a list of each method by which the qualifications for a professional certificate can be completed. The State Board of Education shall adopt rules to allow the department to extend the validity period of a

temporary certificate for 2 years when the requirements for the professional certificate, not including the requirement in paragraph (2)(g), were not completed due to the serious illness or injury of the applicant, the military service of an applicant's spouse, or other extraordinary extenuating circumstances. The rules must authorize the department to extend the validity period of a temporary certificate ~~or~~ for 1 year if the ~~temporary~~ certificateholder is rated effective or highly effective based solely on a student learning growth formula approved by the Commissioner of Education pursuant to s. 1012.34(8). The department shall reissue the temporary certificate for 2 additional years upon approval by the Commissioner of Education. A written request for reissuance of the certificate shall be submitted by the district school superintendent, the governing authority of a university lab school, the governing authority of a state-supported school, or the governing authority of a private school.

Section 52. Section 1012.562, Florida Statutes, is amended to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs

must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs ~~may be offered by school districts or postsecondary institutions and~~ lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs ~~may be offered by school districts,~~ build upon Level I training~~,~~ and lead to renewal certification as a school principal.

(1) PURPOSE.—The purpose of school leader preparation programs are to:

(a) Increase the supply of effective school leaders in the public schools of this state.

(b) Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.

(c) Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.

(d) Produce leaders with the competencies and skills necessary to achieve the state's education goals.

(e) Sustain the state system of school improvement and education accountability.

(2) LEVEL I PROGRAMS.—

(a) Initial approval of a Level I program shall be for a period of 5 years. A postsecondary institution, ~~or~~ school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level I school leader preparation program. To be approved, a Level I program must:

1. Provide competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. If the program is provided by a postsecondary institution, partner with at least one school district.

3. Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.

4. Describe how the training provided through the program will be aligned to the personnel evaluation criteria under s. 1012.34.

(b) Renewal of a Level I program's approval shall be for a period of 5 years and shall be based upon evidence of the program's continued ability to meet the requirements of paragraph (a). A postsecondary institution or school district must submit an institutional program evaluation plan in a format prescribed by the department for a Level I program to be considered for renewal. The plan must include:

1. The percentage of personnel who complete the program

and are placed in school leadership positions in public schools within the state.

2. Results from the personnel evaluations required under s. 1012.34 for personnel who complete the program.

3. The passage rate of personnel who complete the program on the Florida Education Leadership Examination.

4. The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner pursuant to s. 1012.34(7).

5. Strategies for continuous improvement of the program.

6. Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.

7. Additional data included at the discretion of the postsecondary institution or school district.

(c) A Level I program must guarantee the high quality of personnel who complete the program for the first 2 years after program completion or the person's initial certification as a school leader, whichever occurs first. If a person who completed the program is evaluated at less than highly effective or effective under s. 1012.34 and the person's employer requests additional training, the Level I program must provide additional training at no cost to the person or his or her employer. The training must include the creation of an individualized plan

agreed to by the employer that includes specific learning outcomes. The Level I program is not responsible for the person's employment contract with his or her employer.

(3) LEVEL II PROGRAMS.—Initial approval and subsequent renewal of a Level II program shall be for a period of 5 years. A school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level II school leader preparation program or for program renewal. To be approved or renewed, a Level II program must:

(a) Demonstrate that personnel accepted into the Level II program have:

1. Obtained their certificate in educational leadership under s. 1012.56.

2. Earned a highly effective or effective designation under s. 1012.34.

3. Satisfactorily performed instructional leadership responsibilities as measured by the evaluation system in s. 1012.34.

(b) Demonstrate that the Level II program:

1. Provides competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. Provides training aligned to the personnel evaluation criteria under s. 1012.34 and professional development program

in s. 1012.986.

3. Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.

4. Conducts program evaluations and implements program improvements using input from personnel who completed the program and employers and data gathered pursuant to paragraph (2)(b).

(c) Gather and monitor the data specified in paragraph (2)(b).

(4) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 53. Subsection (3) is added to section 1012.59, Florida Statutes, to read:

1012.59 Certification fees.—

(3) The State Board of Education shall waive initial general knowledge, professional education, and subject area examination fees and certification fees for:

(a) A member of the United States Armed Forces or a reserve component thereof who is serving or has served on active duty and the spouse of such a member.

(b) The surviving spouse of a member of the United States Armed Forces or a reserve component thereof who was serving on active duty at the time of death.

(c) An honorably discharged veteran of the United States Armed Forces or a veteran of a reserve component thereof who served on active duty and the spouse or surviving spouse of such a veteran.

Section 54. Subsection (11) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build to students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and

emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

(a) Provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards.

(b) Describe the knowledge and vocabulary necessary for comprehension.

(c) Promote the instructional shifts required within the Florida Standards.

(d) Illustrate the interdependence of grade level expectations within and across content areas within a grade.

Section 55. Paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(2) TANGIBLE PERSONAL PROPERTY.—

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. Tangible personal property that has been properly classified as surplus,

marked for disposal, or otherwise unused by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without the written permission of the school district.

Section 56. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) so long as the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 57. Subsections (1), (3), and (5) of section 1013.62, Florida Statutes, are amended to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of ~~revenue resulting from the discretionary millage authorized in~~

~~s. 1011.71(2) and~~ state funds when such funds are appropriated in the General Appropriations Act. However, if the amount of state funds appropriated for charter school capital outlay in any fiscal year is not equal to or is less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index from the previous fiscal year, charter school capital outlay funding shall also consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2).

(a) To be eligible to receive capital outlay funds, a charter school must:

1.a. Have been in operation for 2 or more years;

b. Be governed by a governing board established in the state for 2 or more years which operates both charter schools and conversion charter schools within the state;

c. Be an expanded feeder chain of a charter school within the same school district that is currently receiving charter school capital outlay funds;

d. Have been accredited by a regional accrediting association as defined by State Board of Education rule; or

e. 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).

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 to receive capital outlay funds 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.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), and the state funds appropriated for charter school capital outlay in any fiscal year are not equal to or are less than the average charter school capital outlay funds per unweighted full-time equivalent student for the 2018-2019 fiscal year, multiplied by the estimated number of charter school students for the applicable fiscal year, and adjusted by changes in the Consumer Price Index from the previous fiscal year, the department shall use the following calculation methodology to determine the amount of revenue that

a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, which has not been subsequently retired, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students of each eligible charter school to determine the capital outlay allocation for each charter school.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated to each eligible charter school in subsection (2) to determine the maximum calculated capital outlay allocation.

(e) School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year if required by this subsection~~, beginning on February 1, 2018, for~~

~~the 2017-2018 fiscal year~~.

By October 1 of each year, each school district shall certify to the department the amount of debt service and participation requirement that complies with the requirement of paragraph (a) and can be reduced from the total discretionary millage revenue. The Auditor General shall verify compliance with the requirements of paragraph (a) and s. 1011.71(2)(e) during scheduled operational audits of school districts.

(5) If a charter school is nonrenewed or terminated, any unencumbered funds and all equipment and property purchased with district public funds shall revert to the ownership of the district school board, as provided for in s. 1002.33(8)(d) and (e) ~~s. 1002.33(8)(e) and (f)~~. In the case of a charter lab school, any unencumbered funds and all equipment and property purchased with university public funds shall revert to the ownership of the state university that issued the charter. The reversion of such equipment, property, and furnishings shall focus on recoverable assets, but not on intangible or irrecoverable costs such as rental or leasing fees, normal maintenance, and limited renovations. The reversion of all property secured with public funds is subject to the complete satisfaction of all lawful liens or encumbrances. If there are additional local issues such as the shared use of facilities or partial ownership of facilities or property, these issues shall

be agreed to in the charter contract prior to the expenditure of funds.

Section 58. For the 2018-2019 fiscal year, the sum of $19,350,000 in recurring funds from the General Revenue Fund and the sum of $850,000 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act. Of the recurring funds, $9,700,000 shall be used to fund reading scholarship accounts pursuant to s. 1002.411, Florida Statutes, $300,000 shall be provided as an administrative fee pursuant to s. 1002.411(7)(g), Florida Statutes, $2,000,000 shall be used to implement the provisions of s. 1002.40(8), Florida Statutes, $5,600,000 shall be used to implement the provisions of s. 1008.22(3)(d), Florida Statutes, $950,000 shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes, $250,000 shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes, and $550,000 shall be used for instructional materials pursuant to s. 1007.271(13), Florida Statutes. Of the nonrecurring funds, $750,000 shall be used to fund the web-based fiscal transparency tool required pursuant to s. 1010.20(2)(c), Florida Statutes, and $100,000 shall be used to implement the provisions of s. 1011.051(2)(b), Florida Statutes.

Section 59. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to

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FLORIDA HOUSE OF REPRESENTATIVES

CS/HB 7055 2018

ss. 120.536(1) and 120.54, Florida Statutes, to administer this act.

Section 60. This act shall take effect July 1, 2018.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/21/2018	.	
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03/02/2018 01:15 PM	.	
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The Committee on Education (Hukill) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) Upon adoption of rules, the purchaser of a motor vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding

903516

organization under s. 1002.40 against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 2. Subsection (21) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(21)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.40, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization under s. 1002.40(13)(b)3. The eligible nonprofit scholarship-funding organization may use the information for purposes of recovering eligible contributions designated for that organization that

903516

were collected by the dealer but never remitted to the organization.

(b) Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. An eligible nonprofit scholarship-funding organization is bound by the same requirements of confidentiality and the same penalties for a violation of the requirements as the department.

Section 3. Effective July 1, 2019, chapter 623, Florida Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04, 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12, 623.13, and 623.14, is repealed.

Section 4. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter

903516

1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 5. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all

903516

times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to the visiting individual ~~a board member~~ under this section.

Section 6. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A "private school" is a nonpublic school that is registered in accordance with s. 1002.42 and is defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that

designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school attended by a student in order to satisfy the attendance requirements of s. 1003.01(13). This definition does not include home education programs conducted in accordance with s. 1002.41.

(3) For purposes of this chapter, a "scholarship program" means any one of the following:

(a) The Opportunity Scholarship Program established pursuant to s. 1002.38.

(b) The Gardiner Scholarship Program established pursuant to s. 1002.385.

(c) The John M. McKay Scholarships for Students with Disabilities Program established pursuant to s. 1002.39.

(d) The Florida Tax Credit Scholarship Program established pursuant to s. 1002.395.

(e) The Hope Scholarship Program established pursuant to s. 1002.40.

Section 7. Paragraph (b) of subsection (2) and subsection (6) of section 1002.20, Florida Statutes, are amended to read:

903516

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) *Regular school attendance.*—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a private parochial, religious, or denominational school; a private school; or a home education program~~; or a private tutoring program~~, in accordance with ~~the provisions of~~ s. 1003.01(13).

(6) EDUCATIONAL CHOICE.—

(a) *Public educational school choices.*—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE industry certifications, collegiate high school programs, Advanced International Certificate of Education, early

903516

admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) *Private educational choices.*—The parent of a student may choose to enroll the student in a private school, as defined in s. 1002.01(2). Parents of public school students may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

3. Under the Gardiner Scholarship Program ~~Florida Personal Learning Scholarship Accounts Program~~, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship ~~personal learning scholarship~~ to be used for individual educational needs in accordance with s. 1002.385.

4. Under the Hope Scholarship Program, the parent of a student who was the victim of a substantiated incident of violence or abuse while attending a public school may seek a

903516

scholarship for the student to attend a private school in accordance with s. 1002.40.

(c) *Home education.*—The parent of a student may choose to place the student in a home education program, as defined in s. 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

~~(d) *Private tutoring.*—The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).~~

Section 8. Paragraph (b) of subsection (6) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a

903516

charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

903516

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application does not materially comply with the requirements in paragraph (a);

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

903516

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the

903516

approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

Section 9. Subsection (1) of section 1002.331, Florida Statutes, is amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s.

1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

Section 10. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraph (b) of subsection (10) of that section are amended, to read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing

903516

schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board

of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

903516

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The specific ~~proposed~~ location or geographic area proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(e)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5 years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to

903516

paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a)1. A school of hope that meets the definition under subparagraph (1)(c)1. shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions,

903516

such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope <u>that meet the definition under subparagraph (1)(c)1.</u> are eligible to receive funds from the Schools of Hope Program.

<u>(e) Schools of hope that meet the definition under</u>

903516

subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit,~~

903516

~~retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 11. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

903516

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the schools under his or her administration; however, he or she must expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal award under s. 1012.732.

Section 12. Paragraph (d) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the

903516

United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term

"part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(c)~~.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to

903516

the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of

903516

material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

903516

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 13. Subsection (3), paragraph (f) of subsection (6), and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship

903516

pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

~~(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;~~

(e) ~~(f)~~ While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(f) ~~(g)~~ While he or she is enrolled in the Florida School for the Deaf and the Blind;

(g) ~~(h)~~ While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(h) ~~(i)~~ If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the

903516

enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's

903516

and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002 in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the

903516

ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 14. Subsection (4), paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

~~(e) Participating in a private tutoring program pursuant to s. 1002.43;~~

(e)~~(f)~~ Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(f)~~(g)~~ Enrolled in the Florida School for the Deaf and the Blind.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of

903516

agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a., by February 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization

903516

provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school's failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under

903516

this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of

903516

teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 15. Section 1002.40, Florida Statutes, is created to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse, as listed in subsection (3), an opportunity to transfer the student to another public school that has capacity or to request and receive a scholarship for the student to enroll in and attend an eligible private school.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Education.

(b) "Eligible contribution" or "contribution" means a

903516

monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as provided in s. 1002.395(2)(f), as determined by the department.

(d) "Eligible private school" has the same meaning as provided in s. 1002.395(2)(g), as determined by the department.

(e) "Motor vehicle" has the same meaning as provided in s. 320.01(1)(a), but does not include heavy trucks, truck tractors, trailers, and motorcycles.

(f) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose public school student was the victim of a reported incident, as listed in subsection (3).

(g) "Principal" means the principal or his or her designee.

(h) "Program" means the Hope Scholarship Program.

(i) "School" includes any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(j) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act for the applicable state fiscal year.

903516

(3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled full time in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if all of the following conditions are met:

(a) The student is the victim of a substantiated incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

(b) The incident is formally reported by the victim or the victim's parent to the principal.

(c) Through an investigation, the principal finds that the incident is substantiated.

(d) The principal's investigation remains open or the district's resolution of issues related to the incident remain unresolved after timely notification, deliberative evaluation, and 30 days of responsible and appropriate action taken in accordance with paragraph (5)(a).

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not be made if a student is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College-Preparatory Boarding Academy; the Florida Virtual School; a developmental research school authorized under s. 1002.32; or a charter school authorized under s. 1002.33, s. 1002.331, s. 1002.332, or s. 1002.333;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of

Juvenile Justice commitment programs;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(d) Receiving any other educational scholarship pursuant to this chapter; or

(e) Participating in a home education program, as defined in s. 1002.01.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. Within 24 hours after receipt of a formal report of an incident listed in subsection (3)(a), the principal shall provide a copy of the report to the victim's parent and the alleged offender's parent. The report must include a statement of the expected investigative actions and the timeline for reporting the outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and other required information.

2. In accordance with s. 1006.09, the principal must investigate the incident to determine if the incident is substantiated or unsubstantiated, and if the incident must be reported. The principal may, at his or her discretion, determine the extent to which each student was engaged in instigating, initiating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

903516

3. During the investigation period, the principal and the superintendent shall take all necessary actions to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

4. Upon the principal's determination that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim's parent and the alleged offender's parent the findings, outcome, or status of the investigation. The principal shall continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

5. If the principal's investigation into the incident remains open more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved, the school district, in accordance with the school district's code of student conduct, shall:

a. Notify the victim's parent of the availability of the program and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding; and

b. Provide the victim's parent with a written notification of the result of the principal's investigation of the alleged incident. The parent must provide such notification to the

903516

scholarship-funding organization that verifies the student's eligibility.

6. To facilitate timely, appropriate, and fiscally accountable scholarship payments, school districts must report and verify student enrollment information during and outside of regular FTE student enrollment survey periods, as requested by the department pursuant to paragraph (7)(d).

(b)1. A parent who, pursuant to s. 1002.31, chooses to enroll his or her student in a Florida public school located outside the district in which the student resides shall be eligible for a scholarship under paragraph (11)(b) to transport the student.

2. For each student participating in the program in a private school who chooses to participate in the statewide assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.

(6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Meet the definition of a private school in s. 1002.01 and comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b) Provide to the organization and the department, upon request, all documentation required for the student's participation, including, but not limited to, the private school's and the student's fee schedules.

(c) Be academically accountable to the parent for meeting

903516

the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent.

3. Cooperating with the student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Maintain in this state a physical location where a scholarship student regularly attends classes.

(f) Provide a report from an independent certified public

903516

accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the department.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the program.

(b) Annually verify the eligibility of private schools that meet the requirements of subsection (6).

(c) Require an annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

(d) Cross-check the list of participating students with the public school enrollment lists and participation lists in other scholarship programs established under this chapter before each scholarship payment to avoid duplication.

(e) Maintain a list of nationally norm-referenced tests

903516

identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

(g) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school climate and code of student conduct of each public school that reported the occurrence of a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent's and student's rights which are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district;

b. An assessment of the effectiveness of communication procedures with the students involved in an incident, the students' parents, and the school and school district personnel;

c. An analysis of school incident and discipline data; and

d. The challenges and obstacles relating to implementing recommendations from this review.

2. Reviewing the school climate and code of student conduct of each public school a student transferred to if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public

903516

school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which the majority of the school's total enrolled students in the prior school year participated in one or more scholarship programs, as defined in s. 1002.01, in which there are at least 10 participating students who have scores for tests administered; and reviewing the school climate and code of student conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or relating to the use of the scholarship.

(h) Upon the request of a participating private school, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

903516

(i) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry or make a referral to the appropriate agency for an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if such complaint contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education pursuant to this section has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(j)1. Conduct site visits to participating private schools. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, teachers' fingerprinting results, and other conditions required pursuant to s. 1002.421 and this section. The department may not make more than seven site visits each year; however, the department may make additional site visits at any time to a school that is the subject of a violation complaint submitted pursuant to paragraph (i), is identified by an organization for a known or suspected violation, or has received a notice of noncompliance or a notice of proposed action within the current year or the previous 2 years.

2. Annually, by December 15, report to the Governor, the

903516

President of the Senate, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program, and the corrective action taken by the department.

(8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's participation in the program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the program.

2. May deny, suspend, or revoke a private school's participation in the program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the

903516

department for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a

903516

request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall refer the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with

903516

a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's suspension of payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Hope Scholarship is exercising his or her parental option to place his or her student in an eligible private school.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must comply with the regular attendance requirements of s. 1003.01(13) and

903516

remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the program take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish scholarships for

903516

eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.

(c) Preparing and submitting quarterly and annual reports to the department pursuant to paragraphs (7)(f) and (g). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the scholarship program.

(d) Notifying the department of any known or suspected violation of this section by a private school, parent, or student.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

2. Ninety-two percent for a student enrolled in grade 6 through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

(b) The maximum amount awarded to a student enrolled in a Florida public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the organization must receive all documentation required for the student's

903516

participation, including a copy of the report of the substantiated incident received pursuant to subsection (5) and the private school's and the student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer made by debit cards, electronic payment cards, or other means of payment which the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payment is made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(12) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.

903516

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832 for use by a taxpayer that makes an eligible contribution to the program. Each eligible contribution is limited to a single payment of $20 at the time of purchase of a motor vehicle or a single payment of $20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by an election to contribute to the program and shall be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue. Payments of contributions shall be made to a dealer, as defined in chapter 212, at the time of purchase of a motor vehicle or to an agent of the Department of Revenue, as designated by s. 212.06(10), at the time of registration of a motor vehicle that was not purchased from a dealer.

(b) A tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as an agent of the Department of Revenue pursuant to s. 212.06(10) or who is a dealer shall:

1. Provide the purchaser the contribution election form, as prescribed by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer’s or agent’s federal employer

903516

identification number, remit to an organization on or before the 20th day of each month the total amount of contributions made to that organization and collected during the preceding calendar month.

4. Report on each return filed with the Department of Revenue the total amount of credits allowed under s. 212.1832 during the preceding calendar month.

(c) An organization shall report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include the federal employer identification number of each tax collector, authorized agent of the Department of Revenue, or dealer who remitted contributions to the organization during that reporting period.

(d) A person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft of charitable funds, punishable as follows:

1. If the total amount stolen is less than $300, the offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is $300 or more, but less than $20,000, the offense is a felony of the third degree,

903516

punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(14) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(16) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 16. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to

903516

s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher

903516

hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

903516

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school

903516

administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or

903516

operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report,

prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 17. Section 1002.43, Florida Statutes, is repealed.

Section 18. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a

903516

private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 19. Subsection (13) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by a student's full-time attendance in one of the following options:

(a) A public school supported by public funds, including, but not limited to, the Florida School for the Deaf and the Blind, the Florida Virtual School, a developmental research school, and a charter school established pursuant to chapter 1002.~~;~~

~~(b) A parochial, religious, or denominational school;~~

(b)~~(c)~~ A private school, as defined in s. 1002.01(2) and in compliance with s. 1002.42, including, but not limited to, a private parochial, religious, or denominational school; and a private school supported in whole or in part by tuition charges or by endowments or gifts. This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3).~~;~~

(c)~~(d)~~ A home education program, as defined in s. 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.~~;~~ ~~or~~

~~(e) A private tutoring program that meets the requirements of chapter 1002.~~

Section 20. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

903516

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program

pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

Section 21. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student

903516

loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 22. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may

903516

develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 23. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

(c) Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 24. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic

903516

training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 25. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other

903516

instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

903516

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 26. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

903516

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

903516

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 27. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law

903516

enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 28. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high school acceleration program.

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course

903516

requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may not limit the number of eligible public school students who may enroll in such structured programs.

(2) ~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before January 1, 2018, for the 2018-2019 school year must be modified to include the provisions of paragraph (b).

(b) The contract must:

1. ~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2. ~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to participating students through the partner Florida College

903516

System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~ industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines;~~.~~

3.~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4.~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses;~~.~~

5.~~(e)~~ Identify student advising services and progress monitoring mechanisms;~~.~~

6.~~(f)~~ Establish a program review and reporting mechanism regarding student performance outcomes; and~~.~~

7.~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a)~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the

903516

applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry certifications to be taken by the student, if any; student attendance requirements~~;, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the State Board of Education in rule; and the approved meta-major academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after graduating from high school.

903516

(4) ~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program under s.

903516

1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

(6) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses

903516

completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 29. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

903516

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies, science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation

903516

before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include:

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a notice of intent of a performance-based agreement pursuant to s.

903516

1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal's currently assigned school. The franchise model school principal may allocate resources and personnel between the schools he or she leads. The persistently low-performing school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option.

Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if additional time is provided to implement the existing turnaround option.

Section 30. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraph (a) of subsection (4) and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for

903516

school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district’s revenue from required local effort millage will produce more than 90 percent of the district’s total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida

903516

Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts

903516

which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, and parental counseling. In addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for

903516

a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

(d) Each school district and hope operator shall submit approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s. 1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s.

903516

1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide supplemental funding to assist school districts in establishing or expanding comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age youth; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds may be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount as specified in the General Appropriations Act. Upon submission and approval of a plan that includes the elements

903516

specified in paragraph (b), charter schools are also entitled to a proportionate share of district funding for this program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses.

(a) Prior to the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, all of the following elements:

1. A collaborative effort or partnership between the school district and at least one local community program or agency involved in mental health to provide or to improve prevention, diagnosis, and treatment services for students;

2. Programs to assist students in dealing with bullying, trauma, and violence;

3. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems or substance use disorders;

4. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention

903516

services;

5. Strategies to enhance the availability of school-based crisis intervention services and appropriate referrals for students in need of mental health services; and

6. Training opportunities for school personnel in the techniques and supports needed to identify students who have trauma histories and who have or are at risk of having a mental illness, and in the use of referral mechanisms that effectively link such students to appropriate treatment and intervention services in the school and in the community.

(c) The districts shall submit approved plans to the commissioner by August 1 of each fiscal year.

(d) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this subsection shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program.

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school

903516

district’s total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district’s share.

Section 31. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district’s approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

903516

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational services provided by the school district.

Section 32. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs

(2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 33. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

903516

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or

concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 34. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

903516

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

903516

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 35. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principal or who have recruited and retained a high percentage of best and brightest teachers.

(3)(a) A school principal identified pursuant to s. 1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in

903516

s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not assigned to a Title I school and who is eligible under paragraph (3)(a).

Section 36. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains

ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 37. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

903516

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 38. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

903516

Section 39. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, 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, a political subdivision of the state, a municipality, a Florida College System institution, or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a state university; or

3. Owned by and leased, at a fair market value in the

903516

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, administers, controls, or oversees the operation of any of the foregoing.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

903516

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible charter schools within a district ~~school in subsection (2)~~ to determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation

903516

amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~, beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 40. Effective July 1, 2019, subsection (13) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and 616.07~~, and 623.09~~, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s.

16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 41. For the 2018-2019 fiscal year, the sum of $2,596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act as follows: the sum of $2 million in recurring funds shall be used to implement the Hope Scholarship Program created pursuant to s. 1002.40, Florida Statutes, the sum of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes, and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

Section 42. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this act.

Section 43. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018

================ T I T L E A M E N D M E N T ================

And the title is amended as follows:

Delete everything before the enacting clause

903516

and insert:

A bill to be entitled

An act relating to education; creating s. 212.1832, F.S.; authorizing certain persons to receive a tax credit for certain contributions to eligible nonprofit scholarship-funding organizations for the Hope Scholarship Program; providing requirements for motor vehicle dealers; requiring the Department of Revenue to disregard certain tax credits for specified purposes; providing that specified provisions apply to certain provisions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share specified information with eligible nonprofit scholarship-funding organizations; providing that certain requirements apply to such organizations; repealing ch. 623, F.S., relating to private school corporations, on a specified date; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide technical assistance and authorized staff; amending s. 1001.4205, F.S.; authorizing a member of the State Legislature to visit any district school, including any charter school, in his or her legislative district; amending s. 1002.01, F.S.; revising and defining terms; amending s. 1002.20; updating educational options and terminology; amending s. 1002.33, F.S.; extending the period of time for which a charter school may defer its opening for specified reasons; amending s. 1002.331, F.S.; revising the

903516

requirements for a charter school to be considered a high-performing charter school; amending s. 1002.333, F.S.; redefining the terms "persistently low-performing school" and "school of hope"; revising the required contents of a school of hope notice of intent and performance-based agreement; revising school of hope facility requirements; specifying that certain schools of hope are eligible to receive hope supplemental service allocation funds; requiring the State Board of Education to provide awards to all eligible schools that meet certain requirements; prohibiting a school of hope operator or owner from serving as the principal of a school of hope that he or she manages; conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; revising requirements for private schools that participate in the program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; revising the purpose of department site visits at private schools participating in the John M. McKay

903516

Scholarships for Students with Disabilities Program; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising the purpose of department site visits at private schools participating in the Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; creating s. 1002.40, F.S.; establishing the Hope Scholarship Program; providing the purpose of the program; defining terms; providing eligibility requirements; prohibiting the payment of a scholarship under certain circumstances; requiring a principal to provide copies of a report of physical violence or emotional abuse to certain individuals within specified timeframes; requiring the principal

to investigate such incidents; requiring a school district to notify an eligible student's parent of the program under certain circumstances; requiring a school district to provide certain information relating to the statewide assessment program; providing requirements and obligations for eligible private schools; providing Department of Education obligations relating to participating students and private schools and program requirements; providing Commissioner of Education obligations; requiring the commissioner to deny, suspend, or revoke a private school's participation in the program or the payment of scholarship funds under certain circumstances; defining the term "owner or operator"; providing a process for review of a decision from the commissioner under certain circumstances; providing for the release of personally identifiable student information under certain circumstances; providing parent and student responsibilities for initial and continued participation in the program; providing nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing

903516

requirements for administrative expenses; prohibiting a nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers; providing reporting requirements for nonprofit scholarship-funding organizations relating to taxpayer contributions; providing penalties; providing for the restitution of specified funds under certain circumstances; providing the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education to adopt rules to administer the program; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain circumstances; requiring the department to annually visit a certain percentage of

903516

certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; repealing s. 1002.43, F.S., relating to private tutoring programs; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.01, F.S.; redefining the term "regular school attendance"; amending s. 1003.26, F.S.; conforming a cross-reference; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a

903516

required curriculum; providing instruction to be based on certain programs; providing an exemption; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards and private school principals or governing boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs; requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.273, F.S.; defining the term "structured

903516

program"; providing additional options for students participating in a structured program; prohibiting a district school board from limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the allocation; providing that implementation plans may include certain models; providing requirements for implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental health assistance allocation; providing the purpose of the allocation; providing for the annual allocation of such funds on a specified basis; prohibiting the use of allocated funds to supplant funds provided from other operating funds, to increase salaries, or to provide bonuses; providing requirements for school districts and charter schools; providing that required plans must include certain elements; requiring school

903516

districts to annually submit approved plans to the Commissioner of Education by a specified date; requiring that entities that receive such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.315, F.S.; revising the applicability of certain provisions related to disqualification from employment for the conviction of specified offenses; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program to school district employees who, in the immediately preceding school year, were classroom teachers and met eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring

903516

specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term "affiliated party of the charter school"; revising the Department of Education's calculation methodology for a school district's distribution of discretionary millage to its eligible charter schools; amending s. 212.08, F.S.; conforming a cross-reference; providing appropriations; providing appropriations; authorizing the Department of Revenue to adopt emergency rules for specified purposes; providing effective dates.

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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
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The Committee on Appropriations (Passidomo) recommended the following:

Senate Substitute for Amendment (903516) (with title amendment)

Delete everything after the enacting clause and insert:

Section 1. Section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) Upon adoption of rules, the purchaser of a motor

692180

vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.

Section 2. Subsection (21) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(21)(a) The department may provide to an eligible nonprofit scholarship-funding organization, as defined in s. 1002.40, a dealer's name, address, federal employer identification number, and information related to differences between credits taken by the dealer pursuant to s. 212.1832(2) and amounts remitted to the eligible nonprofit scholarship-funding organization under s. 1002.40(13)(b)3. The eligible nonprofit scholarship-funding

692180

organization may use the information for purposes of recovering eligible contributions designated for that organization that were collected by the dealer but never remitted to the organization.

(b) Nothing in this subsection authorizes the disclosure of information if such disclosure is prohibited by federal law. An eligible nonprofit scholarship-funding organization is bound by the same requirements of confidentiality and the same penalties for a violation of the requirements as the department.

Section 3. Effective July 1, 2019, chapter 623, Florida Statutes, consisting of sections 623.01, 623.02, 623.03, 623.04, 623.05, 623.06, 623.07, 623.08, 623.09, 623.10, 623.11, 623.12, 623.13, and 623.14, is repealed.

Section 4. Subsections (4) and (5) of section 1001.10, Florida Statutes, are amended to read:

1001.10 Commissioner of Education; general powers and duties.—

(4) The Department of Education shall provide technical assistance to school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 in the development of policies, procedures, and training related to employment practices and standards of ethical conduct for instructional personnel and school administrators, as defined in s. 1012.01.

(5) The Department of Education shall provide authorized staff of school districts, charter schools, the Florida School for the Deaf and the Blind, and private schools that accept

692180

scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 with access to electronic verification of information from the following employment screening tools:

(a) The Professional Practices' Database of Disciplinary Actions Against Educators; and

(b) The Department of Education's Teacher Certification Database.

This subsection does not require the department to provide these staff with unlimited access to the databases. However, the department shall provide the staff with access to the data necessary for performing employment history checks of the instructional personnel and school administrators included in the databases.

Section 5. Section 1001.4205, Florida Statutes, is amended to read:

1001.4205 Visitation of schools ~~by an individual school board or charter school governing board member~~.—An individual member of a district school board may, on any day and at any time at his or her pleasure, visit any district school in his or her school district. An individual member of the State Legislature may, on any day and at any time at his or her pleasure, visit any district school, including any charter school, in his or her legislative district. An individual member of a charter school governing board ~~member~~ may, on any day and at any time at his or her pleasure, visit any charter school governed by the charter school's governing board.

(1) The visiting individual ~~board member~~ must sign in and

692180

sign out at the school's main office and wear his or her board or State Legislature identification badge, as applicable, at all times while present on school premises.

(2) The board, the school, or any other person or entity, including, but not limited to, the principal of the school, the school superintendent, or any ~~other~~ board member, may not require the visiting individual ~~board member~~ to provide notice before visiting the school.

(3) The school may offer, but may not require, an escort to accompany the ~~a~~ visiting individual ~~board member~~ during the visit.

(4) A ~~Another~~ board member or a district employee, including, but not limited to, the superintendent, the school principal, or the superintendent's or the principal's ~~his or her~~ designee, may not limit the duration or scope of the visit or direct the ~~a~~ visiting individual ~~board member~~ to leave the premises.

(5) A board, district, or school administrative policy or practice may not prohibit or limit the authority granted to the visiting individual ~~a board member~~ under this section.

Section 6. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1).

(2) A "private school" is a nonpublic school that is registered in accordance with s. 1002.42 and is defined as an

692180

individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school attended by a student in order to satisfy the attendance requirements of s. 1003.01(13). This definition does not include home education programs conducted in accordance with s. 1002.41.

(3) For purposes of this chapter, a "scholarship program" means any one of the following:

(a) The Opportunity Scholarship Program established pursuant to s. 1002.38.

(b) The Gardiner Scholarship Program established pursuant to s. 1002.385.

(c) The John M. McKay Scholarships for Students with Disabilities Program established pursuant to s. 1002.39.

(d) The Florida Tax Credit Scholarship Program established pursuant to s. 1002.395.

(e) The Hope Scholarship Program established pursuant to s. 1002.40.

692180

Section 7. Paragraph (b) of subsection (2) and subsection (6) of section 1002.20, Florida Statutes, are amended to read:

1002.20 K-12 student and parent rights.—Parents of public school students must receive accurate and timely information regarding their child's academic progress and must be informed of ways they can help their child to succeed in school. K-12 students and their parents are afforded numerous statutory rights including, but not limited to, the following:

(2) ATTENDANCE.—

(b) *Regular school attendance.*—Parents of students who have attained the age of 6 years by February 1 of any school year but who have not attained the age of 16 years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a private parochial, religious, or denominational school; a private school; or a home education program~~; or a private tutoring program~~, in accordance with ~~the provisions of~~ s. 1003.01(13).

(6) EDUCATIONAL CHOICE.—

(a) *Public educational school choices.*—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-AICE), CAPE digital tools, CAPE

692180

industry certifications, collegiate high school programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice options of the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program.

(b) *Private educational choices.*—The parent of a student may choose to enroll the student in a private school, as defined in s. 1002.01(2). Parents of public school students may seek private educational choice options under certain programs.

1. Under the McKay Scholarships for Students with Disabilities Program, the parent of a public school student with a disability may request and receive a McKay Scholarship for the student to attend a private school in accordance with s. 1002.39.

2. Under the Florida Tax Credit Scholarship Program, the parent of a student who qualifies for free or reduced-price school lunch or who is currently placed, or during the previous state fiscal year was placed, in foster care as defined in s. 39.01 may seek a scholarship from an eligible nonprofit scholarship-funding organization in accordance with s. 1002.395.

3. Under the Gardiner Scholarship Program ~~Florida Personal Learning Scholarship Accounts Program~~, the parent of a student with a qualifying disability may apply for a Gardiner Scholarship ~~personal learning scholarship~~ to be used for individual educational needs in accordance with s. 1002.385.

4. Under the Hope Scholarship Program, the parent of a

692180

student who was the victim of a substantiated incident of violence or abuse while attending a public school may seek a scholarship for the student to attend a private school in accordance with s. 1002.40.

(c) *Home education.*—The parent of a student may choose to place the student in a home education program, as defined in s. 1002.01(1), in accordance with ~~the provisions of~~ s. 1002.41.

~~(d) *Private tutoring.*—The parent of a student may choose to place the student in a private tutoring program in accordance with the provisions of s. 1002.43(1).~~

Section 8. Paragraphs (d) through (g) of subsection (8) of section 1002.33, Florida Statutes, are redesignated as paragraphs (c) through (f), respectively, and paragraph (b) of subsection (6), paragraphs (a), (d), and (e) of subsection (7), present paragraphs (a), (b), and (c) of subsection (8), paragraph (n) of subsection (9), and paragraph (b) of subsection (20) of that section are amended, to read:

1002.33 Charter schools.—

(6) APPLICATION PROCESS AND REVIEW.—Charter school applications are subject to the following requirements:

(b) A sponsor shall receive and review all applications for a charter school using the evaluation instrument developed by the Department of Education. A sponsor shall receive and consider charter school applications received on or before August 1 of each calendar year for charter schools to be opened at the beginning of the school district's next school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before August 1 and may receive an

692180

application submitted later than August 1 if it chooses. Beginning in 2018 and thereafter, a sponsor shall receive and consider charter school applications received on or before February 1 of each calendar year for charter schools to be opened 18 months later at the beginning of the school district's school year, or to be opened at a time agreed to by the applicant and the sponsor. A sponsor may not refuse to receive a charter school application submitted before February 1 and may receive an application submitted later than February 1 if it chooses. A sponsor may not charge an applicant for a charter any fee for the processing or consideration of an application, and a sponsor may not base its consideration or approval of a final application upon the promise of future payment of any kind. Before approving or denying any application, the sponsor shall allow the applicant, upon receipt of written notification, at least 7 calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to, corrections of grammatical, typographical, and like errors or missing signatures, if such errors are identified by the sponsor as cause to deny the final application.

1. In order to facilitate an accurate budget projection process, a sponsor shall be held harmless for FTE students who are not included in the FTE projection due to approval of charter school applications after the FTE projection deadline. In a further effort to facilitate an accurate budget projection, within 15 calendar days after receipt of a charter school application, a sponsor shall report to the Department of Education the name of the applicant entity, the proposed charter school location, and its projected FTE.

692180

2. In order to ensure fiscal responsibility, an application for a charter school shall include a full accounting of expected assets, a projection of expected sources and amounts of income, including income derived from projected student enrollments and from community support, and an expense projection that includes full accounting of the costs of operation, including start-up costs.

3.a. A sponsor shall by a majority vote approve or deny an application no later than 90 calendar days after the application is received, unless the sponsor and the applicant mutually agree in writing to temporarily postpone the vote to a specific date, at which time the sponsor shall by a majority vote approve or deny the application. If the sponsor fails to act on the application, an applicant may appeal to the State Board of Education as provided in paragraph (c). If an application is denied, the sponsor shall, within 10 calendar days after such denial, articulate in writing the specific reasons, based upon good cause, supporting its denial of the application and shall provide the letter of denial and supporting documentation to the applicant and to the Department of Education.

b. An application submitted by a high-performing charter school identified pursuant to s. 1002.331 or a high-performing charter school system identified pursuant to s. 1002.332 may be denied by the sponsor only if the sponsor demonstrates by clear and convincing evidence that:

(I) The application <u>of a high-performing charter school</u> does not materially comply with the requirements in paragraph (a) <u>or, for a high-performing charter school system, the application does not materially comply with s. 1002.332(2)(b)</u>;

692180

(II) The charter school proposed in the application does not materially comply with the requirements in paragraphs (9)(a)-(f);

(III) The proposed charter school's educational program does not substantially replicate that of the applicant or one of the applicant's high-performing charter schools;

(IV) The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process; or

(V) The proposed charter school's educational program and financial management practices do not materially comply with the requirements of this section.

Material noncompliance is a failure to follow requirements or a violation of prohibitions applicable to charter school applications, which failure is quantitatively or qualitatively significant either individually or when aggregated with other noncompliance. An applicant is considered to be replicating a high-performing charter school if the proposed school is substantially similar to at least one of the applicant's high-performing charter schools and the organization or individuals involved in the establishment and operation of the proposed school are significantly involved in the operation of replicated schools.

c. If the sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must, within 10 calendar days after such denial, state in writing the specific reasons, based upon the criteria in sub-subparagraph b., supporting its denial of

692180

the application and must provide the letter of denial and supporting documentation to the applicant and to the Department of Education. The applicant may appeal the sponsor's denial of the application in accordance with paragraph (c).

4. For budget projection purposes, the sponsor shall report to the Department of Education the approval or denial of an application within 10 calendar days after such approval or denial. In the event of approval, the report to the Department of Education shall include the final projected FTE for the approved charter school.

5. Upon approval of an application, the initial startup shall commence with the beginning of the public school calendar for the district in which the charter is granted. A charter school may defer the opening of the school's operations for up to 3 ~~2~~ years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the sponsor and the parents of enrolled students at least 30 calendar days before the first day of school.

(7) CHARTER.—The terms and conditions for the operation of a charter school shall be set forth by the sponsor and the applicant in a written contractual agreement, called a charter. The sponsor and the governing board of the charter school shall use the standard charter contract pursuant to subsection (21), which shall incorporate the approved application and any addenda approved with the application. Any term or condition of a proposed charter contract that differs from the standard charter contract adopted by rule of the State Board of Education shall be presumed a limitation on charter school flexibility. The sponsor may not impose unreasonable rules or regulations that

692180

violate the intent of giving charter schools greater flexibility to meet educational goals. The charter shall be signed by the governing board of the charter school and the sponsor, following a public hearing to ensure community input.

(a) The charter shall address and criteria for approval of the charter shall be based on:

1. The school’s mission, the students to be served, and the ages and grades to be included.

2. The focus of the curriculum, the instructional methods to be used, any distinctive instructional techniques to be employed, and identification and acquisition of appropriate technologies needed to improve educational and administrative performance which include a means for promoting safe, ethical, and appropriate uses of technology which comply with legal and professional standards.

a. The charter shall ensure that reading is a primary focus of the curriculum and that resources are provided to identify and provide specialized instruction for students who are reading below grade level. The curriculum and instructional strategies for reading must be consistent with the Next Generation Sunshine State Standards and grounded in scientifically based reading research.

b. In order to provide students with access to diverse instructional delivery models, to facilitate the integration of technology within traditional classroom instruction, and to provide students with the skills they need to compete in the 21st century economy, the Legislature encourages instructional methods for blended learning courses consisting of both traditional classroom and online instructional techniques.

692180

Charter schools may implement blended learning courses which combine traditional classroom instruction and virtual instruction. Students in a blended learning course must be full-time students of the charter school pursuant to s. 1011.61(1)(a)1. Instructional personnel certified pursuant to s. 1012.55 who provide virtual instruction for blended learning courses may be employees of the charter school or may be under contract to provide instructional services to charter school students. At a minimum, such instructional personnel must hold an active state or school district adjunct certification under s. 1012.57 for the subject area of the blended learning course. The funding and performance accountability requirements for blended learning courses are the same as those for traditional courses.

3. The current incoming baseline standard of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used. The criteria listed in this subparagraph shall include a detailed description of:

a. How the baseline student academic achievement levels and prior rates of academic progress will be established.

b. How these baseline rates will be compared to rates of academic progress achieved by these same students while attending the charter school.

c. To the extent possible, how these rates of progress will be evaluated and compared with rates of progress of other closely comparable student populations.

The district school board is required to provide academic student performance data to charter schools for each of their

students coming from the district school system, as well as rates of academic progress of comparable student populations in the district school system.

4. The methods used to identify the educational strengths and needs of students and how well educational goals and performance standards are met by students attending the charter school. The methods shall provide a means for the charter school to ensure accountability to its constituents by analyzing student performance data and by evaluating the effectiveness and efficiency of its major educational programs. Students in charter schools shall, at a minimum, participate in the statewide assessment program created under s. 1008.22.

5. In secondary charter schools, a method for determining that a student has satisfied the requirements for graduation in s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

6. A method for resolving conflicts between the governing board of the charter school and the sponsor.

7. The admissions procedures and dismissal procedures, including the school’s code of student conduct. Admission or dismissal must not be based on a student’s academic performance.

8. The ways by which the school will achieve a racial/ethnic balance reflective of the community it serves or within the racial/ethnic range of other public schools in the same school district.

9. The financial and administrative management of the school, including a reasonable demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform such professional services and the

description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that financial resources are properly managed must be included. Both public sector and private sector professional experience shall be equally valid in such a consideration.

10. The asset and liability projections required in the application which are incorporated into the charter and shall be compared with information provided in the annual report of the charter school.

11. A description of procedures that identify various risks and provide for a comprehensive approach to reduce the impact of losses; plans to ensure the safety and security of students and staff; plans to identify, minimize, and protect others from violent or disruptive student behavior; and the manner in which the school will be insured, including whether or not the school will be required to have liability insurance, and, if so, the terms and conditions thereof and the amounts of coverage.

12. The term of the charter which shall provide for cancellation of the charter if insufficient progress has been made in attaining the student achievement objectives of the charter and if it is not likely that such objectives can be achieved before expiration of the charter. The initial term of a charter shall be for ~~4 or~~ 5 years, excluding 1 planning year. In order to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a municipality or other public entity as provided by law are eligible for up to a 15-year charter, subject to approval by the

692180

district school board. A charter lab school is eligible for a charter for a term of up to 15 years. In addition, to facilitate access to long-term financial resources for charter school construction, charter schools that are operated by a private, not-for-profit, s. 501(c)(3) status corporation are eligible for up to a 15-year charter, subject to approval by the district school board. Such long-term charters remain subject to annual review and may be terminated during the term of the charter, but only according to the provisions set forth in subsection (8).

13. The facilities to be used and their location. The sponsor may not require a charter school to have a certificate of occupancy or a temporary certificate of occupancy for such a facility earlier than 15 calendar days before the first day of school.

14. The qualifications to be required of the teachers and the potential strategies used to recruit, hire, train, and retain qualified staff to achieve best value.

15. The governance structure of the school, including the status of the charter school as a public or private employer as required in paragraph (12)(i).

16. A timetable for implementing the charter which addresses the implementation of each element thereof and the date by which the charter shall be awarded in order to meet this timetable.

17. In the case of an existing public school that is being converted to charter status, alternative arrangements for current students who choose not to attend the charter school and for current teachers who choose not to teach in the charter school after conversion in accordance with the existing

collective bargaining agreement or district school board rule in the absence of a collective bargaining agreement. However, alternative arrangements shall not be required for current teachers who choose not to teach in a charter lab school, except as authorized by the employment policies of the state university which grants the charter to the lab school.

18. Full disclosure of the identity of all relatives employed by the charter school who are related to the charter school owner, president, chairperson of the governing board of directors, superintendent, governing board member, principal, assistant principal, or any other person employed by the charter school who has equivalent decisionmaking authority. For the purpose of this subparagraph, the term "relative" means father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

19. Implementation of the activities authorized under s. 1002.331 by the charter school when it satisfies the eligibility requirements for a high-performing charter school. A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable.

(d) A charter may be modified during its initial term or any renewal term upon the recommendation of the sponsor or the charter school's governing board and the approval of both

692180

parties to the agreement. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board ~~and physically located on the same campus~~, regardless of the renewal cycle. A charter school with a grade of "C" or higher that closes as part of a consolidation shall be reported by the school district as a consolidation.

(e) A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and sponsor of the public meeting in writing before the public meeting. The governing board must notify the sponsor, parents of enrolled students, and the department in writing within 24 hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-(g) and (9)(o)~~.

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(a) The sponsor shall make student academic achievement for all students the most important factor when determining whether to renew or terminate the charter. The sponsor may also choose not to renew or may terminate the charter if the sponsor finds that one of the grounds set forth below exists by clear and convincing evidence ~~for any of the following grounds~~:

1. Failure to participate in the state's education

692180

accountability system created in s. 1008.31, as required in this section, or failure to meet the requirements for student performance stated in the charter.

2. Failure to meet generally accepted standards of fiscal management.

3. Material violation of law.

4. Other good cause shown.

(b) At least 90 days before renewing, nonrenewing, or terminating a charter, the sponsor shall notify the governing board of the school of the proposed action in writing. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the school's governing board may, within 14 calendar days after receiving the notice, request a hearing. The hearing shall be conducted ~~at the sponsor's election in accordance with one of the following procedures:~~

~~1. A direct hearing conducted by the sponsor within 60 days after receipt of the request for a hearing. The hearing shall be conducted in accordance with ss. 120.569 and 120.57. The sponsor shall decide upon nonrenewal or termination by a majority vote. The sponsor's decision shall be a final order; or~~

~~2. A hearing conducted~~ by an administrative law judge assigned by the Division of Administrative Hearings. The hearing shall be conducted within 90 ~~60~~ days after receipt of the request for a hearing and in accordance with chapter 120. The administrative law judge's final ~~recommended~~ order shall be submitted to the sponsor. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals ~~A majority vote by the sponsor shall be required to adopt or~~

692180

~~modify the administrative law judge's recommended order. The sponsor shall issue a final order~~.

~~(c) The final order shall state the specific reasons for the sponsor's decision. The sponsor shall provide its final order to the charter school's governing board and the Department of Education no later than 10 calendar days after its issuance.~~ The charter school's governing board may, within 30 calendar days after receiving the ~~sponsor's~~ final order, appeal the decision pursuant to s. 120.68.

(9) CHARTER SCHOOL REQUIREMENTS.—

(n)1. The director and a representative of the governing board of a charter school that has earned a grade of "D" or "F" pursuant to s. 1008.34 shall appear before the sponsor to present information concerning each contract component having noted deficiencies. The director and a representative of the governing board shall submit to the sponsor for approval a school improvement plan to raise student performance. Upon approval by the sponsor, the charter school shall begin implementation of the school improvement plan. The department shall offer technical assistance and training to the charter school and its governing board and establish guidelines for developing, submitting, and approving such plans.

2.a. If a charter school earns three consecutive grades below a "C," the charter school governing board shall choose one of the following corrective actions:

(I) Contract for educational services to be provided directly to students, instructional personnel, and school administrators, as prescribed in state board rule;

(II) Contract with an outside entity that has a

692180

demonstrated record of effectiveness to operate the school;

(III) Reorganize the school under a new director or principal who is authorized to hire new staff; or

(IV) Voluntarily close the charter school.

b. The charter school must implement the corrective action in the school year following receipt of a third consecutive grade below a "C."

c. The sponsor may annually waive a corrective action if it determines that the charter school is likely to improve a letter grade if additional time is provided to implement the intervention and support strategies prescribed by the school improvement plan. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" is subject to subparagraph 3.

d. A charter school is no longer required to implement a corrective action if it improves to a "C" or higher. However, the charter school must continue to implement strategies identified in the school improvement plan. The sponsor must annually review implementation of the school improvement plan to monitor the school's continued improvement pursuant to subparagraph 4.

e. A charter school implementing a corrective action that does not improve to a "C" or higher after 2 full school years of implementing the corrective action must select a different corrective action. Implementation of the new corrective action must begin in the school year following the implementation period of the existing corrective action, unless the sponsor determines that the charter school is likely to improve to a "C" or higher if additional time is provided to implement the

692180

existing corrective action. Notwithstanding this sub-subparagraph, a charter school that earns a second consecutive grade of "F" while implementing a corrective action is subject to subparagraph 3.

3. A charter school's charter contract is automatically terminated if the school earns two consecutive grades of "F" after all school grade appeals are final unless:

a. The charter school is established to turn around the performance of a district public school pursuant to s. 1008.33(4)(b)2. Such charter schools shall be governed by s. 1008.33;

b. The charter school serves a student population the majority of which resides in a school zone served by a district public school subject to s. 1008.33(4) and the charter school earns at least a grade of "D" in its third year of operation. The exception provided under this sub-subparagraph does not apply to a charter school in its fourth year of operation and thereafter; or

c. The state board grants the charter school a waiver of termination. The charter school must request the waiver within 15 days after the department's official release of school grades. The state board may waive termination if the charter school demonstrates that the Learning Gains of its students on statewide assessments are comparable to or better than the Learning Gains of similarly situated students enrolled in nearby district public schools. The waiver is valid for 1 year and may only be granted once. Charter schools that have been in operation for more than 5 years are not eligible for a waiver under this sub-subparagraph.

692180

678
679 The sponsor shall notify the charter school's governing board,
680 the charter school principal, and the department in writing when
681 a charter contract is terminated under this subparagraph. ~~The~~
682 ~~letter of termination must meet the requirements of paragraph~~
683 ~~(8)(c).~~ A charter terminated under this subparagraph must follow
684 the procedures for dissolution and reversion of public funds
685 pursuant to paragraphs (8)(d)-(f) and (9)(o) ~~paragraphs (8)(c)-~~
686 ~~(g) and (9)(o)~~.
687 4. The director and a representative of the governing board
688 of a graded charter school that has implemented a school
689 improvement plan under this paragraph shall appear before the
690 sponsor at least once a year to present information regarding
691 the progress of intervention and support strategies implemented
692 by the school pursuant to the school improvement plan and
693 corrective actions, if applicable. The sponsor shall communicate
694 at the meeting, and in writing to the director, the services
695 provided to the school to help the school address its
696 deficiencies.
697 5. Notwithstanding any provision of this paragraph except
698 sub-subparagraphs 3.a.-c., the sponsor may terminate the charter
699 at any time pursuant to subsection (8).
700 (20) SERVICES.—
701 (b) If goods and services are made available to the charter
702 school through the contract with the school district, they shall
703 be provided to the charter school at a rate no greater than the
704 district's actual cost unless mutually agreed upon by the
705 charter school and the sponsor in a contract negotiated
706 separately from the charter. When mediation has failed to

692180

resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals, to be paid by the party whom the administrative law judge rules against ~~for a dispute resolution hearing before the Charter School Appeal Commission~~. To maximize the use of state funds, school districts shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

Section 9. Subsection (1), paragraph (a) of subsection (2), and paragraph (b) of subsection (3) of section 1002.331, Florida Statutes, are amended to read:

1002.331 High-performing charter schools.—

(1) A charter school is a high-performing charter school if it:

(a) Received at least two school grades of "A" and no school grade below "B," pursuant to s. 1008.34, during each of the previous 3 school years or received at least two consecutive school grades of "A" in the most recent 2 school years.

(b) Received an unqualified opinion on each annual financial audit required under s. 218.39 in the most recent 3 fiscal years for which such audits are available.

(c) Did not receive a financial audit that revealed one or more of the financial emergency conditions set forth in s. 218.503(1) in the most recent 3 fiscal years for which such

692180

audits are available. However, this requirement is deemed met for a charter school-in-the-workplace if there is a finding in an audit that the school has the monetary resources available to cover any reported deficiency or that the deficiency does not result in a deteriorating financial condition pursuant to s. 1002.345(1)(a)3.

For purposes of determining initial eligibility, the requirements of paragraphs (b) and (c) only apply to the most recent 2 fiscal years if the charter school earns two consecutive grades of "A." A virtual charter school established under s. 1002.33 is not eligible for designation as a high-performing charter school.

(2) A high-performing charter school is authorized to:

(a) Increase its student enrollment once per school year to more than the capacity identified in the charter, but student enrollment may not exceed the ~~current facility~~ capacity of the facility at the time of enrollment. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility or any new facility in which a majority of the students of the high-performing charter school will enroll.

A high-performing charter school shall notify its sponsor in writing by March 1 if it intends to increase enrollment or expand grade levels the following school year. The written notice shall specify the amount of the enrollment increase and the grade levels that will be added, as applicable. If a charter school notifies the sponsor of its intent to expand, the sponsor

shall modify the charter within 90 days to include the new enrollment maximum and may not make any other changes. The sponsor may deny a request to increase the enrollment of a high-performing charter school if the commissioner has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the sponsor shall have 40 days after receipt of that request to provide an initial draft charter to the charter school. The sponsor and charter school shall have 50 days thereafter to negotiate and notice the charter contract for final approval by the sponsor.

(3)

(b) A high-performing charter school may not establish more than two ~~one~~ charter schools ~~school~~ within the state under paragraph (a) in any year. A subsequent application to establish a charter school under paragraph (a) may not be submitted unless each charter school established in this manner achieves high-performing charter school status. However, a high-performing charter school may establish more than one charter school within the state under paragraph (a) in any year if it operates in the area of a persistently low-performing school and serves students from that school.

Section 10. Present subsections (11) and (12) of section 1002.333, Florida Statutes, are redesignated as subsections (12) and (13), respectively, a new subsection (11) is added to that section, and subsections (1) and (2), paragraph (a) of subsection (4), paragraphs (b), (g), and (i) of subsection (5), paragraph (a) of subsection (7), subsection (9), and paragraphs (b) and (d) of subsection (10) of that section are amended, to

692180

read:

1002.333 Persistently low-performing schools.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Hope operator" means an entity identified by the department pursuant to subsection (2).

(b) "Persistently low-performing school" means a school that has completed 2 school years of a district-managed turnaround plan required under s. 1008.33(4)(a) and has not improved its school grade to a "C" or higher, ~~earned three consecutive grades lower than a "C,"~~ pursuant to s. 1008.34, and a school that was closed pursuant to s. 1008.33(4) within 2 years after the submission of a notice of intent.

(c) "School of hope" means:

1. A charter school operated by a hope operator which serves students from one or more persistently low-performing schools~~;~~ is located in the attendance zone of a persistently low-performing school ~~or within a 5-mile radius of such school, whichever is greater;~~ and is a Title I eligible school; or

2. A school operated by a hope operator pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~

(2) HOPE OPERATOR.—A hope operator is a nonprofit organization with tax exempt status under s. 501(c)(3) of the Internal Revenue Code which ~~that~~ operates three or more charter schools that serve students in grades K-12 in Florida or other states with a record of serving students from low-income families and is designated by the State Board of Education as a hope operator based on a determination that:

(a) The past performance of the hope operator meets or exceeds the following criteria:

692180

1. The achievement of enrolled students exceeds the district and state averages of the states in which the operator's schools operate;

2. The average college attendance rate at all schools currently operated by the operator exceeds 80 percent, if such data is available;

3. The percentage of students eligible for a free or reduced price lunch under the National School Lunch Act enrolled at all schools currently operated by the operator exceeds 70 percent;

4. The operator is in good standing with the authorizer in each state in which it operates;

5. The audited financial statements of the operator are free of material misstatements and going concern issues; and

6. Other outcome measures as determined by the State Board of Education;

(b) The operator was awarded a United States Department of Education Charter School Program Grant for Replication and Expansion of High-Quality Charter Schools within the preceding 3 years before applying to be a hope operator;

(c) The operator receives funding through the National Fund of the Charter School Growth Fund to accelerate the growth of the nation's best charter schools; or

(d) The operator is selected by a district school board in accordance with s. 1008.33.

An entity that meets the requirements of paragraph (b), paragraph (c), or paragraph (d) before the adoption by the state board of measurable criteria pursuant to paragraph (a) shall be

692180

designated as a hope operator. After the adoption of the measurable criteria, an entity, including a governing board that operates a school established pursuant to s. 1008.33(4)(b)3.b. ~~s. 1008.33(4)(b)3.~~, shall be designated as a hope operator if it meets the criteria of paragraph (a).

(4) ESTABLISHMENT OF SCHOOLS OF HOPE.—A hope operator seeking to open a school of hope must submit a notice of intent to the school district in which a persistently low-performing school has been identified by the State Board of Education pursuant to subsection (10).

(a) The notice of intent must include all of the following:

1. An academic focus and plan.

2. A financial plan.

3. Goals and objectives for increasing student achievement for the students from low-income families.

4. A completed or planned community outreach plan.

5. The organizational history of success in working with students with similar demographics.

6. The grade levels to be served and enrollment projections.

7. The specific ~~proposed~~ location or geographic area proposed for the school and its proximity to the persistently low-performing school or the plan to use the district-owned facilities of the persistently low-performing school.

8. A staffing plan.

9. An operations plan specifying the operator's intent to undertake the operations of the persistently low-performing school in its entirety or through limited components of the operations.

692180

(5) PERFORMANCE-BASED AGREEMENT.—The following shall comprise the entirety of the performance-based agreement:

~~(b) The location or geographic area proposed for the school of hope and its proximity to the persistently low-performing school.~~

(f) ~~(g)~~ The grounds for termination, including failure to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~, generally accepted standards of fiscal management, or material violation of terms of the agreement. The nonrenewal or termination of a performance-based agreement must comply with the requirements of s. 1002.33(8).

(h) ~~(i)~~ A provision establishing the initial term as 5 years. The agreement must ~~shall~~ be renewed, upon the request of the hope operator, unless the school fails to meet the requirements for student performance established pursuant to paragraph (d) ~~(c)~~ or generally accepted standards of fiscal management or the school of hope materially violates the law or the terms of the agreement.

(7) FACILITIES.—

(a) 1. A school of hope that meets the definition under subparagraph (1)(c)1. shall use facilities that comply with the Florida Building Code, except for the State Requirements for Educational Facilities. ~~A school of hope that uses school district facilities must comply with the State Requirements for Educational Facilities only if the school district and the hope operator have entered into a mutual management plan for the reasonable maintenance of such facilities. The mutual management plan shall contain a provision by which the district school board agrees to maintain the school facilities in the same~~

692180

~~manner as its other public schools within the district.~~

2. A school of hope that meets the definition under subparagraph (1)(c)2. and that receives funds from the hope supplemental services allocation under s. 1011.62(16) shall use the district-owned facilities of the persistently low-performing school that the school of hope operates. A school of hope that uses district-owned facilities must enter into a mutual management plan with the school district for the reasonable maintenance of the facilities. The mutual management plan must contain a provision specifying that the district school board agrees to maintain the school facilities in the same manner as other public schools within the district.

The local governing authority shall not adopt or impose any local building requirements or site-development restrictions, such as parking and site-size criteria, student enrollment, and occupant load, that are addressed by and more stringent than those found in the State Requirements for Educational Facilities of the Florida Building Code. A local governing authority must treat schools of hope equitably in comparison to similar requirements, restrictions, and site planning processes imposed upon public schools. The agency having jurisdiction for inspection of a facility and issuance of a certificate of occupancy or use shall be the local municipality or, if in an unincorporated area, the county governing authority. If an official or employee of the local governing authority refuses to comply with this paragraph, the aggrieved school or entity has an immediate right to bring an action in circuit court to enforce its rights by injunction. An aggrieved party that

692180

receives injunctive relief may be awarded reasonable attorney fees and court costs.

(9) FUNDING.—

(a) Schools of hope shall be funded in accordance with s. 1002.33(17).

(b) Schools of hope shall receive priority in the department's Public Charter School Grant Program competitions.

(c) Schools of hope shall be considered charter schools for purposes of s. 1013.62, except charter capital outlay may not be used to purchase real property or for the construction of school facilities.

(d) Schools of hope that meet the definition under subparagraph (1)(c)1. are eligible to receive funds from the Schools of Hope Program.

(e) Schools of hope that meet the definition under subparagraph (1)(c)2. are eligible to receive funds from the hope supplemental services allocation established under s. 1011.62(16).

(10) SCHOOLS OF HOPE PROGRAM.—The Schools of Hope Program is created within the Department of Education.

(b) A traditional public school that is required to submit a plan for implementation pursuant to s. 1008.33(4) is eligible to receive funding for services authorized ~~up to $2,000 per full-time equivalent student~~ from the hope supplemental services allocation established under s. 1011.62(16) ~~Schools of Hope Program based upon the strength of the school's plan for implementation and its focus on evidence-based interventions that lead to student success by providing wrap-around services that leverage community assets, improve school and community~~

692180

~~collaboration, and develop family and community partnerships~~. ~~Wrap-around services include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, parental counseling, and adult education. Plans for implementation may also include models that develop a culture of attending college, high academic expectations, character development, dress codes, and an extended school day and school year. At a minimum, a plan for implementation must:~~

~~1. Establish wrap-around services that develop family and community partnerships.~~

~~2. Establish clearly defined and measurable high academic and character standards.~~

~~3. Increase parental involvement and engagement in the child's education.~~

~~4. Describe how the school district will identify, recruit, retain, and reward instructional personnel. The state board may waive the requirements of s. 1012.22(1)(c)5., and suspend the requirements of s. 1012.34, to facilitate implementation of the plan.~~

~~5. Identify a knowledge-rich curriculum that the school will use that focuses on developing a student's background knowledge.~~

~~6. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.~~

(d) Notwithstanding s. 216.301 and pursuant to s. 216.351, funds allocated for the purpose of this subsection which are not disbursed by June 30 of the fiscal year in which the funds are allocated may be carried forward for up to 5 years after the

692180

effective date of the original appropriation.

(11) SCHOOLS OF HOPE MANAGEMENT.—A hope operator or the owner of a school of hope may not serve as the principal of any school that he or she manages.

Section 11. Section 1002.334, Florida Statutes, is created to read:

1002.334 Franchise model schools.—

(1) As used in this section, the term "franchise model school" means a persistently low-performing school, as defined in s. 1002.333(1)(b), which is led by a highly effective principal in addition to the principal's currently assigned school. If a franchise model school achieves a grade of "C" or higher, the school may retain its status as a franchise model school at the discretion of the school district.

(2) A school district that has one or more persistently low-performing schools may use a franchise model school as a school turnaround option pursuant to s. 1008.33(4)(b)4.

(3) A franchise model school principal:

(a) Must be rated as highly effective pursuant to s. 1012.34;

(b) May lead two or more schools, including a persistently low-performing school or a school that was considered a persistently low-performing school before becoming a franchise model school;

(c) May allocate resources and personnel between the schools under his or her administration; however, he or she must expend hope supplemental services allocation funds, authorized under s. 1011.62(16), at the franchise model school; and

(d) Is eligible to receive a Best and Brightest Principal

692180

award under s. 1012.732.

Section 12. Present paragraph (c) of subsection (9) of section 1002.37, Florida Statutes, is amended, and a new paragraph (c) is added to that subsection, to read:

1002.37 The Florida Virtual School.—

(9)

(c) Industry certification examinations, national assessments, and statewide assessments offered by the school district must be available to all Florida Virtual School students.

(d) ~~(c)~~ Unless an alternative testing site is mutually agreed to by the Florida Virtual School and the school district or as contracted under s. 1008.24, all industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to district school board attendance areas. A school district must provide the student with access to the school's testing facilities and the date and time of the administration of each examination or assessment.

Section 13. Paragraph (d) of subsection (2), paragraphs (d) and (h) of subsection (5), subsection (8), and paragraph (a) of subsection (11) of section 1002.385, Florida Statutes, are amended to read:

1002.385 The Gardiner Scholarship.—

(2) DEFINITIONS.—As used in this section, the term:

(d) "Disability" means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric

692180

Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; a rare disease, a disorder that affects ~~diseases which affect~~ patient populations of ~~fewer than~~ 200,000 individuals or fewer in the United States, as defined by the Orphan Drug Act of 1983, Pub. L. No. 97-414 ~~National Organization for Rare Disorders~~; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term "hospital or homebound" includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be used to meet the individual educational needs of an eligible student and may be spent for the following purposes:

(d) Enrollment in, or tuition or fees associated with enrollment in, a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the institution, ~~a private tutoring program authorized under s. 1002.43,~~ a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a), the

692180

Florida Virtual School as a private paying student, or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(13) ~~s. 1003.01(13)(e)~~.

A provider of any services receiving payments pursuant to this subsection may not share, refund, or rebate any moneys from the Gardiner Scholarship with the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

692180

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to the parent.

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter

692180

~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the program.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for program participation under this section is exercising his or her parental option to determine the appropriate placement or the services that best meet the needs of his or her child. The scholarship award for a student is based on a matrix that assigns the student to support Level III services. If a parent receives an IEP and a matrix of services from the school district pursuant to subsection (7), the amount of the payment shall be adjusted as needed, when the school district completes the matrix.

(a) To satisfy or maintain program eligibility, including eligibility to receive and spend program payments, the parent must sign an agreement with the organization and annually submit a notarized, sworn compliance statement to the organization to:

1. Affirm that the student is enrolled in a program that meets regular school attendance requirements as provided in s. 1003.01(13)(b) or (c) ~~s. 1003.01(13)(b)-(d)~~.

692180

2. Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described in subsection (5).

3. Affirm that the parent is responsible for the education of his or her student by, as applicable:

a. Requiring the student to take an assessment in accordance with paragraph (8)(c);

b. Providing an annual evaluation in accordance with s. 1002.41(1)(c); or

c. Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.

4. Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

Section 14. Subsection (3), paragraph (f) of subsection (6), and subsection (8) of section 1002.39, Florida Statutes, are amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program.—There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with

692180

Disabilities Program.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a John M. McKay Scholarship:

(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;

(c) While he or she is receiving an educational scholarship pursuant to this chapter;

(d) While he or she is participating in a home education program as defined in s. 1002.01(1);

~~(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;~~

(e) ~~(f)~~ While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(f) ~~(g)~~ While he or she is enrolled in the Florida School for the Deaf and the Blind;

(g) ~~(h)~~ While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or

(h) ~~(i)~~ If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of 1973 which is valid for 6 months or less.

692180

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(f)1. Conduct ~~random~~ site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (7) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, which information is required by rules of the State Board of Education, subsection (8), and s. 1002.421. The Department of Education may ~~not~~ make followup ~~more than three random~~ site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years pursuant to subsection (7) ~~each year and may not make more than one random site visit each year to the same private school~~.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

692180

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be eligible to participate in the John M. McKay Scholarships for Students with Disabilities Program, a private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the department all documentation required for a student's participation, including the private school's and student's fee schedules, at least 30 days before any quarterly scholarship payment is made for the student pursuant to paragraph (11)(e). A student is not eligible to receive a quarterly scholarship payment if the private school fails to meet this deadline.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

(e) If the private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from scholarships awarded under chapter 1002 in a state fiscal year, provide an annual report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o). Such a

692180

private school must annually submit the required report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure or refusal ~~inability~~ of a private school to meet the requirements of this subsection shall constitute a basis for the ineligibility of the private school to participate in the scholarship program as determined by the department.

Section 15. Subsection (4), paragraph (o) of subsection (6), subsection (8), and paragraph (n) of subsection (9) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(4) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for a scholarship while he or she is:

(a) Enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;

(b) Receiving a scholarship from another eligible nonprofit scholarship-funding organization under this section;

(c) Receiving an educational scholarship pursuant to chapter 1002;

(d) Participating in a home education program as defined in s. 1002.01(1);

~~(e) Participating in a private tutoring program pursuant to s. 1002.43;~~

(e)~~(f)~~ Participating in a virtual school, correspondence

692180

school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year; or

(f) ~~(g)~~ Enrolled in the Florida School for the Deaf and the Blind.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(o)1.a. Must participate in the joint development of agreed-upon procedures to be performed by an independent certified public accountant as required under paragraph (8)(e) if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the ~~2009-2010~~ state fiscal year. The agreed-upon procedures must uniformly apply to all private schools and must determine, at a minimum, whether the private school has been verified as eligible by the Department of Education under paragraph (9)(c); has an adequate accounting system, system of financial controls, and process for deposit and classification of scholarship funds; and has properly expended scholarship funds for education-related expenses. During the development of the procedures, the participating scholarship-funding organizations shall specify guidelines governing the materiality of exceptions that may be found during the accountant's performance of the procedures. The procedures and guidelines shall be provided to private schools and the Commissioner of Education by March 15, 2011.

b. Must participate in a joint review of the agreed-upon procedures and guidelines developed under sub-subparagraph a.,

692180

by February 2013 and biennially thereafter, if the scholarship-funding organization provided more than $250,000 in scholarship funds to an eligible private school under this chapter ~~section~~ during the state fiscal year preceding the biennial review. If the procedures and guidelines are revised, the revisions must be provided to private schools and the Commissioner of Education by March 15, 2013, and biennially thereafter.

c. Must monitor the compliance of a private school with paragraph (8)(e) if the scholarship-funding organization provided the majority of the scholarship funding to the school. For each private school subject to paragraph (8)(e), the appropriate scholarship-funding organization shall notify the Commissioner of Education by October 30, 2011, and annually thereafter of:

(I) A private school’s failure to submit a report required under paragraph (8)(e); or

(II) Any material exceptions set forth in the report required under paragraph (8)(e).

2. Must seek input from the accrediting associations that are members of the Florida Association of Academic Nonpublic Schools when jointly developing the agreed-upon procedures and guidelines under sub-subparagraph 1.a. and conducting a review of those procedures and guidelines under sub-subparagraph 1.b.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

692180

(8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and must:

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the eligible nonprofit scholarship-funding organization, upon request, all documentation required for the student's participation, including the private school's and student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the scholarship program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

3. Cooperating with the scholarship student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

692180

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school must submit a request in writing to the Department of Education by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this chapter ~~section~~ in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the scholarship-funding organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If a private school fails or refuses ~~is unable~~ to meet the requirements of this subsection or has consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that the private school is ineligible to participate in the scholarship program as determined by the Department of Education.

(9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

692180

Education shall:

(n)1. Conduct site visits to private schools participating in the Florida Tax Credit Scholarship Program as authorized under s. 1002.421(7). The purposes ~~purpose~~ of the site visits are ~~is solely~~ to verify compliance with the provisions of subsection (11) aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results. ~~The Department of Education may not make more than seven site visits each year; however,~~ The department may make followup ~~additional~~ site visits at any time to any school that, pursuant to subsection (11), has received a notice of noncompliance or a notice of proposed action within the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.

Section 16. Section 1002.40, Florida Statutes, is created to read:

1002.40 The Hope Scholarship Program.—

(1) PURPOSE.—The Hope Scholarship Program is established to

692180

provide the parent of a public school student who was the victim of a substantiated incident of violence or abuse, as listed in subsection (3), an opportunity to transfer the student to another public school that has capacity or to request and receive a scholarship for the student to enroll in and attend an eligible private school.

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Education.

(b) "Eligible contribution" or "contribution" means a monetary contribution from a person required to pay sales and use tax on the purchase or acquisition of a motor vehicle, subject to the restrictions provided in this section, to an eligible nonprofit scholarship-funding organization. The taxpayer making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) "Eligible nonprofit scholarship-funding organization" or "organization" has the same meaning as provided in s. 1002.395(2)(f), as determined by the department.

(d) "Eligible private school" has the same meaning as provided in s. 1002.395(2)(g), as determined by the department.

(e) "Motor vehicle" has the same meaning as provided in s. 320.01(1)(a), but does not include heavy trucks, truck tractors, trailers, and motorcycles.

(f) "Parent" means a resident of this state who is a parent, as defined in s. 1000.21, and whose public school student was the victim of a reported incident, as listed in subsection (3).

(g) "Principal" means the principal or his or her designee.

(h) "Program" means the Hope Scholarship Program.

692180

(i) "School" includes any educational program or activity conducted by a public K-12 educational institution, any school-related or school-sponsored program or activity, and riding on a school bus, as defined in s. 1006.25(1), including waiting at a school bus stop.

(j) "Unweighted FTE funding amount" means the statewide average total funds per unweighted full-time equivalent funding amount that is incorporated by reference in the General Appropriations Act for the applicable state fiscal year.

(3) PROGRAM ELIGIBILITY.—Beginning with the 2018-2019 school year, contingent upon available funds, and on a first-come, first-served basis, a student enrolled full time in a Florida public school in kindergarten through grade 12 is eligible for a scholarship under this program if all of the following conditions are met:

(a) The student is the victim of a substantiated incident of battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.

(b) The incident is formally reported by the victim or the victim's parent to the principal.

(c) Through an investigation, the principal finds that the incident is substantiated.

(d) The principal's investigation remains open or the district's resolution of issues related to the incident remain unresolved after timely notification, deliberative evaluation, and 30 days of responsible and appropriate action taken in accordance with paragraph (5)(a).

(4) PROGRAM PROHIBITIONS.—Payment of a scholarship may not

692180

be made if a student is:

(a) Enrolled in a public school, including, but not limited to, the Florida School for the Deaf and the Blind; the College-Preparatory Boarding Academy; the Florida Virtual School; a developmental research school authorized under s. 1002.32; or a charter school authorized under s. 1002.33, s. 1002.331, s. 1002.332, or s. 1002.333;

(b) Enrolled in a school operating for the purpose of providing educational services to youth in the Department of Juvenile Justice commitment programs;

(c) Participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;

(d) Receiving any other educational scholarship pursuant to this chapter; or

(e) Participating in a home education program, as defined in s. 1002.01.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. Within 24 hours after receipt of a formal report of an incident listed in subsection (3)(a), the principal shall provide a copy of the report to the victim's parent and the alleged offender's parent. The report must include a statement of the expected investigative actions and the timeline for reporting the outcome of the investigation. Within 24 hours after receipt of the formal report, the principal must also provide the superintendent with a copy of the report and verification that the parents of the victim and the alleged offender have been provided a copy of the incident report and

692180

other required information.

2. In accordance with s. 1006.09, the principal must investigate the incident to determine if the incident is substantiated or unsubstantiated, and if the incident must be reported. The principal may, at his or her discretion, determine the extent to which each student was engaged in instigating, initiating, or reacting to a physical altercation, and may consider such information when evaluating and determining appropriate disciplinary actions and investigation outcomes.

3. During the investigation period, the principal and the superintendent shall take all necessary actions to continue the educational services of students involved in the reported incident while taking every reasonable precaution to keep the alleged offender separated from the victim or any sibling of the victim while on school grounds or on school transportation, pursuant to ss. 1006.09, 1006.13, and 1006.147, as appropriate.

4. Upon the principal's determination that an alleged incident is unsubstantiated or the resolution of issues related to a substantiated incident or within 15 days after the incident was reported, whichever occurs first, the principal must report to the victim's parent and the alleged offender's parent the findings, outcome, or status of the investigation. The principal shall continue to provide such reports to the parents at least every 15 days until the investigation concludes and issues associated with the incident are resolved.

5. If the principal's investigation into the incident remains open more than 30 days after the date a substantiated incident was reported or issues associated with the incident remain unresolved, the school district, in accordance with the

692180

school district's code of student conduct, shall:

a. Notify the victim's parent of the availability of the program and offer that parent an opportunity to enroll his or her student in another public school or to request and receive a scholarship to attend an eligible private school, subject to available funding; and

b. Provide the victim's parent with a written notification of the result of the principal's investigation of the alleged incident. The parent must provide such notification to the scholarship-funding organization that verifies the student's eligibility.

6. To facilitate timely, appropriate, and fiscally accountable scholarship payments, school districts must report and verify student enrollment information during and outside of regular FTE student enrollment survey periods, as requested by the department pursuant to paragraph (7)(d).

(b)1. A parent who, pursuant to s. 1002.31, chooses to enroll his or her student in a Florida public school located outside the district in which the student resides shall be eligible for a scholarship under paragraph (11)(b) to transport the student.

2. For each student participating in the program in a private school who chooses to participate in the statewide assessments under s. 1008.22 or the Florida Alternate Assessment, the school district in which the student resides must notify the student and his or her parent about the locations and times to take all statewide assessments.

(6) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible private school may be sectarian or nonsectarian and shall:

692180

(a) Meet the definition of a private school in s. 1002.01 and comply with all requirements for private schools participating in state school choice scholarship programs pursuant to this section and s. 1002.421.

(b) Provide to the organization and the department, upon request, all documentation required for the student's participation, including, but not limited to, the private school's and the student's fee schedules.

(c) Be academically accountable to the parent for meeting the educational needs of the student by:

1. At a minimum, annually providing to the parent a written explanation of the student's progress.

2. Annually administering or making provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school shall report a student's scores to his or her parent.

3. Cooperating with the student whose parent chooses to have the student participate in the statewide assessments pursuant to s. 1008.22 or, if a private school chooses to offer the statewide assessments, administering the assessments at the school.

a. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10.

b. A participating private school shall submit a request in

692180

writing to the department by March 1 of each year in order to administer the statewide assessments in the subsequent school year.

(d) Employ or contract with teachers who have regular and direct contact with each student receiving a scholarship under this section at the school's physical location.

(e) Maintain in this state a physical location where a scholarship student regularly attends classes.

(f) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under s. 1002.395(6)(o) if the private school receives more than $250,000 in funds from scholarships awarded under this section in a state fiscal year. A private school subject to this paragraph must annually submit the report by September 15 to the organization that awarded the majority of the school's scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

The failure of a private school to meet the requirements of this subsection constitutes a basis for the ineligibility of the private school to participate in the program, as determined by the department.

(7) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the program.

(b) Annually verify the eligibility of private schools that

692180

meet the requirements of subsection (6).

(c) Require an annual notarized and sworn compliance statement by participating private schools certifying compliance with state laws and retain such records.

(d) Cross-check the list of participating students with the public school enrollment lists and participation lists in other scholarship programs established under this chapter before each scholarship payment to avoid duplication.

(e) Maintain a list of nationally norm-referenced tests identified for purposes of satisfying the testing requirement in paragraph (9)(f). The tests must meet industry standards of quality in accordance with State Board of Education rule.

(f) Require quarterly reports by an eligible nonprofit scholarship-funding organization regarding the number of students participating in the scholarship program, the private schools in which the students are enrolled, and other information deemed necessary by the department.

(g) Contract with an independent entity to provide an annual evaluation of the program by:

1. Reviewing the school climate and code of student conduct of each public school that reported the occurrence of a monthly average of 10 or more substantiated incidents to determine areas in the school or school district procedures involving reporting, investigating, and communicating a parent’s and student’s rights which are in need of improvement. At a minimum, the review must include:

a. An assessment of the investigation time and quality of the response of the school and the school district;

b. An assessment of the effectiveness of communication

692180

procedures with the students involved in an incident, the students' parents, and the school and school district personnel;

c. An analysis of school incident and discipline data; and

d. The challenges and obstacles relating to implementing recommendations from this review.

2. Reviewing the school climate and code of student conduct of each public school a student transferred to if the student was from a school identified in subparagraph 1. in order to identify best practices and make recommendations to a public school at which the incidents occurred.

3. Reviewing the performance of participating students enrolled in a private school in which the majority of the school's total enrolled students in the prior school year participated in one or more scholarship programs, as defined in s. 1002.01, in which there are at least 10 participating students who have scores for tests administered; and reviewing the school climate and code of student conduct of the private school if one or more scholarship participants were involved in a reported incident at the school during the prior school year.

4. Surveying the parents of participating students to determine academic, safety, and school climate satisfaction and to identify any challenges or obstacles in addressing the incident or relating to the use of the scholarship.

(h) Upon the request of a participating private school, provide at no cost to the school the statewide assessments administered under s. 1008.22 and any related materials for administering the assessments. Students at a private school may be assessed using the statewide assessments if the addition of those students and the school does not cause the state to exceed

692180

its contractual caps for the number of students tested and the number of testing sites. The state shall provide the same materials and support to a private school that it provides to a public school. A private school that chooses to administer statewide assessments under s. 1008.22 shall follow the requirements set forth in ss. 1008.22 and 1008.24, rules adopted by the State Board of Education to implement those sections, and district-level testing policies established by the district school board.

(i) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry or make a referral to the appropriate agency for an investigation of any written complaint of a violation of this section if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if such complaint contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education pursuant to this section has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(j)1. Conduct site visits to participating private schools. The purpose of the site visits is solely to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, teachers' fingerprinting results, and other conditions required pursuant to s. 1002.421

692180

and this section. The department may not make more than seven site visits each year; however, the department may make additional site visits at any time to a school that is the subject of a violation complaint submitted pursuant to paragraph (i), is identified by an organization for a known or suspected violation, or has received a notice of noncompliance or a notice of proposed action within the current year or the previous 2 years.

2. Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the department's actions with respect to implementing accountability in the program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program, and the corrective action taken by the department.

(8) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's participation in the program if it is determined that the private school has failed to comply with the provisions of this section. However, if the noncompliance is correctable within a reasonable amount of time and if the health, safety, or welfare of the students is not threatened, the commissioner may issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the program.

2. May deny, suspend, or revoke a private school's participation in the program if the commissioner determines that

692180

an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the department for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke

692180

a private school's participation in the program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days after receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall refer the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this paragraph, the director of the Division of Administrative Hearings shall expedite the hearing and assign an administrative law judge who shall commence a hearing within 30 days after the receipt of the formal written request by the division and enter a recommended order within 30 days after the hearing or within 30 days after receipt of the hearing transcript, whichever is later. Each party shall be allowed 10 days in which to submit written exceptions to the recommended order. A final order shall be entered by the agency within 30 days after the entry of a recommended order. The provisions of this subparagraph may be waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of

692180

the students; or

2. Fraudulent activity on the part of the private school. Notwithstanding s. 1002.22, in incidents of alleged fraudulent activity pursuant to this section, the department's Office of Inspector General is authorized to release personally identifiable records or reports of students to the following persons or organizations:

a. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's suspension of payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a Hope Scholarship is

692180

exercising his or her parental option to place his or her student in an eligible private school.

(a) The parent must select an eligible private school and apply for the admission of his or her student.

(b) The parent must inform the student's school district when the parent withdraws his or her student to attend an eligible private school.

(c) Any student participating in the program must comply with the regular attendance requirements of s. 1003.01(13) and remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) Upon reasonable notice to the department and the school district, the parent may remove the student from the private school and place the student in a public school in accordance with this section.

(f) The parent must ensure that the student participating in the program takes the norm-referenced assessment offered by the private school. The parent may also choose to have the student participate in the statewide assessments pursuant to s. 1008.22. If the parent requests that the student participating in the program take the statewide assessments pursuant to s. 1008.22 and the private school has not chosen to offer and administer the statewide assessments, the parent is responsible for transporting the student to the assessment site designated by the school district.

(g) Upon receipt of a scholarship warrant, the parent to

692180

whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A parent who fails to comply with this paragraph forfeits the scholarship.

(10) OBLIGATIONS OF NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish scholarships for eligible students by:

(a) Receiving applications and determining student eligibility in accordance with the requirements of this section.

(b) Notifying parents of their receipt of a scholarship on a first-come, first-served basis, based upon available funds.

(c) Preparing and submitting quarterly and annual reports to the department pursuant to paragraphs (7)(f) and (g). In addition, an eligible nonprofit scholarship-funding organization must submit in a timely manner any information requested by the department relating to the scholarship program.

(d) Notifying the department of any known or suspected violation of this section by a private school, parent, or student.

(11) FUNDING AND PAYMENT.—

(a) The maximum amount awarded to a student enrolled in an eligible private school shall be determined as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

1. Eighty-eight percent for a student enrolled in kindergarten through grade 5.

692180

2. Ninety-two percent for a student enrolled in grade 6 through grade 8.

3. Ninety-six percent for a student enrolled in grade 9 through grade 12.

(b) The maximum amount awarded to a student enrolled in a Florida public school located outside of the district in which the student resides shall be $750.

(c) When a student enters the program, the organization must receive all documentation required for the student's participation, including a copy of the report of the substantiated incident received pursuant to subsection (5) and the private school's and the student's fee schedules. The initial payment shall be made after verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school.

(d) Payment of the scholarship by the eligible nonprofit scholarship-funding organization may be by individual warrant made payable to the student's parent or by funds transfer made by debit cards, electronic payment cards, or other means of payment which the department deems to be commercially viable or cost-effective. If payment is made by warrant, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. If payment is made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's

692180

attorney in fact to endorse a scholarship warrant or approve a funds transfer.

(e) An eligible nonprofit scholarship-funding organization shall obtain verification from the private school of a student's continued attendance at the school for each period covered by a scholarship payment.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) An organization may use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses if the organization has operated as an eligible nonprofit scholarship-funding organization for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395(6)(m). Such administrative expenses must be reasonable and necessary for the organization's management and distribution of eligible contributions under this section. Funds authorized under this paragraph may not be used for lobbying or political activity or expenses related to lobbying or political activity. Up to one-third of the funds authorized for administrative expenses under this paragraph may be used for expenses related to the recruitment of contributions from taxpayers. An eligible nonprofit scholarship-funding organization may not charge an application fee.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

692180

(12) OBLIGATIONS OF THE AUDITOR GENERAL.—

(a) The Auditor General shall conduct an annual operational audit of accounts and records of each organization that participates in the program. As part of this audit, the Auditor General shall verify, at a minimum, the total number of students served and transmit that information to the department. The Auditor General shall provide the commissioner with a copy of each annual operational audit performed pursuant to this subsection within 10 days after the audit is finalized.

(b) The Auditor General shall notify the department of any organization that fails to comply with a request for information.

(13) SCHOLARSHIP FUNDING TAX CREDITS.—

(a) A tax credit is available under s. 212.1832 for use by a taxpayer that makes an eligible contribution to the program. Each eligible contribution is limited to a single payment of $20 at the time of purchase of a motor vehicle or a single payment of $20 at the time of registration of a motor vehicle that was not purchased from a dealer. An eligible contribution shall be accompanied by an election to contribute to the program and shall be made by the purchaser at the time of purchase or at the time of registration on a form provided by the Department of Revenue. Payments of contributions shall be made to a dealer, as defined in chapter 212, at the time of purchase of a motor vehicle or to an agent of the Department of Revenue, as designated by s. 212.06(10), at the time of registration of a motor vehicle that was not purchased from a dealer.

(b) A tax collector or any person or firm authorized to sell or issue a motor vehicle license who is designated as an

692180

agent of the Department of Revenue pursuant to s. 212.06(10) or who is a dealer shall:

1. Provide the purchaser the contribution election form, as prescribed by the Department of Revenue, at the time of purchase of a motor vehicle or at the time of registration of a motor vehicle that was not purchased from a dealer.

2. Collect eligible contributions.

3. Using a form provided by the Department of Revenue, which shall include the dealer's or agent's federal employer identification number, remit to an organization on or before the 20th day of each month the total amount of contributions made to that organization and collected during the preceding calendar month.

4. Report on each return filed with the Department of Revenue the total amount of credits allowed under s. 212.1832 during the preceding calendar month.

(c) An organization shall report to the Department of Revenue, on or before the 20th day of each month, the total amount of contributions received pursuant to paragraph (b) in the preceding calendar month on a form provided by the Department of Revenue. Such report shall include the federal employer identification number of each tax collector, authorized agent of the Department of Revenue, or dealer who remitted contributions to the organization during that reporting period.

(d) A person who, with intent to unlawfully deprive or defraud the program of its moneys or the use or benefit thereof, fails to remit a contribution collected under this section is guilty of theft of charitable funds, punishable as follows:

1. If the total amount stolen is less than $300, the

692180

offense is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Upon a second conviction, the offender is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. Upon a third or subsequent conviction, the offender is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2. If the total amount stolen is $300 or more, but less than $20,000, the offense is a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. If the total amount stolen is $20,000 or more, but less than $100,000, the offense is a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

4. If the total amount stolen is $100,000 or more, the offense is a felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e) A person convicted of an offense under paragraph (d) shall be ordered by the sentencing judge to make restitution to the organization in the amount that was stolen from the program.

(14) LIABILITY.—The state is not liable for the award or any use of awarded funds under this section.

(15) SCOPE OF AUTHORITY.—This section does not expand the regulatory authority of this state, its officers, or any school district to impose additional regulation on participating private schools beyond those reasonably necessary to enforce requirements expressly set forth in this section.

(16) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 17. Section 1002.411, Florida Statutes, is created

692180

to read:

1002.411 Reading scholarship accounts.—

(1) READING SCHOLARSHIP ACCOUNTS.—Reading scholarship accounts are established to provide educational options for students.

(2) ELIGIBILITY.—Contingent upon available funds, and on a first-come, first-served basis, each student in grades 3 through 5 who is enrolled in a Florida public school is eligible for a reading scholarship account if the student scored below a Level 3 on the grade 3 or grade 4 statewide, standardized English Language Arts (ELA) assessment in the prior school year.

(3) PARENT AND STUDENT RESPONSIBILITIES FOR PARTICIPATION.—

(a) For an eligible student to receive a reading scholarship account, the student's parent must:

1. Submit an application to an eligible nonprofit scholarship-funding organization by the deadline established by such organization; and

2. Submit eligible expenses to the eligible nonprofit scholarship-funding organization for reimbursement of qualifying expenditures, which may include:

a. Instructional materials.

b. Curriculum. As used in this sub-subparagraph, the term "curriculum" means a complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.

c. Tuition and fees for part-time tutoring services provided by a person who holds a baccalaureate or graduate degree in the subject area; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has

692180

demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5).

d. Fees for summer education programs.

e. Fees for after-school education programs.

f. Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

(I) Applied behavior analysis services as provided in ss. 627.6686 and 641.31098.

(II) Services provided by speech-language pathologists as defined in s. 468.1125.

(III) Occupational therapy services as defined in s. 468.203.

(IV) Services provided by physical therapists as defined in s. 486.021.

(V) Services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.

A provider of any services receiving payments pursuant to this subparagraph may not share any moneys from the reading scholarship with, or provide a refund or rebate of any moneys from such scholarship to, the parent or participating student in any manner. A parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using reading scholarship funds.

(b) The parent is responsible for the payment of all

692180

eligible expenses in excess of the amount in the account in accordance with the terms agreed to between the parent and any providers and may not receive any refund or rebate of any expenditures made in accordance with paragraph (a).

(4) ADMINISTRATION.—An eligible nonprofit scholarship-funding organization participating in the Florida Tax Credit Scholarship Program established by s. 1002.395 may establish reading scholarship accounts for eligible students in accordance with the requirements of eligible nonprofit scholarship-funding organizations under this chapter.

(5) DEPARTMENT OBLIGATIONS.—The department shall have the same duties imposed by this chapter upon the department regarding oversight of scholarship programs administered by an eligible nonprofit scholarship-funding organization.

(6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—By September 30, the school district shall notify the parent of each student in grades 3 through 5 who scored below a level 3 on the statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

(7) ACCOUNT FUNDING AND PAYMENT.—

(a) The maximum amount granted for an eligible student shall be provided in the General Appropriations Act.

(b) One hundred percent of the funds appropriated for the reading scholarship accounts shall be released to the department at the beginning of the first quarter of each fiscal year.

(c) Upon notification from the eligible nonprofit scholarship-funding organization that a student has been determined eligible for a reading scholarship, the department

692180

shall release the student's scholarship funds to such organization to be deposited into the student's account.

(d) Accrued interest in the student's account is in addition to, and not part of, the awarded funds. Account funds include both the awarded funds and accrued interest.

(e) The eligible nonprofit scholarship-funding organization may develop a system for payment of scholarship funds by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. A student's scholarship award may not be reduced for debit card or electronic payment fees. Commodities or services related to the development of such a system shall be procured by competitive solicitation unless they are purchased from a state term contract pursuant to s. 287.056.

(f) Payment of the scholarship shall be made by the eligible nonprofit scholarship-funding organization no less frequently than on a quarterly basis.

(g) In addition to funds appropriated for scholarships and subject to a separate, specific legislative appropriation, an organization may receive an amount equivalent to not more than 3 percent of the amount of each scholarship from state funds for administrative expenses if the organization has operated as a nonprofit entity for at least the preceding 3 fiscal years and did not have any findings of material weakness or material noncompliance in its most recent audit under s. 1002.395. Such administrative expenses must be reasonable and necessary for the organization's management and distribution of scholarships under this section. Funds authorized under this paragraph may not be

692180

used for lobbying or political activity or expenses related to lobbying or political activity. An organization may not charge an application fee for a scholarship. Administrative expenses may not be deducted from funds appropriated for scholarships.

(h) Moneys received pursuant to this section do not constitute taxable income to the qualified student or his or her parent.

(i) A student's scholarship account must be closed and any remaining funds shall revert to the state after:

1. Denial or revocation of scholarship eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student's parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (3); or

2. Three consecutive fiscal years in which an account has been inactive.

(8) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a reading scholarship account.

Section 18. Present subsection (7) of section 1002.421, Florida Statutes, is amended and redesignated as subsection (11), a new subsection (7) and subsections (8), (9), and (10) are added to that section, and subsection (1), paragraphs (h) and (i) of subsection (2), and subsections (4) and (5) of that section are amended, to read:

1002.421 Accountability of private schools participating in state school choice scholarship programs.—

(1)(a) A Florida private school participating in the Florida Tax Credit Scholarship Program established pursuant to

692180

s. 1002.395 or an educational scholarship program established pursuant to this chapter must comply with all requirements of this section in addition to private school requirements outlined in s. 1002.42, specific requirements identified within respective scholarship program laws, and other provisions of Florida law that apply to private schools.

(b) For purposes of this section, the term "owner or operator" includes an owner, operator, superintendent, or principal of an eligible private school or a person with equivalent decisionmaking authority over an eligible private school.

(2) A private school participating in a scholarship program must be a Florida private school as defined in s. 1002.01(2), must be registered in accordance with s. 1002.42, and must:

(h) Employ or contract with teachers who:

1. Unless otherwise specified under this paragraph, hold baccalaureate or higher degrees, have at least 3 years of teaching experience in public or private schools, or have objectively identified special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

2. Hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country. This subparagraph applies to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

The private school must report to the department, in a format developed by the department, the qualifications of each teacher

692180

hired by the school, including, but not limited to, an explanation of the objectively identified special skills or expertise of such teachers, as applicable. Additionally, the private school must provide to the parent of each scholarship student, on the school's website or on a written form provided by the school, the qualifications of each classroom teacher.

(i) Require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening, pursuant to s. 943.0542, by electronically filing with the Department of Law Enforcement a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company who is trained to take fingerprints and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04. Results of the screening shall be provided to the participating private school. For purposes of this paragraph:

1. An "employee or contracted personnel with direct student contact" means any employee or contracted personnel who has unsupervised access to a scholarship student for whom the private school is responsible.

2. The costs of fingerprinting and the background check shall not be borne by the state.

3. Continued employment of an employee or contracted personnel after notification that he or she has failed the background screening under this paragraph shall cause a private school to be ineligible for participation in a scholarship program.

692180

4. An employee or contracted personnel holding a valid Florida teaching certificate who has been fingerprinted pursuant to s. 1012.32 and who is not ineligible for employment pursuant to s. 1012.315 is not required to comply with the provisions of this paragraph.

(4) A private school that accepts scholarship students under this chapter ~~s. 1002.39 or s. 1002.395~~ must:

(a) Disqualify instructional personnel and school administrators, as defined in s. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under s. 1012.315.

(b) Adopt and faithfully implement policies establishing standards of ethical conduct for instructional personnel and school administrators. The policies must require all instructional personnel and school administrators, as defined in s. 1012.01, to complete training on the standards; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under ss. 39.203 and 768.095. A private school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide the instructional personnel or school

692180

administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

(c) Before employing instructional personnel or school administrators in any position that requires direct contact with students, conduct employment history checks of each of the personnel's or administrators' previous employers, screen the personnel or administrators through use of the educator screening tools described in s. 1001.10(5), and document the findings. If unable to contact a previous employer, the private school must document efforts to contact the employer.

The department shall suspend the payment of funds under this chapter ~~ss. 1002.39 and 1002.395~~ to a private school that ~~knowingly~~ fails or refuses to comply with this subsection, and shall prohibit the school from enrolling new scholarship students, for 1 fiscal year and until the school complies.

(5) The failure or refusal ~~inability~~ of a private school to meet the requirements of this section shall constitute a basis for the ineligibility of the private school to participate in a scholarship program as determined by the department. Additionally, a private school is ineligible to participate in a state scholarship program under this chapter if the owner or

692180

operator of the private school was a debtor in a voluntary or involuntary bankruptcy petition within the most recent 5 years.

(7)(a) The department must annually visit at least 5 percent, and may annually visit up to 7 percent, of the private schools that participate in the state scholarship programs under this chapter. Site visits required under subsection (8) are not included in the annual site visits authorized under this paragraph.

(b) The purposes of the site visits are to verify compliance with the provisions of this section aimed at protecting the health, safety, and welfare of students and to verify the information reported by the schools concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results, as required by rules of the State Board of Education and this section.

(c) The department may make followup site visits at any time to any school that has received a notice of noncompliance or a notice of proposed action within the previous 2 years, or for a cause that affects the health, safety, and welfare of a student.

(8)(a) The department shall visit each private school that notifies the department of the school's intent to participate in a state scholarship program under this chapter.

(b) The purpose of the site visit is to determine that the school meets the applicable state and local health, safety, and welfare codes and rules pursuant to this section.

(9) The Division of State Fire Marshal shall annually provide to the department a fire safety inspection report,

692180

prepared by the local fire departments or by entities with whom they contract to perform fire safety inspections of private schools, for each private school that participates in a state scholarship program under this chapter.

(10) If a private school that participates in a state scholarship program under this chapter receives more than $250,000 in funds from the scholarships awarded under this chapter in a state fiscal year, the school must provide to the department a report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures.

(11) ~~(7)~~ The State Board of Education shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer and enforce this section.

Section 19. Section 1002.43, Florida Statutes, is repealed.

Section 20. Paragraph (a) of subsection (2) and paragraph (d) of subsection (8) of section 1002.45, Florida Statutes, are amended to read:

1002.45 Virtual instruction programs.—

(2) PROVIDER QUALIFICATIONS.—

(a) The department shall annually publish online a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider must document that it:

1. Is nonsectarian in its programs, admission policies, employment practices, and operations;

2. Complies with the antidiscrimination provisions of s. 1000.05;

3. Locates an administrative office or offices in this

state, requires its administrative staff to be state residents, requires all instructional staff to be Florida-certified teachers under chapter 1012 and conducts background screenings for all employees or contracted personnel, as required by s. 1012.32, using state and national criminal history records;

4. Provides to parents and students specific information posted and accessible online that includes, but is not limited to, the following teacher-parent and teacher-student contact information for each course:

a. How to contact the instructor via phone, e-mail, or online messaging tools.

b. How to contact technical support via phone, e-mail, or online messaging tools.

c. How to contact the administration office via phone, e-mail, or online messaging tools.

d. Any requirement for regular contact with the instructor for the course and clear expectations for meeting the requirement.

e. The requirement that the instructor in each course must, at a minimum, conduct one contact ~~via phone~~ with the parent and the student each month;

5. Possesses prior, successful experience offering online courses to elementary, middle, or high school students as demonstrated by quantified student learning gains in each subject area and grade level provided for consideration as an instructional program option. However, for a provider without sufficient prior, successful experience offering online courses, the department may conditionally approve the provider to offer courses measured pursuant to subparagraph (8)(a)2. Conditional

692180

approval shall be valid for 1 school year only and, based on the provider's experience in offering the courses, the department shall determine whether to grant approval to offer a virtual instruction program;

6. Is accredited by a regional accrediting association as defined by State Board of Education rule;

7. Ensures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level it intends to provide through contract with the school district, including:

a. Courses and programs that meet the standards of the International Association for K-12 Online Learning and the Southern Regional Education Board.

b. Instructional content and services that align with, and measure student attainment of, student proficiency in the Next Generation Sunshine State Standards.

c. Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate;

8. Publishes for the general public, in accordance with disclosure requirements adopted in rule by the State Board of Education, as part of its application as a provider and in all contracts negotiated pursuant to this section:

a. Information and data about the curriculum of each full-time and part-time program.

b. School policies and procedures.

c. Certification status and physical location of all administrative and instructional personnel.

d. Hours and times of availability of instructional

692180

personnel.

e. Student-teacher ratios.

f. Student completion and promotion rates.

g. Student, educator, and school performance accountability outcomes;

9. If the provider is a Florida College System institution, employs instructors who meet the certification requirements for instructional staff under chapter 1012; and

10. Performs an annual financial audit of its accounts and records conducted by an independent certified public accountant which is in accordance with rules adopted by the Auditor General, is conducted in compliance with generally accepted auditing standards, and includes a report on financial statements presented in accordance with generally accepted accounting principles.

(8) ASSESSMENT AND ACCOUNTABILITY.—

(d) An approved provider's contract is automatically ~~must be~~ terminated if the provider earns two consecutive ~~receives a~~ school grades ~~grade~~ of ~~"D" or~~ "F" under s. 1008.34 after all school grade appeals are final or receives two consecutive ~~a~~ school improvement ratings ~~rating~~ of "Unsatisfactory" under s. 1008.341 ~~for 2 years during any consecutive 4-year period~~ or has violated any qualification requirement pursuant to subsection (2); however, the State Board of Education may grant the provider a waiver of termination. A provider that has a contract terminated under this paragraph may not be an approved provider for a period of at least 1 year after the date upon which the contract was terminated and until the department determines that the provider is in compliance with subsection (2) and has

692180

corrected each cause of the provider's low performance.

Section 21. Subsection (5) of section 1002.55, Florida Statutes, is amended to read:

1002.55 School-year prekindergarten program delivered by private prekindergarten providers.—

(5)(a) Notwithstanding paragraph (3)(b), a private prekindergarten provider may not participate in the Voluntary Prekindergarten Education Program if the provider has child disciplinary policies that do not prohibit children from being subjected to discipline that is severe, humiliating, frightening, or associated with food, rest, toileting, spanking, or any other form of physical punishment as provided in s. 402.305(12).

(b) Notwithstanding any other provision of law, if a private prekindergarten provider has been cited for a class I violation, as defined by rule, the coalition may refuse to contract with the provider.

Section 22. Subsection (13) of section 1003.01, Florida Statutes, is amended to read:

1003.01 Definitions.—As used in this chapter, the term:

(13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 may be achieved by a student's full-time attendance in one of the following options:

(a) A public school supported by public funds, including, but not limited to, the Florida School for the Deaf and the Blind, the Florida Virtual School, a developmental research school, and a charter school established pursuant to chapter

692180

1002.~~;~~

~~(b) A parochial, religious, or denominational school;~~

(b)~~(c)~~ A private school, as defined in s. 1002.01(2) and in compliance with s. 1002.42, including, but not limited to, a private parochial, religious, or denominational school; and a private school supported in whole or in part by tuition charges or by endowments or gifts. This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3).~~;~~

(c)~~(d)~~ A home education program, as defined in s. 1002.01(1), which ~~that~~ meets the requirements of chapter 1002.~~;~~ ~~or~~

~~(e) A private tutoring program that meets the requirements of chapter 1002.~~

Section 23. Paragraph (f) of subsection (1) of section 1003.26, Florida Statutes, is amended to read:

1003.26 Enforcement of school attendance.—The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the

692180

schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

(1) CONTACT, REFER, AND ENFORCE.—

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district’s regular school terms until

692180

the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a) or (b) ~~s. 1003.01(13)(a), (b), (c), or (e)~~, within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

Section 24. Paragraph (d) of subsection (2) of section 1003.41, Florida Statutes, is amended and paragraph (f) is added to that subsection, to read:

1003.41 Next Generation Sunshine State Standards.—

692180

(2) Next Generation Sunshine State Standards must meet the following requirements:

(d) Social Studies standards must establish specific curricular content for, at a minimum, geography, United States and world history, government, civics, humanities, and economics, including financial literacy. Financial literacy includes the knowledge, understanding, skills, behaviors, attitudes, and values that will enable a student to make responsible and effective financial decisions on a daily basis. Financial literacy instruction shall be an integral part of instruction throughout the entire economics course and include information regarding earning income; buying goods and services; saving and financial investing; taxes; the use of credit and credit cards; budgeting and debt management, including student loans and secured loans; banking and financial services; planning for one's financial future, including higher education and career planning; credit reports and scores; and fraud and identity theft prevention. The requirements for financial literacy specified under this paragraph do not apply to students entering grade 9 in the 2018-2019 school year and thereafter.

(f) Effective for students entering grade 9 in the 2018-2019 school year and thereafter, financial literacy standards must establish specific curricular content for, at a minimum, personal financial literacy and money management. Financial literacy includes instruction in the areas specified in s. 1003.4282(3)(h).

Section 25. Paragraphs (d) and (g) of subsection (3) of section 1003.4282, Florida Statutes, are amended, and paragraph (h) is added to that subsection, to read:

692180

1003.4282 Requirements for a standard high school diploma.—

(3) STANDARD HIGH SCHOOL DIPLOMA; COURSE AND ASSESSMENT REQUIREMENTS.—

(d) *Three credits in social studies.*—A student must earn one credit in United States History; one credit in World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade. However, for a student entering grade 9 in the 2018-2019 school year or thereafter, financial literacy is not a required component of the one-half credit in economics.

(g) ~~*Eight*~~ *Credits in Electives.*—School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. A student entering grade 9 before the 2018-2019 school year must earn eight credits in electives. A student entering grade 9 in the 2018-2019 school year or thereafter must earn seven and one-half credits in electives.

(h) *One-half credit in personal financial literacy.*— Beginning with students entering grade 9 in the 2018-2019 school year, each student shall earn one-half credit in personal

692180

financial literacy and money management. This instruction must include discussion of or instruction in the following:

1. Types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services.

2. Balancing a checkbook.

3. Basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt.

4. Completing a loan application.

5. Receiving an inheritance and related implications.

6. Basic principles of personal insurance policies.

7. Computing federal income taxes.

8. Local tax assessments.

9. Computing interest rates by various mechanisms.

10. Simple contracts.

11. Contesting an incorrect billing statement.

12. Types of savings and investments.

13. State and federal laws concerning finance.

Section 26. Subsection (4) is added to section 1003.44, Florida Statutes, to read:

1003.44 Patriotic programs; rules.—

(4) Each district school board shall adopt rules to require, in all of the schools of the district and in each building used by the district school board, the display of the state motto, "In God We Trust," designated under s. 15.0301, in a conspicuous place.

Section 27. Subsection (3) of section 1003.453, Florida Statutes, is amended to read:

692180

1003.453 School wellness and physical education policies; nutrition guidelines.—

(3) School districts are encouraged to provide basic training in first aid~~, including cardiopulmonary resuscitation,~~ for all students, beginning in grade 6 and every 2 years thereafter. Private and public partnerships for providing training or necessary funding are encouraged.

Section 28. Section 1003.457, Florida Statutes, is created to read:

1003.457 Instruction in cardiopulmonary resuscitation.—

(1) Each school district shall provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator. Students shall study and practice the psychomotor skills associated with performing CPR at least once before graduating from high school. The instruction shall be a part of the physical education curriculum or another required curriculum selected by the school district.

(2) The instruction shall be based on an instructional program established by:

(a) The American Heart Association;

(b) The American Red Cross; or

(c) Another nationally recognized program that uses the most current evidence-based emergency cardiovascular care guidelines.

(3) A student with a disability, as defined in s. 1007.02, is exempt from the requirements of this section.

Section 29. Section 1006.05, Florida Status, is created to read:

1006.05 Mental health assistance allocation

692180

specifications.—Pursuant to s. 1011.62(17), the mental health assistance allocation is created to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs that increase awareness of mental health issues among children and school-age youth; to train educators and other school staff in detecting and responding to mental health issues; and to connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

(1) Funding provided pursuant to s. 1011.62(17) shall be allocated in accordance with the following:

(a) Before the distribution of the allocation:

1. The district must annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.

2. A charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval. After the plan is approved by the governing body, it must be provided to its school district for submission to the commissioner.

(b) The plans required under paragraph (a) must include, at a minimum, the elements in subparagraphs 1., 2., and 3., and the districts and charter schools are strongly encouraged to include in their respective plans the elements specified in subparagraphs 4., 5., and 6., as follows:

1. A contract or a memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services

692180

to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth;

2. Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training programs for all school personnel who have contact with students. The training must cover risk factors and warning signs for mental health and addiction concerns, strategies for providing assistance to individuals in both crisis and non-crisis situations, and the use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community. Topics covered should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention;

3. A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate;

4. Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;

5. Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and

692180

6. Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.

(c) The districts shall submit approved plans to the commissioner by August 1 of each year.

(2) Beginning September 30, 2019, and by each September 30 thereafter, each entity that receives an allocation under this section shall submit to the commissioner, in a format prescribed by the department, a final report on its program outcomes and its expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

(a) Students who receive screenings or assessments.

(b) Students who are referred for services or assistance.

(c) Students who receive services or assistance.

(d) Parents or guardians notified.

(e) School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the plan required under this subsection.

Section 30. Section 1006.061, Florida Statutes, is amended to read:

1006.061 Child abuse, abandonment, and neglect policy.—Each district school board, charter school, and private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002 shall:

(1) Post in a prominent place in each school a notice that, pursuant to chapter 39, all employees and agents of the district school board, charter school, or private school have an

692180

affirmative duty to report all actual or suspected cases of child abuse, abandonment, or neglect; have immunity from liability if they report such cases in good faith; and have a duty to comply with child protective investigations and all other provisions of law relating to child abuse, abandonment, and neglect. The notice shall also include the statewide toll-free telephone number of the central abuse hotline.

(2) Post in a prominent place at each school site and on each school's Internet website, if available, the policies and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators.

(3) Require the principal of the charter school or private school, or the district school superintendent, or the superintendent's designee, at the request of the Department of Children and Families, to act as a liaison to the Department of Children and Families and the child protection team, as defined in s. 39.01, when in a case of suspected child abuse, abandonment, or neglect or an unlawful sexual offense involving a child the case is referred to such a team; except that this does not relieve or restrict the Department of Children and Families from discharging its duty and responsibility under the law to investigate and report every suspected or actual case of child abuse, abandonment, or neglect or unlawful sexual offense involving a child.

692180

(4)(a) Post in a prominent place in a clearly visible location and public area of the school which is readily accessible to and widely used by students a sign in English and Spanish that contains:

1. The statewide toll-free telephone number of the central abuse hotline as provided in chapter 39;

2. Instructions to call 911 for emergencies; and

3. Directions for accessing the Department of Children and Families Internet website for more information on reporting abuse, neglect, and exploitation.

(b) The information in paragraph (a) must be put on at least one poster in each school, on a sheet that measures at least 11 inches by 17 inches, produced in large print, and placed at student eye level for easy viewing.

The Department of Education shall develop, and publish on the department's Internet website, sample notices suitable for posting in accordance with subsections (1), (2), and (4).

Section 31. Subsections (4) and (6) of section 1006.07, Florida Statutes, are amended, and subsection (7) is added to that section, 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:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures for

692180

emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, hostage and active shooter situations, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.

(b) Establish model emergency management and emergency preparedness procedures, including emergency notification procedures pursuant to paragraph (a), for the following life-threatening emergencies:

1. Weapon-use, ~~and~~ hostage, and active shooter situations. The active shooter situation training for each school must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.

2. Hazardous materials or toxic chemical spills.

3. Weather emergencies, including hurricanes, tornadoes, and severe storms.

4. Exposure as a result of a manmade emergency.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each school district shall: ~~Use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to~~

(a) Conduct security risk assessments at each public school and conduct a self-assessment of the school districts' current

692180

safety and security practices using a format prescribed by the department. Based on these ~~self-assessment~~ findings, the district school superintendent shall provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security. Annually each district school board must receive such findings and the superintendent's recommendations ~~the self-assessment results~~ at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the ~~report~~ findings and recommendations. Each district school superintendent shall report such findings ~~the self-assessment results~~ and school board action to the commissioner within 30 days after the district school board meeting.

(b) Using a format prescribed by the department, develop a plan that includes having a secure, single point of entry onto school grounds.

(7) SAFETY IN CONSTRUCTION PLANNING.—A district school board or private school principal or governing board must allow the law enforcement agency or agencies that are designated as first responders to the school's or district's campus to tour such campus once every 3 years. Any changes related to school safety and emergency issues recommended by a law enforcement agency based on a campus tour must be documented by the district school board or private school principal or governing board.

Section 32. Subsection (1) and paragraph (b) of subsection (2) section 1006.12, Florida Statutes, are amended to read:

1006.12 School resource officers and school safety

692180

officers.—

(1) District school boards shall ~~may~~ establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with subsection (2).

(a) School resource officers shall be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a school resource officer.

(b) School resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(2)

(b) A district school board shall ~~may~~ commission one or more school safety officers for the protection and safety of school personnel, property, and students at each district school facility within the school district. The district school superintendent may recommend and the district school board may appoint one or more school safety officers.

Section 33. Subsection (13) and paragraph (b) of subsection (24) of section 1007.271, Florida Statutes, are amended to read:

1007.271 Dual enrollment programs.—

(13)(a) The dual enrollment program for a home education

692180

student, including, but not limited to, students with disabilities, consists of the enrollment of an eligible home education secondary student in a postsecondary course creditable toward an associate degree, a career certificate, or a baccalaureate degree. To participate in the dual enrollment program, an eligible home education secondary student must:

1. Provide proof of enrollment in a home education program pursuant to s. 1002.41.

2. Be responsible for his or her own ~~instructional materials and~~ transportation unless provided for in the articulation agreement.

3. Sign a home education articulation agreement pursuant to paragraph (b).

(b) Each postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent. By August 1 of each year, the eligible postsecondary institution shall complete and submit the home education articulation agreement to the Department of Education. The home education articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution.

2. The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students.

692180

3. The student's responsibilities for providing his or her own ~~instructional materials and~~ transportation.

4. A copy of the statement on transfer guarantees developed by the Department of Education under subsection (15).

(24)

(b) Each public postsecondary institution eligible to participate in the dual enrollment program pursuant to s. 1011.62(1)(i) must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education. The private school articulation agreement must include, at a minimum:

1. A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.

2. The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.

3. The student's responsibilities for providing his or her own instructional materials and transportation.

4. A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

5. A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees,

692180

will not be passed along to the student or the private school that the student attends.

~~6. A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.~~

Section 34. Section 1007.273, Florida Statutes, is amended to read:

1007.273 Structured high school acceleration programs ~~Collegiate high school program~~.—

~~(1)~~ Each Florida College System institution shall work with each district school board in its designated service area to establish one or more structured programs, including, but not limited to, collegiate high school programs. As used in this section, the term "structured program" means a structured high school acceleration program.

(1)~~(2)~~ PURPOSE.—At a minimum, structured ~~collegiate high school~~ programs must include an option for public school students in grade 11 or grade 12 participating in the structured program, for at least 1 full school year, to earn CAPE industry certifications pursuant to s. 1008.44, and to successfully complete at least 30 credit hours through the dual enrollment program under s. 1007.271. The structured program must prioritize dual enrollment courses that are applicable toward general education core courses or common prerequisite course requirements under s. 1007.25 over dual enrollment courses applicable as electives toward at least the first year of college for an associate degree or baccalaureate degree while enrolled in the structured program. A district school board may

692180

not limit the number of eligible public school students who may enroll in such structured programs.

(2)~~(3)~~ REQUIRED STRUCTURED PROGRAM CONTRACTS.—

(a) Each district school board and its local Florida College System institution shall execute a contract to establish one or more structured ~~collegiate high school~~ programs at a mutually agreed upon location or locations. ~~Beginning with the 2015-2016 school year,~~ If the local Florida College System institution does not establish a structured program with a district school board in its designated service area, another Florida College System institution may execute a contract with that district school board to establish the structured program. The contract must be executed by January 1 of each school year for implementation of the structured program during the next school year. By August 1, 2018, a contract entered into before January 1, 2018, for the 2018-2019 school year must be modified to include the provisions of paragraph (b).

(b) The contract must:

1.~~(a)~~ Identify the grade levels to be included in the structured ~~collegiate high school~~ program; ~~which must, at a minimum, include grade 12.~~

2.~~(b)~~ Describe the structured ~~collegiate high school~~ program, including a list of the meta-major academic pathways approved pursuant to s. 1008.30(4), which are available to participating students through the partner Florida College System institution or other eligible partner postsecondary institutions; the delineation of courses that must, at a minimum, include general education core courses and common prerequisite course requirements pursuant to s. 1007.25; ~~and~~

692180

industry certifications offered, including online course availability; the high school and college credits earned for each postsecondary course completed and industry certification earned; student eligibility criteria; and the enrollment process and relevant deadlines;~~.~~

3.~~(c)~~ Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the structured ~~collegiate high school~~ program, the return on investment associated with participation in the structured program, and the information described in subparagraphs 1. and 2.; ~~paragraphs (a) and (b).~~

4.~~(d)~~ Identify the delivery methods for instruction and the instructors for all courses;~~.~~

5.~~(e)~~ Identify student advising services and progress monitoring mechanisms;~~.~~

6.~~(f)~~ Establish a program review and reporting mechanism regarding student performance outcomes; and~~.~~

7.~~(g)~~ Describe the terms of funding arrangements to implement the structured ~~collegiate high school~~ program pursuant to paragraph (5)(a).

(3) STUDENT PERFORMANCE CONTRACT AND NOTIFICATION.—

(a)~~(4)~~ Each student participating in a structured ~~collegiate high school~~ program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable Florida College System institution, state university, or other institution participating pursuant to subsection (4) ~~(5)~~. The performance contract must, at a minimum, specify ~~include~~ the schedule of courses, by semester, and industry

692180

certifications to be taken by the student, if any; student attendance requirements;~~, and~~ course grade requirements; and the applicability of such courses to an associate degree or a baccalaureate degree.

(b) By September 1 of each school year, each district school board must notify each student enrolled in grades 9, 10, 11, and 12 in a public school within the school district about the structured program, including, but not limited to:

1. The method for earning college credit through participation in the structured program. The notification must include website links to the dual enrollment course equivalency list approved by the State Board of Education; the common degree program prerequisite requirements published by the Articulation Coordinating Committee pursuant to s. 1007.01(3)(f); the industry certification articulation agreements adopted by the State Board of Education in rule; and the approved meta-major academic pathways of the partner Florida College System institution and other eligible partner postsecondary institutions participating pursuant to subsection (4); and

2. The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours applicable toward general education core courses or common prerequisite course requirements before graduating from high school versus the cost of earning such credit hours after graduating from high school.

(4)~~(5)~~ AUTHORIZED STRUCTURED PROGRAM CONTRACTS.—In addition to executing a contract with the local Florida College System institution under this section, a district school board may execute a contract to establish a structured ~~collegiate high~~

692180

~~school~~ program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Such university or institution must meet the requirements specified under subsections (2) ~~(3)~~ and (3). A charter school may execute a contract directly with the local Florida College System institution or another institution as authorized under this section to establish a structured program at a mutually agreed upon location ~~(4)~~.

(5) FUNDING.—

(a) ~~(6)~~ The structured ~~collegiate high school~~ program shall be funded pursuant to ss. 1007.271 and 1011.62. The State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the school districts ~~and the Florida College System institutions~~ in accordance with s. 1008.32. Annually, by December 31, the State Board of Education shall enforce compliance with this section by withholding the transfer of funds for the Florida College System institutions in accordance with s. 1008.32

(b) A student who enrolls in the structured program and successfully completes at least 30 college credit hours during a school year through the dual enrollment program under s. 1007.271 generates a 0.5 full-time equivalent (FTE) bonus. A student who enrolls in the structured program and successfully completes an additional 30 college credit hours during a school year, resulting in at least 60 college credit hours through the

692180

dual enrollment program under s. 1007.271 applicable toward fulfilling the requirements for an associate in arts degree or an associate in science degree or a baccalaureate degree pursuant to the student performance contract under subsection (3), before graduating from high school, generates an additional 0.5 FTE bonus. Each district school board that is a contractual partner with a Florida College System institution or other eligible postsecondary institution shall report to the commissioner the total FTE bonus for each structured program for the students from that school district. The total FTE bonus shall be added to each school district's total weighted FTE for funding in the subsequent fiscal year.

(c) For any industry certification a student attains under this section, the FTE bonus shall be calculated and awarded in accordance with s. 1011.62(1)(o).

(6) REPORTING REQUIREMENTS.—

(a) By September 1 of each school year, each district school superintendent shall report to the commissioner, at a minimum, the following information on each structured program administered during the prior school year:

1. The number of students in public schools within the school district who enrolled in the structured program, and the partnering postsecondary institutions pursuant to subsections (2) and (4);

2. The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and the number of industry certifications attained, if any, by the students who enrolled in the structured program;

692180

3. The projected student enrollment in the structured program during the next school year; and

4. Any barriers to executing contracts to establish one or more structured programs.

(b) By November 30 of each school year, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of structured programs, including, at a minimum, a summary of student enrollment and completion information pursuant to this subsection; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Section 35. Paragraph (c) of subsection (3) and subsection (4) of section 1008.33, Florida Statutes, are amended to read:

1008.33 Authority to enforce public school improvement.—

(3)

(c) The state board shall adopt by rule a differentiated matrix of intervention and support strategies for assisting traditional public schools identified under this section and rules for implementing s. 1002.33(9)(n), relating to charter schools.

1. The intervention and support strategies must address efforts to improve student performance through one or more of the following strategies: ~~and may include~~

a. Improvement planning;

b. Leadership quality improvement;

c. Educator quality improvement;

d. Professional development;

e. Curriculum review, pacing, and alignment across grade levels to improve background knowledge in social studies,

692180

science, and the arts; and

f. The use of continuous improvement and monitoring plans and processes.

2. ~~In addition,~~ The state board may prescribe reporting requirements to review and monitor the progress of the schools. The rule must define the intervention and support strategies for school improvement for schools earning a grade of "D" or "F" and the roles for the district and department.

(4)(a) The state board shall apply intensive intervention and support strategies tailored to the needs of schools earning two consecutive grades of "D" or a grade of "F." In the first full school year after a school initially earns two consecutive grades of "D" or a grade of "F," the school district must immediately implement intervention and support strategies prescribed in rule under paragraph (3)(c) and, by September 1, provide the department with the memorandum of understanding negotiated pursuant to s. 1001.42(21) and, by October 1, a district-managed turnaround plan for approval by the state board. The district-managed turnaround plan may include a proposal for the district to implement an extended school day, a summer program, or a combination of an extended school day and summer program. Upon approval by the state board, the school district must implement the plan for the remainder of the school year and continue the plan for 1 full school year. The state board may allow a school an additional year of implementation before the school must implement a turnaround option required under paragraph (b) if it determines that the school is likely to improve to a grade of "C" or higher after the first full school year of implementation.

692180

(b) Unless an additional year of implementation is provided pursuant to paragraph (a), a school that has completed 2 school years of a district-managed turnaround plan required under paragraph (a) and has not improved its school grade to a "C" or higher, pursuant to s. 1008.34, ~~earns three consecutive grades below a "C"~~ must implement one of the following options:

1. Reassign students to another school and monitor the progress of each reassigned student.~~;~~

2. Close the school and reopen the school as one or more charter schools, each with a governing board that has a demonstrated record of effectiveness. Such charter schools are eligible for funding from the hope supplemental services allocation established by s. 1011.62(16).~~; or~~

3. Contract with an outside entity that has a demonstrated record of effectiveness to operate the school. An outside entity may include:

a. A district-managed charter school in which all instructional personnel are not employees of the school district, but are employees of an independent governing board composed of members who did not participate in the review or approval of the charter. A district-managed charter school is eligible for funding from the hope supplemental services allocation established by s. 1011.62(16); or

b. A hope operator that submits to a school district a notice of intent of a performance-based agreement pursuant to s. 1002.333. A school of hope established pursuant to this sub-subparagraph is eligible for funding from the hope supplemental services allocation for up to 5 years, beginning in the school year in which the school of hope is established, if the school

692180

of hope:

(I) Is established at the district-owned facilities of the persistently low-performing school;

(II) Gives priority enrollment to students who are enrolled in, or are eligible to attend and are living in the attendance area of, the persistently low-performing school that the school of hope operates, consistent with the enrollment lottery exemption provided under s. 1002.333(5)(c); and

(III) Meets the requirements of its performance-based agreement pursuant to s. 1002.333.

4. Implement a franchise model school in which a highly effective principal, pursuant to s. 1012.34, leads the persistently low-performing school in addition to the principal's currently assigned school. The franchise model school principal may allocate resources and personnel between the schools he or she leads. The persistently low-performing school is eligible for funding from the hope supplemental services allocation established under s. 1011.62(16).

(c) Implementation of the turnaround option is no longer required if the school improves to a grade of "C" or higher.

(d) If a school ~~earning two consecutive grades of "D" or a grade of "F"~~ does not improve to a grade of "C" or higher after 2 full school years of implementing the turnaround option selected by the school district under paragraph (b), the school district must implement another turnaround option. Implementation of the turnaround option must begin the school year following the implementation period of the existing turnaround option, unless the state board determines that the school is likely to improve to a grade of "C" or higher if

692180

additional time is provided to implement the existing turnaround option.

Section 36. Present subsections (16) and (17) of section 1011.62, Florida Statutes, are redesignated as subsections (19) and (20), respectively, new subsections (16) and (17) and subsection (18) are added to that section, and paragraphs (o) and (t) of subsection (1), paragraph (a) of subsection (4), and subsection (14) of that section are amended, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR OPERATION.—The following procedure shall be followed in determining the annual allocation to each district for operation:

(o) *Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.*—

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool

692180

certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a

692180

certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsecondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

692180

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the

692180

certification is earned by the student. Any bonus awarded to a teacher pursuant to ~~under~~ this paragraph is in addition to any regular wage or other bonus the teacher received or is scheduled to receive. A bonus may not be awarded to a teacher who fails to maintain the security of any CAPE industry certification examination or who otherwise violates the security or administration protocol of any assessment instrument that may result in a bonus being awarded to the teacher under this paragraph.

(t) *Computation for funding through the Florida Education Finance Program.*—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation and the criteria under which a student's industry certification or grade may be rescinded.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) *Estimated taxable value calculations.*—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local

692180

property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (19)(b) ~~(16)(b)~~. Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to

692180

the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~, quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (19) ~~(16)~~ and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should

692180

appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(16) HOPE SUPPLEMENTAL SERVICES ALLOCATION.-The hope supplemental services allocation is created to provide district-managed turnaround schools, as required under s. 1008.33(4)(a), charter schools authorized under s. 1008.33(4)(b)2., district-managed charter schools authorized under s. 1008.33(4)(b)3.a., schools of hope authorized under s. 1008.33(4)(b)3.b., and franchise model schools as authorized under s. 1008.33(4)(b)4., with funds to offer services designed to improve the overall academic and community welfare of the schools' students and their families.

(a) Services funded by the allocation may include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, and parental counseling. In addition, services may also include models that develop a culture that encourages students to complete high school and to attend college or career training, set high academic expectations, inspire character development, and include an extended school day and school year.

(b) Prior to distribution of the allocation, a school district, for a district turnaround school and persistently low-performing schools that use a franchise model; a hope operator, for a school of hope; or the charter school governing board for a charter school, as applicable, shall develop and submit a plan for implementation to its respective governing body for approval no later than August 1 of the fiscal year.

692180

(c) At a minimum, the plans required under paragraph (b) must:

1. Establish comprehensive support services that develop family and community partnerships;

2. Establish clearly defined and measurable high academic and character standards;

3. Increase parental involvement and engagement in the child's education;

4. Describe how instructional personnel will be identified, recruited, retained, and rewarded;

5. Provide professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards; and

6. Provide focused instruction to improve student academic proficiency, which may include additional instruction time beyond the normal school day or school year.

(d) Each school district and hope operator shall submit approved plans to the commissioner by September 1 of each fiscal year.

(e) For the 2018-2019 fiscal year, a school that is selected to receive funding in the 2017-2018 fiscal year pursuant to s. 1002.333(10)(c) shall receive $2,000 per FTE. A district-managed turnaround school required under s. 1008.33(4)(a), charter school authorized under s. 1008.33(4)(b)2., district-managed charter school authorized under s. 1008.33(4)(b)3.a., school of hope authorized under s. 1008.33(4)(b)3.b., and franchise model school authorized under s. 1008.33(4)(b)4. are eligible for the remaining funds based on the school's unweighted FTE, up to $2,000 per FTE or as provided

692180

in the General Appropriations Act.

(f) For the 2019-2020 fiscal year and thereafter, each school district's allocation shall be based on the unweighted FTE student enrollment at the eligible schools and a per-FTE funding amount of up to $2,000 per FTE or as provided in the General Appropriations Act. If the calculated funds for unweighted FTE student enrollment at the eligible schools exceed the per-FTE funds appropriated, the allocation of funds to each school district must be prorated based on each school district's share of the total unweighted FTE student enrollment for the eligible schools.

(17) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts and charter schools in their compliance with the requirements and specifications established in s. 1006.05. These funds must be allocated annually in the General Appropriations Act to each eligible school district and developmental research school based on each entity's proportionate share of Florida Education Finance Program base funding. The district funding allocation must include a minimum amount, as provided in the General Appropriations Act. Eligible charter schools are entitled to a proportionate share of district funding for the program. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses, except for personnel hired to implement the plans required by s. 1006.05. School districts and schools must maximize third-party funding from Medicaid and private insurance when appropriate.

692180

(18) FUNDING COMPRESSION ALLOCATION.—The Legislature may provide an annual funding compression allocation in the General Appropriations Act. The allocation is created to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average. Using the most recent prior year FEFP calculation for each eligible school district, the total funds per FTE shall be subtracted from the state average funds per FTE, not including any adjustments made pursuant to paragraph (19)(b). The resulting funds per FTE difference, or a portion thereof, as designated in the General Appropriations Act, shall then be multiplied by the school district's total unweighted FTE to provide the allocation. If the calculated funds are greater than the amount included in the General Appropriations Act, they must be prorated to the appropriation amount based on each participating school district's share.

Section 37. Subsection (5) of section 1011.69, Florida Statutes, is amended to read:

1011.69 Equity in School-Level Funding Act.—

(5) After providing Title I, Part A, Basic funds to schools above the 75 percent poverty threshold, which may include high schools above the 50 percent threshold as allowed by federal law, school districts shall provide any remaining Title I, Part A, Basic funds directly to all eligible schools as provided in this subsection. For purposes of this subsection, an eligible school is a school that is eligible to receive Title I funds, including a charter school. The threshold for identifying eligible schools may not exceed the threshold established by a

692180

school district for the 2016-2017 school year or the statewide percentage of economically disadvantaged students, as determined annually.

(a) Prior to the allocation of Title I funds to eligible schools, a school district may withhold funds only as follows:

1. One percent for parent involvement, in addition to the one percent the district must reserve under federal law for allocations to eligible schools for parent involvement;

2. A necessary and reasonable amount for administration;~~,~~

3. ~~which includes~~ The district's approved indirect cost rate~~, not to exceed a total of 8 percent~~; ~~and~~

4.~~3.~~ A reasonable and necessary amount to provide:

a. Homeless programs;

b. Delinquent and neglected programs;

c. Prekindergarten programs and activities;

d. Private school equitable services; and

e. Transportation for foster care children to their school of origin or choice programs; and~~.~~

5. A necessary and reasonable amount for eligible schools to provide:

a. Extended learning opportunities, such as summer school, before-school and after-school programs, and additional class periods of instruction during the school day; and

b. Supplemental academic and enrichment services, staff development, and planning and curriculum, as well as wrap-around services.

(b) All remaining Title I funds shall be distributed to all eligible schools in accordance with federal law and regulation. To maximize the efficient use of resources, school districts may

692180

allow eligible schools, not including charter schools, to ~~An eligible school may~~ use funds under this subsection for district-level ~~to participate in discretionary~~ educational services provided by the school district.

Section 38. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) ~~Effective July 1, 2008,~~ A school district may expend, subject to ~~the provisions of~~ s. 200.065, up to $150 ~~$100~~ per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The 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.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 39. Subsection (4) of section 1012.2315, Florida Statutes, is amended to read:

692180

1012.2315 Assignment of teachers.—

(4) COLLECTIVE BARGAINING.—

(a) Notwithstanding provisions of chapter 447 relating to district school board collective bargaining, collective bargaining provisions may not preclude a school district from providing incentives to high-quality teachers and assigning such teachers to low-performing schools.

(b)1. In addition to the provisions under s. 447.305(2), an employee organization that has been certified as the bargaining agent for a unit of instructional personnel as defined in s. 1012.01(2) must include for each such certified bargaining unit the following information in its application for renewal of registration:

a. The number of employees in the bargaining unit who are eligible for representation by the employee organization.

b. The number of employees who are represented by the employee organization, specifying the number of members who pay dues and the number of members who do not pay dues.

2. Notwithstanding the provisions of chapter 447 relating to collective bargaining, an employee organization whose dues paying membership is less than 50 percent of the employees eligible for representation in the unit, as identified in subparagraph 1., must petition the Public Employees Relations Commission pursuant to s. 447.307(2) and (3) for recertification as the exclusive representative of all employees in the unit within 1 month after the date on which the organization applies for renewal of registration pursuant to s. 447.305(2). The certification of an employee organization that does not comply with this paragraph is revoked.

692180

Section 40. Section 1012.315, Florida Statutes, is amended to read:

1012.315 Disqualification from employment.—A person is ineligible for educator certification, and instructional personnel and school administrators, as defined in s. 1012.01, are ineligible for employment in any position that requires direct contact with students in a district school system, charter school, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, if the person, instructional personnel, or school administrator has been convicted of:

(1) Any felony offense prohibited under any of the following statutes:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 782.04, relating to murder.

(e) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, aggravated manslaughter of a child, or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.

(f) Section 784.021, relating to aggravated assault.

692180

(g) Section 784.045, relating to aggravated battery.

(h) Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.

(i) Section 787.01, relating to kidnapping.

(j) Section 787.02, relating to false imprisonment.

(k) Section 787.025, relating to luring or enticing a child.

(l) Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.

(m) Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.

(n) Section 790.115(1), relating to exhibiting firearms or weapons at a school-sponsored event, on school property, or within 1,000 feet of a school.

(o) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school-sponsored event or on school property.

(p) Section 794.011, relating to sexual battery.

(q) Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.

(r) Section 794.05, relating to unlawful sexual activity with certain minors.

(s) Section 794.08, relating to female genital mutilation.

(t) Chapter 796, relating to prostitution.

(u) Chapter 800, relating to lewdness and indecent exposure.

(v) Section 806.01, relating to arson.

(w) Section 810.14, relating to voyeurism.

(x) Section 810.145, relating to video voyeurism.

(y) Section 812.014(6), relating to coordinating the commission of theft in excess of $3,000.

(z) Section 812.0145, relating to theft from persons 65 years of age or older.

(aa) Section 812.019, relating to dealing in stolen property.

(bb) Section 812.13, relating to robbery.

(cc) Section 812.131, relating to robbery by sudden snatching.

(dd) Section 812.133, relating to carjacking.

(ee) Section 812.135, relating to home-invasion robbery.

(ff) Section 817.563, relating to fraudulent sale of controlled substances.

(gg) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(hh) Section 825.103, relating to exploitation of an elderly person or disabled adult.

(ii) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.

(jj) Section 826.04, relating to incest.

(kk) Section 827.03, relating to child abuse, aggravated

child abuse, or neglect of a child.

(ll) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(mm) Section 827.071, relating to sexual performance by a child.

(nn) Section 843.01, relating to resisting arrest with violence.

(oo) Chapter 847, relating to obscenity.

(pp) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.

(qq) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.

(rr) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(ss) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.

(tt) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(uu) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.

(2) Any misdemeanor offense prohibited under any of the following statutes:

(a) Section 784.03, relating to battery, if the victim of the offense was a minor.

(b) Section 787.025, relating to luring or enticing a

child.

(3) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes an offense prohibited under any statute listed in subsection (1) or subsection (2).

(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.

Section 41. Subsection (2) of section 1012.32, Florida Statutes, is amended to read:

1012.32 Qualifications of personnel.—

(2)(a) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in any district school system or university lab school must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable.

(b) Instructional and noninstructional personnel who are hired or contracted to fill positions in any charter school and members of the governing board of any charter school, in compliance with s. 1002.33(12)(g), must, upon employment, engagement of services, or appointment, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district in which the charter school is located a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school

district who is trained to take fingerprints.

(c) Instructional and noninstructional personnel who are hired or contracted to fill positions that require direct contact with students in an alternative school that operates under contract with a district school system must, upon employment or engagement to provide services, undergo background screening as required under s. 1012.465 or s. 1012.56, whichever is applicable, by filing with the district school board for the school district to which the alternative school is under contract a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the school or school district who is trained to take fingerprints.

(d) Student teachers and persons participating in a field experience pursuant to s. 1004.04(5) or s. 1004.85 in any district school system, lab school, or charter school must, upon engagement to provide services, undergo background screening as required under s. 1012.56.

Fingerprints shall be submitted to the Department of Law Enforcement for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation for federal criminal records checks. A person subject to this subsection who is found ineligible for employment under s. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this subsection terminated because of their criminal record have the right to

692180

appeal such decisions. The cost of the background screening may be borne by the district school board, the charter school, the employee, the contractor, or a person subject to this subsection. If the district school board does not notify the charter school of the eligibility of governing board members and instructional and noninstructional personnel within 14 days after the submission of the fingerprints, it shall reimburse the cost of background screening.

Section 42. Section 1012.562, Florida Statutes, is amended to read:

1012.562 Public accountability and state approval of school leader preparation programs.—The Department of Education shall establish a process for the approval of Level I and Level II school leader preparation programs that will enable aspiring school leaders to obtain their certificate in educational leadership under s. 1012.56. School leader preparation programs must be competency-based, aligned to the principal leadership standards adopted by the state board, and open to individuals employed by public schools, including charter schools and virtual schools. Level I programs ~~may be offered by school districts or postsecondary institutions and~~ lead to initial certification in educational leadership for the purpose of preparing individuals to serve as school administrators. Level II programs ~~may be offered by school districts,~~ build upon Level I training~~,~~ and lead to renewal certification as a school principal.

(1) PURPOSE.—The purpose of school leader preparation programs are to:

(a) Increase the supply of effective school leaders in the

692180

public schools of this state.

(b) Produce school leaders who are prepared to lead the state's diverse student population in meeting high standards for academic achievement.

(c) Enable school leaders to facilitate the development and retention of effective and highly effective classroom teachers.

(d) Produce leaders with the competencies and skills necessary to achieve the state's education goals.

(e) Sustain the state system of school improvement and education accountability.

(2) LEVEL I PROGRAMS.—

(a) Initial approval of a Level I program shall be for a period of 5 years. A postsecondary institution, ~~or~~ school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level I school leader preparation program. To be approved, a Level I program must:

1. Provide competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. If the program is provided by a postsecondary institution, partner with at least one school district.

3. Describe the qualifications that will be used to determine program admission standards, including a candidate's instructional expertise and leadership potential.

4. Describe how the training provided through the program will be aligned to the personnel evaluation criteria under s. 1012.34.

(b) Renewal of a Level I program's approval shall be for a

692180

period of 5 years and shall be based upon evidence of the program's continued ability to meet the requirements of paragraph (a). A postsecondary institution or school district must submit an institutional program evaluation plan in a format prescribed by the department for a Level I program to be considered for renewal. The plan must include:

1. The percentage of personnel who complete the program and are placed in school leadership positions in public schools within the state.

2. Results from the personnel evaluations required under s. 1012.34 for personnel who complete the program.

3. The passage rate of personnel who complete the program on the Florida Education Leadership Examination.

4. The impact personnel who complete the program have on student learning as measured by the formulas developed by the commissioner pursuant to s. 1012.34(7).

5. Strategies for continuous improvement of the program.

6. Strategies for involving personnel who complete the program, other school personnel, community agencies, business representatives, and other stakeholders in the program evaluation process.

7. Additional data included at the discretion of the postsecondary institution or school district.

(c) A Level I program must guarantee the high quality of personnel who complete the program for the first 2 years after program completion or the person's initial certification as a school leader, whichever occurs first. If a person who completed the program is evaluated at less than highly effective or effective under s. 1012.34 and the person's employer requests

692180

additional training, the Level I program must provide additional training at no cost to the person or his or her employer. The training must include the creation of an individualized plan agreed to by the employer that includes specific learning outcomes. The Level I program is not responsible for the person's employment contract with his or her employer.

(3) LEVEL II PROGRAMS.—Initial approval and subsequent renewal of a Level II program shall be for a period of 5 years. A school district, charter school, or charter management organization may submit to the department in a format prescribed by the department an application to establish a Level II school leader preparation program or for program renewal. To be approved or renewed, a Level II program must:

(a) Demonstrate that personnel accepted into the Level II program have:

1. Obtained their certificate in educational leadership under s. 1012.56.

2. Earned a highly effective or effective designation under s. 1012.34.

3. Satisfactorily performed instructional leadership responsibilities as measured by the evaluation system in s. 1012.34.

(b) Demonstrate that the Level II program:

1. Provides competency-based training aligned to the principal leadership standards adopted by the State Board of Education.

2. Provides training aligned to the personnel evaluation criteria under s. 1012.34 and professional development program in s. 1012.986.

692180

3. Provides individualized instruction using a customized learning plan for each person enrolled in the program that is based on data from self-assessment, selection, and appraisal instruments.

4. Conducts program evaluations and implements program improvements using input from personnel who completed the program and employers and data gathered pursuant to paragraph (2)(b).

(c) Gather and monitor the data specified in paragraph (2)(b).

(4) RULES.—The State Board of Education shall adopt rules to administer this section.

Section 43. Paragraphs (b) and (c) of subsection (3) of section 1012.731, Florida Statutes, are amended to read:

1012.731 The Florida Best and Brightest Teacher Scholarship Program.—

(3)

(b)1. In order to demonstrate eligibility for an award, an eligible classroom teacher must submit to the school district, no later than November 1, an official record of his or her qualifying assessment score and, beginning with the 2020-2021 school year, an official transcript demonstrating that he or she graduated cum laude or higher with a baccalaureate degree, if applicable. Once a classroom teacher is deemed eligible by the school district, the teacher shall remain eligible as long as he or she remains employed by the school district as a classroom teacher at the time of the award and receives an annual performance evaluation rating of highly effective pursuant to s. 1012.34 or is evaluated as highly effective based on a

692180

commissioner-approved student learning growth formula pursuant to s. 1012.34(8) for the 2019-2020 school year or thereafter.

2. A school district employee who, in the prior school year, was rated highly effective and met the eligibility requirements under this section as a classroom teacher, is eligible to receive a scholarship award during the current school year if he or she maintains employment with the school district.

~~(c) Notwithstanding the requirements of this subsection, for the 2017-2018, 2018-2019, and 2019-2020 school years, any classroom teacher who:~~

~~1. Was evaluated as highly effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded shall receive a scholarship of $1200, including a classroom teacher who received an award pursuant to paragraph (a).~~

~~2. Was evaluated as effective pursuant to s. 1012.34 in the school year immediately preceding the year in which the scholarship will be awarded a scholarship of up to $800. If the number of eligible classroom teachers under this subparagraph exceeds the total allocation, the department shall prorate the per-teacher scholarship amount.~~

~~This paragraph expires July 1, 2020.~~

Section 44. Subsections (2), (3), and (4) of section 1012.732, Florida Statutes, are amended to read:

1012.732 The Florida Best and Brightest Principal Scholarship Program.—

(2) There is created the Florida Best and Brightest

692180

Principal Scholarship Program to be administered by the Department of Education. The program shall provide categorical funding for scholarships to be awarded to school principals, as defined in s. 1012.01(3)(c)1., who are serving as a franchise model school principals or who have recruited and retained a high percentage of best and brightest teachers.

(3)(a) A school principal identified pursuant to s. 1012.731(4)(c) is eligible to receive a scholarship under this section if he or she has served as school principal at his or her school for at least 2 consecutive school years including the current school year and his or her school has a ratio of best and brightest teachers to other classroom teachers that is at the 80th percentile or higher for schools within the same grade group, statewide, including elementary schools, middle schools, high schools, and schools with a combination of grade levels.

(b) A principal of a franchise model school, as defined in s. 1002.334, is eligible to receive a scholarship under this section.

(4) Annually, by February 1, the department shall identify eligible school principals and disburse funds to each school district for each eligible school principal to receive a scholarship.

(a) A scholarship of $10,000 ~~$5,000~~ must be awarded to each franchise model school principal who is ~~every~~ eligible under paragraph (3)(b).

(b) A scholarship of $5,000 must be awarded to each school principal assigned to a Title I school and a scholarship of $4,000 to each ~~every~~ eligible school principal who is not assigned to a Title I school and who is eligible under paragraph

692180

(3)(a).

Section 45. Paragraph (e) of subsection (1) of section 1012.796, Florida Statutes, is amended to read:

1012.796 Complaints against teachers and administrators; procedure; penalties.—

(1)

(e) If allegations arise against an employee who is certified under s. 1012.56 and employed in an educator-certificated position in any public school, charter school or governing board thereof, or private school that accepts scholarship students under s. 1002.385, s. 1002.39, ~~or~~ s. 1002.395, or another state scholarship program under chapter 1002, the school shall file in writing with the department a legally sufficient complaint within 30 days after the date on which the subject matter of the complaint came to the attention of the school. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the department to investigate complaints, regardless of the school's untimely filing, or failure to file, complaints and followup reports.

Section 46. Subsection (11) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(11) The department shall disseminate to the school community proven model professional development programs that have demonstrated success in increasing rigorous and relevant

692180

content, increasing student achievement and engagement, meeting identified student needs, and providing effective mentorship activities to new teachers and training to teacher mentors. The methods of dissemination must include a web-based statewide performance-support system including a database of exemplary professional development activities, a listing of available professional development resources, training programs, and available technical assistance. Professional development resources must include sample course-at-a-glance and unit overview templates that school districts may use when developing curriculum. The templates must provide an organized structure for addressing the Florida Standards, grade-level expectations, evidence outcomes, and 21st century skills that build students' mastery of the standards at each grade level. Each template must support teaching to greater intellectual depth and emphasize transfer and application of concepts, content, and skills. At a minimum, each template must:

(a) Provide course or year-long sequencing of concept-based unit overviews based on the Florida Standards.

(b) Describe the knowledge and vocabulary necessary for comprehension.

(c) Promote the instructional shifts required within the Florida Standards.

(d) Illustrate the interdependence of grade level expectations within and across content areas within a grade.

Section 47. Paragraph (a) of subsection (2) of section 1013.28, Florida Statutes, is amended to read:

1013.28 Disposal of property.—

(2) TANGIBLE PERSONAL PROPERTY.—

692180

(a) Tangible personal property that has been properly classified as surplus by a district school board or Florida College System institution board of trustees shall be disposed of in accordance with the procedure established by chapter 274. However, the provisions of chapter 274 shall not be applicable to a motor vehicle used in driver education to which title is obtained for a token amount from an automobile dealer or manufacturer. In such cases, the disposal of the vehicle shall be as prescribed in the contractual agreement between the automotive agency or manufacturer and the board. Tangible personal property that has been properly classified as surplus, marked for disposal, or otherwise unused by a district school board shall be provided for a charter school's use on the same basis as it is made available to other public schools in the district. A charter school receiving property from the school district may not sell or dispose of such property without the written permission of the school district.

Section 48. Present paragraphs (a) through (d) of subsection (1) of section 1013.31, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, and a new paragraph (a) is added to that subsection, to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus, including consideration of the local comprehensive plan. The Department of Education shall document

692180

the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs analysis, and information submitted by the school district or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A district may only use funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's basic operating budget;

2. If a board decides to build an educational, auxiliary, or ancillary facility without a survey recommendation and the taxpayers approve a bond referendum, the voted bond referendum;

3. One-half cent sales surtax revenue;

4. One cent local governmental surtax revenue;

5. Impact fees; and

6. Private gifts or donations.

Section 49. Paragraph (e) is added to subsection (2) of section 1013.385, Florida Statutes, to read:

1013.385 School district construction flexibility.—

(2) A resolution adopted under this section may propose

692180

implementation of exceptions to requirements of the uniform statewide building code for the planning and construction of public educational and ancillary plants adopted pursuant to ss. 553.73 and 1013.37 relating to:

(e) Any other provisions that limit the ability of a school to operate in a facility on the same basis as a charter school pursuant to s. 1002.33(18) if the regional planning council determines that there is sufficient shelter capacity within the school district as documented in the Statewide Emergency Shelter Plan.

Section 50. Subsection (3) of section 1013.62, Florida Statutes, is amended, and paragraph (c) is added to subsection (1) of that section, to read:

1013.62 Charter schools capital outlay funding.—

(1) Charter school capital outlay funding shall consist of revenue resulting from the discretionary millage authorized in s. 1011.71(2) and state funds when such funds are appropriated in the General Appropriations Act.

(c) It is the intent of the Legislature that the public interest be protected by prohibiting personal financial enrichment by owners, operators, managers, real estate developers, 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, a political subdivision of

692180

the state, a municipality, a Florida College System institution, or a state university;

2. Owned by an organization that is 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, a political subdivision of the state, a municipality, a Florida College System institution, or a 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

692180

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.

(3) If the school board levies the discretionary millage authorized in s. 1011.71(2), the department shall use the following calculation methodology to determine the amount of revenue that a school district must distribute to each eligible charter school:

(a) Reduce the total discretionary millage revenue by the school district's annual debt service obligation incurred as of March 1, 2017, and any amount of participation requirement pursuant to s. 1013.64(2)(a)8. that is being satisfied by revenues raised by the discretionary millage.

(b) Divide the school district's adjusted discretionary millage revenue by the district's total capital outlay full-time equivalent membership and the total number of unweighted full-time equivalent students of each eligible charter school to determine a capital outlay allocation per full-time equivalent student.

(c) Multiply the capital outlay allocation per full-time equivalent student by the total number of full-time equivalent students for all ~~of each~~ eligible charter schools within the district ~~school~~ to determine the total charter school capital outlay allocation for each district ~~charter school~~.

(d) If applicable, reduce the capital outlay allocation identified in paragraph (c) by the total amount of state funds allocated pursuant to subsection (2) to all ~~each~~ eligible

692180

charter schools within a district ~~school in subsection (2)~~ to determine the net total ~~maximum~~ calculated capital outlay allocation from local funds. If state funds are not allocated pursuant to subsection (2), the amount determined in paragraph (c) is equal to the net total calculated capital outlay allocation from local funds for each district.

(e) For each charter school within each district, the net capital outlay amount from local funds shall be calculated in the same manner as the state funds in paragraphs (2)(a)-(d), except that the base charter school per weighted FTE allocation amount shall be determined by dividing the net total capital outlay amount from local funds by the total weighted FTE for all eligible charter schools within the district. The per weighted FTE allocation amount from local funds shall be multiplied by the weighted FTE for each charter school to determine each charter school's capital outlay allocation from local funds.

(f) ~~(e)~~ School districts shall distribute capital outlay funds to charter schools no later than February 1 of each year~~, beginning on February 1, 2018, for the 2017-2018 fiscal year~~.

Section 51. Effective July 1, 2019, subsection (13) of section 212.08, Florida Statutes, is amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(13) No transactions shall be exempt from the tax imposed by this chapter except those expressly exempted herein. All laws

692180

granting tax exemptions, to the extent they may be inconsistent or in conflict with this chapter, including, but not limited to, the following designated laws, shall yield to and be superseded by the provisions of this subsection: ss. 125.019, 153.76, 154.2331, 159.15, 159.31, 159.50, 159.708, 163.385, 163.395, 215.76, 243.33, 315.11, 348.65, 348.762, 349.13, 403.1834, and 616.07~~, and 623.09~~, and the following Laws of Florida, acts of the year indicated: s. 31, chapter 30843, 1955; s. 19, chapter 30845, 1955; s. 12, chapter 30927, 1955; s. 8, chapter 31179, 1955; s. 15, chapter 31263, 1955; s. 13, chapter 31343, 1955; s. 16, chapter 59-1653; s. 13, chapter 59-1356; s. 12, chapter 61-2261; s. 19, chapter 61-2754; s. 10, chapter 61-2686; s. 11, chapter 63-1643; s. 11, chapter 65-1274; s. 16, chapter 67-1446; and s. 10, chapter 67-1681. This subsection does not supersede the authority of a local government to adopt financial and local government incentives pursuant to s. 163.2517.

Section 52. For the 2018-2019 fiscal year, the sum of $2,596,560 in recurring funds from the General Revenue Fund and the sum of $392,134 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act as follows: the sum of $2 million in recurring funds shall be used to implement the Hope Scholarship Program created pursuant to s. 1002.40, Florida Statutes, the sums of $596,560 in recurring funds and $142,134 in nonrecurring funds shall be used to implement the additional oversight requirements pursuant to s. 1002.421, Florida Statutes, and the sum of $250,000 in nonrecurring funds shall be used to issue a competitive grant award pursuant to s. 1002.395(9), Florida Statutes.

692180

Section 53. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to ss. 120.536(1) and 120.54, Florida Statutes, to administer this act.

Section 54. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2018.

========== T I T L E A M E N D M E N T ==========

And the title is amended as follows:

Delete everything before the enacting clause and insert:

A bill to be entitled

An act relating to education; creating s. 212.1832, F.S.; authorizing certain persons to receive a tax credit for certain contributions to eligible nonprofit scholarship-funding organizations for the Hope Scholarship Program; providing requirements for motor vehicle dealers; requiring the Department of Revenue to disregard certain tax credits for specified purposes; providing that specified provisions apply to certain provisions; amending s. 213.053, F.S.; authorizing the Department of Revenue to share specified information with eligible nonprofit scholarship-funding organizations; providing that certain requirements apply to such organizations; repealing ch. 623, F.S., relating to private school corporations, on a specified date; amending s. 1001.10, F.S.; revising the private schools to which the Department of Education is required to provide

692180

technical assistance and authorized staff; amending s. 1001.4205, F.S.; authorizing a member of the State Legislature to visit any district school, including any charter school, in his or her legislative district; amending s. 1002.01, F.S.; revising and defining terms; amending s. 1002.20, F.S.; updating educational options and terminology; amending s. 1002.33, F.S.; revising the criteria for denying high-performing charter school system applications; revising requirements for the term of a charter; revising provisions for the modification of and the nonrenewal or termination of a charter; revising the process for resolving contractual disputes; amending s. 1002.331, F.S.; revising the calculation used to determine facility capacity for such charter schools; revising the number of schools that can be established by a high-performing charter school; amending s. 1002.333, F.S.; redefining the terms "persistently low-performing school" and "school of hope"; revising the required contents of a school of hope notice of intent and performance-based agreement; revising school of hope facility requirements; specifying that certain schools of hope are eligible to receive hope supplemental service allocation funds; requiring the State Board of Education to provide awards to all eligible schools that meet certain requirements; providing for certain funds for the Schools of Hope Program to be carried forward for a specified number of years; prohibiting a school of hope operator or

692180

owner from serving as the principal of a school of hope that he or she manages; conforming cross-references; creating s. 1002.334, F.S.; defining the term "franchise model school"; authorizing specified schools to use a franchise model school as a turnaround option; specifying requirements for a franchise model school principal; amending s. 1002.37, F.S.; requiring school districts to provide Florida Virtual School students access to certain examinations and assessments and certain information; amending s. 1002.385, F.S.; revising the meaning of a rare disease within the definition of a "disability" for purposes of the Gardiner Scholarship Program; revising requirements for private schools that participate in the program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; conforming cross-references; amending s. 1002.39, F.S.; revising the purpose of department site visits at private schools participating in the John M. McKay Scholarships for Students with Disabilities Program; authorizing the department to make followup site visits at any time to certain private schools; requiring participating private schools to provide a specified report from an independent certified public accountant under certain circumstances; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program

692180

ineligibility; conforming provisions to changes made by the act; amending s. 1002.395, F.S.; revising obligations of eligible nonprofit scholarship-funding organizations participating in the Florida Tax Credit Scholarship Program; specifying that the failure or refusal, rather than the inability of, a private school to meet certain requirements constitutes a basis for program ineligibility; revising the purpose of department site visits at private schools participating in the Florida Tax Credit Scholarship Program; authorizing the department to make followup site visits at any time to certain private schools; conforming provisions to changes made by the act; creating s. 1002.40, F.S.; establishing the Hope Scholarship Program; providing the purpose of the program; defining terms; providing eligibility requirements; prohibiting the payment of a scholarship under certain circumstances; requiring a principal to provide copies of a report of physical violence or emotional abuse to certain individuals within specified timeframes; requiring the principal to investigate such incidents; requiring a school district to notify an eligible student's parent of the program under certain circumstances; requiring a school district to provide certain information relating to the statewide assessment program; providing requirements and obligations for eligible private schools; providing Department of Education obligations relating to participating students and

692180

private schools and program requirements; providing Commissioner of Education obligations; requiring the commissioner to deny, suspend, or revoke a private school's participation in the program or the payment of scholarship funds under certain circumstances; defining the term "owner or operator"; providing a process for review of a decision from the commissioner under certain circumstances; providing for the release of personally identifiable student information under certain circumstances; providing parent and student responsibilities for initial and continued participation in the program; providing nonprofit scholarship-funding organization obligations; providing for the calculation of the scholarship amount; providing the scholarship amount for students transferred to certain public schools; requiring verification of specified information before a scholarship may be disbursed; providing requirements for the scholarship payments; providing funds for administrative expenses for certain nonprofit scholarship-funding organizations; providing requirements for administrative expenses; prohibiting a nonprofit scholarship-funding organization from charging an application fee; providing Auditor General obligations; providing requirements for taxpayer elections to contribute to the program; requiring the Department of Revenue to adopt forms to administer the program; providing requirements for certain agents of the Department of Revenue and motor vehicle dealers;

692180

providing reporting requirements for nonprofit scholarship-funding organizations relating to taxpayer contributions; providing penalties; providing for the restitution of specified funds under certain circumstances; providing the state is not liable for the award or use of program funds; prohibiting additional regulations for private schools participating in the program beyond those necessary to enforce program requirements; requiring the State Board of Education to adopt rules to administer the program; creating s. 1002.411, F.S.; establishing reading scholarship accounts for specified purposes; providing for eligibility for scholarships; providing for administration; providing duties of the Department of Education; providing school district obligations; specifying options for parents; providing that maximum funding shall be specified in the General Appropriations Act; providing for payment of funds; specifying that no state liability arises from the award or use of a reading scholarship account; amending s. 1002.421, F.S.; defining the term "owner or operator"; requiring a private school to employ or contract with teachers who meet certain qualifications and provide information about such qualifications to the department and parents; revising the conditions under which a private school employee may be exempted from background screening requirements; specifying that a private school is ineligible to participate in certain scholarship programs under certain

692180

circumstances; requiring the department to annually visit a certain percentage of certain private schools; authorizing the department to make certain followup site visits at any time; requiring the Division of State Fire Marshal to annually provide the department with fire safety inspection reports for certain private schools; requiring that certain private schools provide the department with a report from an independent certified public accountant under certain circumstances; repealing s. 1002.43, F.S., relating to private tutoring programs; amending s. 1002.45, F.S.; revising documentation requirements for virtual education providers; providing for the automatic termination of a virtual instruction provider's contract under certain circumstances; authorizing the State Board of Education to grant a waiver of such termination; amending s. 1002.55, F.S.; authorizing an early learning coalition to refuse to contract with certain private prekindergarten providers; amending s. 1003.01, F.S.; redefining the term "regular school attendance"; amending s. 1003.26, F.S.; conforming a cross-reference; amending s. 1003.41, F.S.; revising the requirements for the Next Generation Sunshine State Standards to include financial literacy; amending s. 1003.4282, F.S.; revising the required credits for a standard high school diploma to include one-half credit of instruction in personal financial literacy and money management and seven and one-half, rather than eight, credits in electives; amending s.

692180

1003.44, F.S.; requiring each district school board to adopt rules for the display of the official state motto in specified places; amending s. 1003.453, F.S.; conforming provisions to changes made by the act; creating s. 1003.457, F.S.; requiring school districts to provide instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator; requiring students to study and practice psychomotor skills associated with CPR at least once before graduating from high school; requiring the instruction to be a part of a required curriculum; providing instruction to be based on certain programs; providing an exemption; creating s. 1006.05, F.S.; providing the purpose of the mental health assistance allocation; requiring that school districts and charter schools annually develop and submit certain detailed plans; requiring that approved charter school plans be provided to the district for submission to the Commissioner of Education; providing that required plans must include certain elements; requiring school districts to annually submit approved plans to the commissioner by a specified date; requiring that entities receiving such allocations annually submit a final report on program outcomes and specific expenditures to the commissioner by a specified date; amending s. 1006.061, F.S.; revising the applicability of certain child abuse, abandonment, and neglect provisions; amending s. 1006.07, F.S.; requiring district school boards to formulate and

692180

prescribe policies and procedures for active shooter situations; requiring that active shooter situation training for each school be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus; requiring each school district to conduct certain assessments in a specified format; requiring a district school superintendent to provide specified agencies with certain findings and certain strategy and activity recommendations to improve school safety and security; requiring that district school boards and private school principals or governing boards allow campus tours by such law enforcement agency or agencies at specified times and for specified purposes; requiring that certain recommendations be documented by such board or principal; amending s. 1006.12, F.S.; requiring, rather than authorizing, district school boards to establish certain school resource officer programs; requiring a district school board to commission one or more school safety officers at each district school facility within the district; amending s. 1007.271, F.S.; deleting a requirement for a home education student to provide his or her own instructional materials; revising the requirements for home education and private school articulation agreements; amending s. 1007.273, F.S.; defining the term "structured program"; providing additional options for students participating in a structured program; prohibiting a district school board from

692180

limiting the number of public school students who may participate in a structured program; revising contract requirements; requiring each district school board to annually notify students in certain grades of certain information about the structured program, by a specified date; revising provisions relating to funding; requiring the state board to enforce compliance with certain provisions by a specified date each year; providing reporting requirements; amending s. 1008.33, F.S.; revising the turnaround options available for certain schools; amending s. 1011.62, F.S.; prohibiting the award of certain bonuses to teachers who fail to maintain the security of certain examinations or violate certain protocols; authorizing the state board to adopt rules for specified purposes; creating the hope supplemental services allocation; providing the purpose of the allocation; specifying the services that may be funded by the allocation; providing that implementation plans may include certain models; providing requirements for implementation plans; providing for the allocation of funds in specified fiscal years; creating the mental health assistance allocation; providing the purpose of the allocation; requiring that funds be allocated annually in the General Appropriations Act; providing for the allocation of such funds on a specified basis; providing that eligible charter schools are entitled to a proportionate share; prohibiting the use of allocated funds to supplant funds provided from other

692180

operating funds, to increase salaries, or to provide bonuses, except in certain circumstances; requiring that school districts and schools maximize certain third-party funding; creating the funding compression allocation; providing the purpose of the allocation; authorizing funding for the annual allocation; providing the calculation for the allocation; amending s. 1011.69, F.S.; authorizing certain high schools to receive Title I funds; providing that a school district may withhold Title I funds for specified purposes; authorizing certain schools to use Title I funds for specified purposes; amending s. 1011.71, F.S.; increasing the amount that a school district may expend from a specified millage levy for certain expenses; amending s. 1012.2315, F.S.; requiring certain employee organizations to include specified information in a specified application and to petition for recertification for specified purposes; amending s. 1012.315, F.S.; revising the applicability of certain provisions related to disqualification from employment for the conviction of specified offenses; amending s. 1012.32, F.S.; requiring a district school board to reimburse certain costs if it fails to notify a charter school of the eligibility status of certain persons; amending s. 1012.562, F.S.; authorizing charter schools and charter management organizations to offer school leader preparation programs; amending s. 1012.731, F.S.; extending eligibility for the Florida Best and Brightest Teacher Scholarship Program

692180

to school district employees who, in the immediately preceding school year, were classroom teachers and met eligibility requirements; deleting scholarship awards authorized for specific school years; amending s. 1012.732, F.S.; specifying that a franchise model school principal is eligible to receive a Florida Best and Brightest Principal scholarship; requiring specified awards for eligible principals; amending s. 1012.796, F.S.; revising the applicability of a requirement that certain private schools file specified reports with the department for certain allegations against its employees; amending s. 1012.98, F.S.; requiring professional development resources to include sample course-at-a-glance and unit overview templates; providing requirements for such templates; amending s. 1013.28, F.S.; requiring school districts to provide charter schools access to certain property on the same basis as public schools; prohibiting certain actions by a charter school without the written permission of the school district; amending s. 1013.31, F.S.; authorizing a district to use certain sources of funds for educational, auxiliary, and ancillary plant capital outlay purposes without needing a survey recommendation; amending s. 1013.385, F.S.; providing additional exceptions to certain building code regulations for school districts; amending s. 1013.62, F.S.; providing legislative intent; prohibiting a charter school from being eligible for capital outlay funds unless the

692180

chair of the governing board and the chief administrative officer of the charter school annually certify certain information; defining the term "affiliated party of the charter school"; revising the Department of Education's calculation methodology for a school district's distribution of discretionary millage to its eligible charter schools; amending s. 212.08, F.S.; conforming a cross-reference; providing appropriations; providing appropriations; authorizing the Department of Revenue to adopt emergency rules for specified purposes; providing effective dates.

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic Free Expression on Campus

Name Marshall Ogletree

Job Title Exec. Director

Address 115 N. Calhoun St, Ste 6
Street
Tallahassee FL 32301
City *State* *Zip*

Phone 850-224-8720

Email marshall.ogletree@floridaaaup.org

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing United Faculty of FL

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 27 2018
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

amend: 501258

Topic Education

Name Marie-Claire Leman

Job Title

Address 1911 Wahalaw Ct
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 8507287514

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Common Ground

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. 27, 2018
Meeting Date

HB 7055
Bill Number (if applicable)

337510
Amendment Barcode (if applicable)

Topic Dual Enrollment Program

Name James Herzog

Job Title Associate Director for Education

Address 201 W. Park Ave.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone (850)205-6823

Email jherzog@flaccb.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

798988
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee Fla 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

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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)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

~~BAM~~ 798988
Amendment Barcode (if applicable)

Topic EDUCATION

Name Stephanie Ortega

Job Title Legislative Advocate

Address _____ Phone 7176391243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

2/27/19
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name William Lawson

Job Title Field Representative

Address 20 South Lakewood Drive
Street

Orlando FL 32803
City *State* *Zip*

Phone 407-257-6081

Email WMLAWSON2@gmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Rich Templin

Job Title

Address 135 S. Monroe
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-224-6526

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida AFL CIO

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)

2-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

Topic ~~HB~~

Amendment Barcode (if applicable)

Name GERALD CASSATT

Job Title VOLUNTEER

Address 8675 SW 108th ST
Street

Phone 352-322-5966

OCALA FL 34481
City *State* *Zip*

Email

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AFP

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)

2-27-18
Meeting Date

7055
Bill Number (if applicable)

Topic "Hope Scholarship"

Amendment Barcode (if applicable)

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St.
Street

Phone 850-224-2078

Tallahassee FL 32301
City *State* *Zip*

Email Stephanie.Kunkel@floridaea.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

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THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education Bill

Amendment Barcode (if applicable)

Name Ira Paul

Job Title Retired Educator

Address 18495 NW 78th Avenue
Street

Phone (305) 965-0139

Hialeah FL 33015
City *State* *Zip*

Email irajpaul@att.net

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic EDUCATION

Name GAIL MARIE PERRY

Job Title CHAIR, COUNCIL OF FLORIDA

Address PO BOX 1766
Street
POMPANO BEACH FL 33061
City *State* *Zip*

Phone 954 850 4055

Email wopeng@hotmail.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing COMMUNICATIONS WORKERS OF AMERICA

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education Omnibus

Amendment Barcode (if applicable)

Name Scott McCoy

Job Title Senior Policy Counsel

Address P.O. Box 10788 (*Street*)

Phone 850-521-3042

Tally (*City*) FL (*State*) 32302 (*Zip*)

Email scott.mccoy

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Southern Poverty Law Center

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Topic 7055

Amendment Barcode (if applicable)

Name Paula Wright

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Phone

Jacksonville FL 32207
City *State* *Zip*

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7055

Meeting Date *Bill Number (if applicable)*

Topic Education *Amendment Barcode (if applicable)*

Name Grace Hancock

Job Title student

Address _____ Phone _____

Street

_____ 32313 Email _____

City *State* *Zip*

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Naomi Choulagh

Job Title

Address Stone Rd
Street

Phone (850) 602-5542

Tallahassee FL 32303
City *State* *Zip*

Email Naomic0905@gmail.com

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.

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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)

2-27-2018
Meeting Date

7055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Gina R Perez-Calhoun

Job Title Attorney - Candidate Orange County Commissioner

Address 4321 Andover Ray Blvd
Street

Phone 407 622 4772

Orlando FL 32825
City *State* *Zip*

Email grpclaw@gmail.com

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.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Ed Wilson

Job Title

Address 6960 SW 155th St
Street

Phone 352-237-8650

Dunnellon FL 34432
City *State* *Zip*

Email edwilsonjr@aol.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)

02/26/19
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Yennifer Torres

Job Title

Address 6802 Wilkana Dr
Street

Orlando FL 32821
City *State* *Zip*

Phone 4079365063

Email

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/27/18
Meeting Date

SB 7055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Linda Jaworski

Job Title AFP

Address 6929 MATANZAS Drive
Street

Phone 352 350 0350

Sebring FL 33872
City *State* *Zip*

Email ytrabbit@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic education

Amendment Barcode (if applicable)

Name Xiangi Zhu

Job Title Student Journalist

Address 3371 riverview way
Street

winter park FL 32792
City *State* *Zip*

Phone 4079276877

Email KathyZhu2@yahoo.ca

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

02/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7055

Meeting Date *Bill Number (if applicable)*

Topic EDUCATION *Amendment Barcode (if applicable)*

Name CESAR GRAJALES

Job Title COALITIONS DIRECTOR

Address 200. W. COLLEGE AVE. Phone 786.260.9283

Street

TALLAHASSEE FL. Email Cgrajales@ebelibre.org

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☑ In Support ☐ Against

(The Chair will read this information into the record.)

Representing THE LIBRE INITIATIVE.

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)

2-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name John Alt

Job Title _____

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Jeff

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)

2-27-18
Meeting Date

7055
SB [redacted]
Bill Number (if applicable)

Topic Free speech on college campuses

Amendment Barcode (if applicable)

Name Scotland Calhoun

Job Title legal assitant

Address 4321 Andover Cay Blvd
Street

Phone 407 301 6769

Orlando FL 32825
City *State* *Zip*

Email Scotland Calhoun@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic EDUCATION

Name DEANNA ORTNER

Job Title VOLUNTEER

Address 700 LIVE OAK ST
Street

MAITLAND FL 32751
City *State* *Zip*

Phone 407-629-4590

Email dlortner@embarqmail.com

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

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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)

27 Feb 18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Byron Taylor

Job Title Engineer

Address 1138 Bellagio Cy
Street

Phone 615-351-6111

Winter Park FL 32792
City *State* *Zip*

Email eagle55@ix.netcom.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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/2018
Meeting Date

HR 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Joseph Manson

Job Title

Address 2308 S. Lila Ln
Street

Phone 813 767 8399

Tampa FL 33629
City *State* *Zip*

Email joemanson@mac.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Paul Zeigler

Job Title Volunteer

Address 9571 SW 102 Pl.
Street

Phone (352) 237-6998

Ocala FL 34481
City *State* *Zip*

Email truthwente1595@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Craig Marriott

Job Title

Address 101 South Woodward Ave
Street

Phone 407 577 4399

Tallahassee Florida 32304
City *State* *Zip*

Email CraigMarriott1@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name JOHN KING

Job Title GRANPA

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MY SELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27th 2018
Meeting Date

FIB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Taylor W. Foland

Job Title Volunteer

Address 4125 East Hwy 318
Street

Phone 352-262-9826

Citra FL 32113
City *State* *Zip*

Email taylorfoland47@gmail

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing [redacted] Concerned Citizen & self

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Barbara Frazier

Job Title V. Principal

Address 1702 Lake Rohts. Landing Dr
Street

Winter Garden FL 34787
City *State* *Zip*

Phone

Email barbarafrazier912@gmail.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] 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.

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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)

2-27-18
Meeting Date

7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Naze Sahebzamani

Job Title Teacher

Address 5220 S. Macdill Ave #104
Street

Tampa FL 33611
City *State* *Zip*

Phone

Email

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Jean Clements

Job Title Teacher

Address 3134 W. Coachman Av
Street

Phone (813)600-9759

Tampa FL 33611
City *State* *Zip*

Email jean.clements@hotmail.com

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.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education HB 7055

Amendment Barcode (if applicable)

Name Joey Acevedo

Job Title

Address 3992 Polka Lake Cir.
Street

Phone (561) 424-1393

WPB FL 33405
City *State* *Zip*

Email Joey1941.aol.com

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.

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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)

2/27/18
Meeting Date

HB 7005
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic HB 7055 Education

Name Belinda Davis

Job Title Bus operator

Address 315 N.W. 3rd Ave
Street
Delray Beach FL 33444
City State Zip

Phone 561 702-7092

Email johnnyfla315@aol.com

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.

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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)

2/27/17
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Eric F. Curtin

Job Title

Address 5252 Parkwalk Circle b
Street
Boynton Beach, FL 33472
City *State* *Zip*

Phone 561 877 9943

Email ecurtin@aol.com

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.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Sandi Ancona

Job Title Teacher

Address 8823 Citrus Village Dr Apt 302
Street

Phone 813 763 8539

Tampa FL 33626
City *State* *Zip*

Email sandirose@me.com

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.

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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)

2-27-18
Meeting Date

17055
Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name David Bernstein

Job Title

Address 2616 SOUTH TORONTO AVE
Street

Phone 813-629-0315

City *State* *Zip*

Email

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name O.D. ELLIOTT

Job Title RETIRED POSTAL WORKER (LC)

Address 101 - 78th Ave NE
Street

Phone 727-608-6027

ST. PETE FL. 33702
City *State* *Zip*

Email odeb1477@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing MY SELF

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)

02-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name ROBERT CHAPMAN

Job Title STATE EMPLOYEE

Address 41219 LYNBROOK DRIVE
Street

Phone

ZEPHYRHILLS FLORIDA 33540
City *State* *Zip*

Email

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

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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)

2-27-18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Scott Hosey

Job Title Consultant

Address 725 Shore Drive East
Street

Oldsmar fl. 34677
City *State* *Zip*

Phone 541-661-5645

Email Skyeifsproductions@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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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 27 18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic EDUCATION

Name CHRISTINA REGALADO

Job Title ENGINEER

Address 2904 N. TAMPA ST
Street

Phone 941-677-8666

Tampa, FL 33602
City *State* *Zip*

Email chrisregalado@gmail.com

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name NORWOOD OZRICK

Job Title CET II

Address 1702 E 9TH AV
Street

TAMPA FL 33612
City *State* *Zip*

Phone 813 239 9662

Email

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

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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)

2/27/2018
Meeting Date

HB-7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Shawn Britton

Job Title Trustee

Address 2716 Bolton Bend
Street

Phone 407-637-6744

Orlando Fla 32817
City *State* *Zip*

Email

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Joseph Tate.

Job Title

Address 5973 Copper Creek DR
Street
Jacksonville FL 32218
City *State* *Zip*

Phone 904-673-8526

Email jojotate@bellsouth.net

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

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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)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Joyce Wesley

Job Title CWA 3106 Retiree Member

Address 1131 Fromage Cir W.
Street

Jacksonville FL 32225
City *State* *Zip*

Phone 904-445-7663

Email jw7201@gmail.com

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing N. Fl. Central Labor Council / FIARA

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Joanne Cannon

Job Title

Address 3410-50th St W.
Street

Bradenton, FL 34209
City *State* *Zip*

Phone 941-812-7113

Email jcann24@aol.com

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic HB 7055

Amendment Barcode (if applicable)

Name Lakey Love

Job Title Graduate Teaching Assistant - FSU

Address 1511 Melvin Street
Street

Tallahassee, FL 32301
City *State* *Zip*

Phone 850-345-0018

Email butterflylake@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Student Power Network of FL

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)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Joseph Richardson SR

Job Title Bus Driver W.O. Teamster 385

Address 7148 Swallow Run
Street

Winter Park FL 32792
City *State* *Zip*

Phone 407 9625098

Email JRich110@hotmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Karen Woodall

Job Title Exec. Director

Address 579 E. Call St.
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-321-9386

Email fcfep@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing FL Center for Fiscal & Economic Policy

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Education /

Amendment Barcode (if applicable)

Name Kevin Byrne

Job Title

Address 256 SE Todd Ave
Street
Port St. Lucie FL 34983
City *State* *Zip*

Phone 772 979 5899

Email kevinjbyrne54@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic EDUCATION

Amendment Barcode (if applicable)

Name FRANK RAMIREZ

Job Title

Address 25131 SW 120PL
Street

HOMESTEAD FL 33032
City *State* *Zip*

Phone (305) 801-7679

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Hope Scholarship

Name LINDA EDSON

Job Title Retired Educator

Address 1841 Myrick Rd
Street
Tallahassee FL 32303
City *State* *Zip*

Phone 850-510-2729

Email edsonl@nettally.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Retired Educators Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name Theresa King

Job Title President

Address PO Box 10888
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-228-8940

Email fbt.tking@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Building & Construction Trades

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)

2.27.18
Meeting Date

7055
Bill Number (if applicable)

809628
Amendment Barcode (if applicable)

Topic Education

Name Stephanie Kunkel

Job Title Legislative Specialist

Address 213 S. Adams St. *Street*

Phone 850-224-2078

Tallahassee *City* FL *State* 32301 *Zip*

Email Stephanie.Kunkel@flondaea.org

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Education Association

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

~~881182~~
Amendment Barcode (if applicable)
809628

Topic Education

Name JAN RUBINO

Job Title Retired

Address 726 Ingleside Ave
Street

Tallahassee, Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

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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)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

~~881182~~
Amendment Barcode (if applicable)

809628

Topic EDUCATION

Name Stephanie Owens

Job Title Legislative Advocate

Address _____
Street

Phone 727 639 1243

_____
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing League of Women Voters

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

501258
Amendment Barcode (if applicable)

Topic _____

Name Sara Clements

Job Title Director of External Affairs

Address 1901 Ulmerton Rd #180
Street

Phone 727-451-9811

Clearwater FL [redacted]
City *State* *Zip*

Email sclements@sufs.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Step Up For Students

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27 2018
Meeting Date

7055
Bill Number (if applicable)

501258
Amendment Barcode (if applicable)

Topic Education

Name Marie-Claire Leman

Job Title

Address 1911 Wahalaw Ct
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850 228 7514

Email

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

677148
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee, Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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.

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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)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

677148
Amendment Barcode (if applicable)

Topic EDUCATION

Name STEPHANIE OWENS

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 727 639 1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE of Women Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

677148
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

Job Title _____

Address 1747 Orlando Central Parkway
Street

Orlando, FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislative@flpta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7053
Bill Number (if applicable)

~~344352~~
Amendment Barcode (if applicable)

Topic _____

Name Nancy Lawther

677148

Job Title _____

Address 1747 Orlando Central Parkway
Street

Orlando, FL 32809
City *State* *Zip*

Phone 407 855 7604

Email legislation@floridapta.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida PTA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

CS/HB 7055
Bill Number (if applicable)

344352
Amendment Barcode (if applicable)

Topic _____

Name Kimberly Miller

Job Title Duval County Public Schools

Address 1701 Prudential Drive
Street

Phone _____

Jacksonville FL 32207
City *State* *Zip*

Email MillerKL@duvalschools.

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

730710
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

730710
Amendment Barcode (if applicable)

Topic EDUCATION

Name Stephanie A. Owens

Job Title Legislative Advocate

Address _____
Street

Phone 727.639.1243

_____
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing LEAGUE of WOMEN Voters FL

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27 2018
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic Education

Name Marie-Claire Leman

Job Title

Address 1911 Wahalaw ct
Street

Phone 850 728 7514

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 Common Ground

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic _____

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Ave. Ste C
Street

Phone (407) 418-0250

Orlando FL 32806
City *State* *Zip*

Email _____

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Family Action

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27 2018
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

** amend: 798988

Topic Education

Name Marie-Claire Leman

Job Title

Address 1911 Wahalaw Ct
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850 728 7514

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb 27 2018
Meeting Date

7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic Education

Name Marie-Claire Leman

& # amend: 583 458

Job Title

Address 1911 Wahalaw Ct
Street

Phone 850 728 7514

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 Common Ground

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title Retired

Address 726 Ingleside Ave
Street

Tallahassee Fla 32303
City *State* *Zip*

Phone 850-224-9262

Email

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

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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)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

240726
Amendment Barcode (if applicable)

Topic EDUCATION

Name Stephanie Ducas

Job Title Legislative Advocate

Address _____
Street

Phone 727 639 1243

_____
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic _____

Name Melissa Fausz

Job Title Deputy Director of Policy

Address 200 W College Ave. *Street*

Phone 850-408-1218

Tallahassee *City* FL *State* 32301 *Zip*

Email mfausz@afphq.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Free Speech

Name Demetrius Minor

Job Title Dir. of Coalitions

Address 200 W College Ave
Street
Tallahassee FL
City *State* *Zip*

Phone 727-270-1407

Email dminor@genopp.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Generation Opportunity

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Education

Name Brigitte Smith

Job Title Registered Nurse

Address 4275 SW 85th ave
Street

Ocala FL 34481
City *State* *Zip*

Phone 727 482 1124

Email brigittesmith370 Yahoo.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7055

Meeting Date *Bill Number (if applicable)*

Topic Education *Amendment Barcode (if applicable)*

Name Carlos Garcia

Job Title

Address *Street* Phone

City *State* 33578 *Zip* Email

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Blake Shafer

Job Title _____

Address 1073 Lake Forest Blvd
Street

Jacksonville FL 32208
City *State* *Zip*

Phone _____

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

Topic Education

Amendment Barcode (if applicable)

Name John Tagueiro

Job Title

Address 2627 Carsan Oaks Dr
Street

Phone 904-755-4112

Jacksonville FL 32221
City *State* *Zip*

Email VETGOP@AOL.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 2055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name MANUEL TAMARGO

Job Title 3800 SW 62 AVE

Address M~~[illegible]~~ f 3800 SW 62 AVE
Street

Phone 786 389 7221

MIAMI FL 33155
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MANUEL TAMARGO

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)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Amy Collins

Job Title _____

Address 3308 Sunnybrook Ave N
Street

Jacksonville FL 32254
City *State* *Zip*

Phone (904)704-4274

Email amysoilylife@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

02-27-2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB 7055

Meeting Date *Bill Number (if applicable)*

Topic _____ *Amendment Barcode (if applicable)*

Name JOHN BAXLEY

Job Title RETIRED MILITARY

Address 7220 HANSON DR S. Phone (904) 588-2487

Street

JACKSONVILLE FL 32210 Email

City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

903516
Amendment Barcode (if applicable)

Sen. Passidomo Amendment

Topic Education / Mental Health Assistance

Name Melanie Brown Wootter

Job Title CEO/President

Address 316 E Park Ave
Street

Tally FL 32301
City *State* *Zip*

Phone 850-224-6048

Email melanie@fccmh.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Council for Behavioral Health

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

903516
Amendment Barcode (if applicable)

Topic Education

Name Jill Gran

Job Title Senior Policy Director

Address 2464 Munson Dr
Street

Tallahassee FL 32308
City *State* *Zip*

Phone 850 8182916

Email jill@myfsha.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Behavioral Health Association

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

798988
Amendment Barcode (if applicable)

Topic _____

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Avenue, Ste C
Street

Phone (407) 418-0250

Orlando FL 32806
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Family Action

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

583458
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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)

2.27.18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

583458
Amendment Barcode (if applicable)

Topic EDUCATION

Name STEPHANIE OWENS

Job Title LEGISLATIVE ADVOCATE

Address _____
Street

Phone 7176391243

_____
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing LEAGUE OF WOMEN VOTERS FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

583758
Amendment Barcode (if applicable)

Topic Charter Schools

Name Joy Frank

Job Title General Council

Address 208 S. Monroe St
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-577-5284

Email JFRANK@FADSS.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLA Assoc. of District School Superintendents

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

185740
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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)

2.27.18
Meeting Date

CS HB 7055
Bill Number (if applicable)

185740
Amendment Barcode (if applicable)

Topic EDUCATION

Name Stephanie Owens

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 727 639 0243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing LEAGUE of Women Voters FL

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)

2/27/15
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic EDUCATION

Name C.D. ELLIOTT

Job Title RETIRED POSTAL WORKER (LC)

Address 101 - 78TH AVE NE
Street

Phone 727-608-6027

ST. PETE FL 33702
City *State* *Zip*

Email cdeb1477@aol.com

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic EDUCATION

Name MICHAEL CLARK

Job Title ~~LETTER CARRIER~~

Address 916 KENMORE ST N.W.
Street

PALM BAY FLA. 32907
City *State* *Zip*

Phone 321-543-9227

Email MCLARK1957@GMAIL.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing WFLC

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic EDUCATION

Name ROBERT REDMOND

Job Title TECHNICIAN | TELECOM

Address PO BOX 210883
Street

Phone 7278516342

ST PETERSBURG FL 33742
City *State* *Zip*

Email LFSBAND@GMAIL.COM

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

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Jim Junecko

Job Title Crane Operator

Address 441 33rd St. N. Apt 712
Street

St. Petersburg FL 33713
City *State* *Zip*

Phone 407-346-3525

Email Jim.Junecko@yahoo.com

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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663802
Amendment Barcode (if applicable)

Topic UNION REPRESENTATION

Name GAIL MARIE PERRY

Job Title CHAIR, COUNCIL OF FLORIDA

Address PO BOX 1766
Street

POMPANO BEACH FL 33061
City *State* *Zip*

Phone 954 850 7055

Email workingfolk@hotmail.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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7055

463800

Meeting Date

Bill Number (if applicable)

Amendment Barcode (if applicable)

Topic Union Rep

Name Linda Edson

Job Title Retired Teacher

Address 18411 Myrick Rd
Street

Tall
City State Zip

Phone 850-510-2729

Email ledson1@nethly

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663806
Amendment Barcode (if applicable)

Topic _____

Name Melissa Fausz

Job Title Deputy Director of Policy

Address 200 W College Ave
Street
Tallahassee FL 32301
City *State* *Zip*

Phone 850-408-1218

Email mfausz@afphq.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Union Decertification

Name Joanne McCall

Job Title FEA President

Address 213 S Adams St
Street

Phone 850 224 1953

Tallahassee FL 32301
City *State* *Zip*

Email joanne.mccall@floridaeagles.org

Speaking: ☐ For ☑ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FEA

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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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)

02/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name Linda Jaworski

Job Title AFP

Address 6929 Matanzas Drive
Street

Phone 352 350 0350

Sebring FL 33872
City *State* *Zip*

Email ykrabbit@hotmail.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Labour 66 3800
Amendment Barcode (if applicable)

Topic Educators

Name Naomi Choulagh

Job Title

Address Stone Rd
Street

Tallahassee FL 32303
City *State* *Zip*

Phone (850)602-5542

Email naomic0905@gmail.com

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.

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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)

2/27/18
Meeting Date

SB 7026 Amendment
Bill Number (if applicable)

668020
Amendment Barcode (if applicable)

Topic _____

Name Erek Culbreath

Job Title President

Address 319 Bermuda Rd
Street

Phone 941-224-4744

Tallahassee FL 32312
City *State* *Zip*

Email erek.culbreath@msn.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Florida Students for Concealed Carry

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)

2-27-17
Meeting Date

~~SB~~ HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name Scotland Calhoun

Job Title Legal assistant

Address 4321 Andover Cay Blvd
Street

Orlando FL 32835
City *State* *Zip*

Phone 407-301-6769

Email Scotland.calhoun@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Free Speech

Name Gina R Perez-Calhan

Job Title Attorney Candidate County Commissioner

Address 4321 Andover Cay Blvd
Street

Phone

Orlando FL 32825
City *State* *Zip*

Email grpclaw@gmail.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) HB7055

Meeting Date *Bill Number (if applicable)*

Labor 663800

Amendment Barcode (if applicable)

Topic Education

Name Grace Hancock

Job Title student

Address _____ Phone _____

Street

_____ 32313 Email _____

City *State* *Zip*

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.

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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)

2/27/2018
Meeting Date

HB-7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Shawn Britton

Job Title Trustee

Address 2716 Bolton Bend
Street

Phone 407-637-6744

Orlando FL 32817
City *State* *Zip*

Email --

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

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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)

2/26/18
Meeting Date

HB 7055
Bill Number (if applicable)

C66 39000
Amendment Barcode (if applicable)

Topic Labor

Name Jennifer Paredes

Job Title

Address 6802 Wellkow Dr
Street

Orlando FL 32821
City *State* *Zip*

Phone 407 936 5063

Email

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

4-7-2018 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

HB 7055

Bill Number (if applicable)

663800

Amendment Barcode (if applicable)

Topic _____

Name JOHN BAXLEY

Job Title RETIRED MILITARY

Address 7220 HANSON DR S. Phone (904) 588-2487

Street

JACKSONVILLE FL 32210 Email _____

City State Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

606380
Amendment Barcode (if applicable)

Topic _____

Name Amy Collins

Job Title _____

Address 3308 Sunnybrook Ave N
Street

Jacksonville FL 32254
City *State* *Zip*

Phone (904) 704-4274

Email amysoilylife@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 2055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name MANUEL TAMARGO

Job Title _____

Address 3800 SW 62 AVE
Street

Phone 786 389 7221

MIAMI FL 33155
City *State* *Zip*

Email _____

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic labor

Name Ira Paul

Job Title Retired Educator

Address 18495 NW 78th Avenue
Street

Phone (305) 965-0139

Hialeah FL 33015
City *State* *Zip*

Email irajpaul@att.net

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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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)

2/27/19
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Eric Curtin

Job Title

Address 5858 Parkwalk Circle N
Street
Boynton Beach, FL 33472
City *State* *Zip*

Phone 561.777.9963

Email ecurtin@aol.com

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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Belinda DAVIS

Job Title Bus operator

Address 315 N. W. 3rd Ave
Street
Delray Beach FL 33444
City *State* *Zip*

Phone 561 702-7092

Email johnnyf1q315@aol

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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Joey Acevedo

Job Title Bus driver

Address 3852 lake falwell cir
Street

Phone (561) 424-1393

wpb 42 33409
City *State* *Zip*

Email Joey1941.a@aol.com

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

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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)

02/27/2018
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic DECERTIFICATION

Name ROBERT CHAPMAN

Job Title STATE EMPLOYEE

Address 4127 LYNBROOK DRIVE
Street

Phone

ZEPHYRHILLS FLORIDA 33546
City *State* *Zip*

Email

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

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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)

2/27/18
Meeting Date

HB 7055
~~Amendment 663~~
Bill Number (if applicable)

6603800
Amendment Barcode (if applicable)

Topic Education

Name Naze Sahebzaman

Job Title Teacher

Address 5220 S. Macdill Ave. #104 Phone 813-562-3489
Street

Tampa FL 33611 Email nazes@hotmail.com
City *State* *Zip*

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)

HB 7055
amendment 663800
Bill Number (if applicable)

2/27/18
Meeting Date

663800
Amendment Barcode (if applicable)

Topic Education

Name Sandi Ancona

Job Title teacher

Address 8823 Citrus Village Dr Apt 302 Phone (813) 763 8539
Street

Tampa FL 33626 Email sandirose@me.com
City *State* *Zip*

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Union Decertification

Name Jean Clements

Job Title teacher

Address 3134 W. Coachman Av
Street

Tampa FL 33611
City *State* *Zip*

Phone (813) 600-9759

Email jean.clements@floridaea.org

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

	7055
Meeting Date	*Bill Number (if applicable)*
	663800
	Amendment Barcode (if applicable)

Topic Union Transparency

Name Christopher Emmanuel

Job Title Policy Director

Address 136 S. Bronough St — Phone

Street

TLH — FL — 32301 — Email cemmanuel@flchamber

City — *State* — *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against

(The Chair will read this information into the record.)

Representing Florida Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education - Labor

Name John Tigueiro

Job Title

Address 2627 Carson Oaks Dr
Street

Jacksonville FL 32221
City *State* *Zip*

Phone (904) 755-4172

Email JETGCR@AOL.COM

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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)

2-27-14
Meeting Date

7055
Bill Number (if applicable)

663800 [redacted]
Amendment Barcode (if applicable)

Topic _____

Name LARRY DUPREE

Job Title _____

Address 8301 N. RIVER HIGHLANDS PL
Street

Phone 813 984 8828

TAMPA FL 33617
City *State* *Zip*

Email _____

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

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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)

2-27-18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name Bob Loveitt

Job Title _____

Address 4611 Fox Hunt Dr.
Street
Tampa FL 33624
City *State* *Zip*

Phone 813-390-5307

Email _____

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

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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)

2.27.18
Meeting Date

7055
Bill Number (if applicable)

#663500
Amendment Barcode (if applicable)

Topic _____

Name Ken Williams

Job Title _____

Address 7411 Meadow Dr
Street
Tampa FL 33634
City *State* *Zip*

Phone 813-886-1753

Email _____

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education Labor

Name Blake Shatzer

Job Title

Address 1073 Lake Forest Blvd
Street
Jacksonville Florida 32208
City *State* *Zip*

Phone

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education / Labor

Name Carlos Garcia

Job Title

Address
Street

Phone

33578
City *State* *Zip*

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

163800
Amendment Barcode (if applicable)

Topic Instructional Personnel

Name Marshall Ogletree

Job Title Exec. Director

Address 115 N. Calhoun St, Suite 6
Street
Tallahassee 32301
City *State* *Zip*

Phone 850.224.8200

Email marshall.ogletree@floridaea.org

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing United Faculty of FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7055

HB ~~[illegible]~~

~~Labor [illegible]~~

Bill Number (if applicable)

2/27/18

Meeting Date

663800

Amendment Barcode (if applicable)

Topic Education

Name Craig Marriott

Job Title

Address 101 South Woodward Ave. Phone 407 577 4349

Street

Tallahassee FL 32304 Email Craig.Marriottl@gmail.com

City State Zip

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

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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)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Labor

Name Barbara Frazier

Job Title V. Principal

Address 1702 Lake Roberts Landing
Street
Winter Garden FL 34787
City *State* *Zip*

Phone 407-490-8810

Email barbarafrazier9126@gmail.com

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

7055

Bill Number (if applicable)

663 800

Amendment Barcode (if applicable)

Topic Labor

Name Brigitte Smith

Job Title Registered Nurse

Address 4225 SW 85th ave *Street*

Ocala FL 34481 *City* *State* *Zip*

Phone 727 482 1124

Email brigitteSmith37 @ yahoo.com

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name JOHN KING

Job Title GRANPA

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Feb. 27th, 2018
Meeting Date

HB 7055
Bill Number (if applicable)

Cabor 663800
Amendment Barcode (if applicable)

Topic Education

Name Taylor W. Foland

Job Title Volunteer

Address 4425 East Hwy 318
Street

Phone 352-262-9826

Citra FL 32113
City *State* *Zip*

Email taylorfoland17@gmail

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Concerned citizen Self

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic EDUCATION

Name Joseph Richardson Jr

Job Title WD Bus Driver Teamster 385

Address 7142 Swallow Run
Street

Phone 407 962 5298

Winter Park FL 32792
City *State* *Zip*

Email JRichard410@

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18 (Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting) 7055

Meeting Date *Bill Number (if applicable)*

603800

Amendment Barcode (if applicable)

Topic _____

Name Anna Fusco

Job Title President of Broward Teachers Union & 5th grade Teacher

Address 6000 N. University dr. T Phone _____

Street

Tamarac FL 33321 Email _____

City *State* *Zip*

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name JAMES HERWIG

Job Title Parent

Address 6000 N. University Dr
Street

Tamarac FL 33321
City *State* *Zip*

Phone _____

Email _____

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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name Kenneth Minchew

Job Title Teacher

Address 1751 N.W. 81ST WAY
Street
Plantation, FL. 33322
City *State* *Zip*

Phone _____

Email _____

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

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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)

2-27-16
Meeting Date

H.B. 7005
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education/Auto Decertification

Name Erik Mooney

Job Title

Address 2842 Somerset Rd
Street

Phone (561) 602-0780

Lantana Florida 33462
City *State* *Zip*

Email Erikmooney@BellSouth.net

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

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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)

2/27/18
Meeting Date

HB7005
Bill Number (if applicable)

#663800
Amendment Barcode (if applicable)

Topic Decert Amendment

Name Joanne Cannon

Job Title

Address 3410-50th St W
Street
Bradenton, FL 34209
City *State* *Zip*

Phone 941-812-7113

Email joann24@aol.com

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic AUTO DISENTIFICATION AMENDMENT

Name NORWOOD OTTICK

Job Title CET II

Address 1702 E 8TH AV
Street

TAMPA FL 33612
City *State* *Zip*

Phone 813 239 9663

Email

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/18
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name Roosevelt Mcclary

Job Title Behavior Tech

Address 3144 NW 40 court
Street

Lauderdale Lakes FL 33309
City *State* *Zip*

Phone _____

Email _____

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education / Auto Decertification

Name William Lawson

Job Title Field Representation

Address 20 South Lakewood Dr. Phone

Street

Orlando FL 32803 Email

City *State* *Zip*

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.

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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 27 18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Auto decertification amendment

Name Christina Regalado

Job Title Engineer

Address 2904 N. Tampa St
Street

Phone 941-677-8666

Tampa FL 33602
City *State* *Zip*

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

70555
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Randall King

Job Title Business Manager

Address 5621 Hatney Rd
Street

Phone 813-621-6451

Tampa FL 33610
City *State* *Zip*

Email RandallKing@IBEW915.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing International Brotherhood of Electrical Workers Local Union 915

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Collective Bargaining

Name LINDA EDSON

Job Title Retired

Address 1841 Myrick Rd
Street
Tallahassee FL 32303
City *State* *Zip*

Phone 850 510-2729

Email edsonl@nettally.com

Speaking: ☐ For ☒ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

HB 7055

2-27-18
Meeting Date

~~[redacted]~~
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic LABOR

Name CHARLIE BATCHELDER

Job Title VOLUNTEER

Address 9894 N. CARAVEL TER
Street

Phone 352-533-7686

CITRUS SPRINGS FL 34434
City *State* *Zip*

Email CHAT84@BRIGHTHOUSE.COM

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.

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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)

HB 7055

2-27-18
Meeting Date

~~[redacted]~~
Bill Number (if applicable)

66 3806
Amendment Barcode (if applicable)

Topic EDUCATION

Name CHARLIE BATCHELDER

Job Title VOLUNTEER

Address 9854 N. CARAVEL TER.
Street

~~[redacted]~~ CITRUS SPRINGS FL 34434
City *State* *Zip*

Phone 352-533-7686

Email CBAT84@BRIGHTHOUSE.COM

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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

HB7055
Bill Number (if applicable)

labour 663800
Amendment Barcode (if applicable)

Topic Education

Name Joseph Manson

Job Title

Address 2308 S Ulla Ln
Street

Phone

Tampa FL 33629
City *State* *Zip*

Email joe.manson@mac.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Labor

Name Paul Zeigler

Job Title Volunteer

Address 9571 SW 102 Pl
Street

Phone (352) 2376998

Ocala Fl. 34481
City *State* *Zip*

Email truthwanted595@gmail.com

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

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-2018
Meeting Date

HB 7055
~~663800~~
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic LABOR

Name ~~663800~~ GERALD CASSATT

Job Title VOLUNTEER

Address 8675 SW 108th
Street

OCALA FL 34481
City *State* *Zip*

Phone 352-322-5960

Email ARMY854@AOL.Com

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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Rich Templin

Job Title

Address 135 S. Monroe
Street

Phone 850-224-6526

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 Florida AFL-CIO

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)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

LABOR 663800
Amendment Barcode (if applicable)

Topic LABOR

Name DEANNA ORTNER

Job Title VOLUNTEER

Address 700 LIVE STREET
Street

Phone 4076294590

MAITLAND FL 32751
City *State* *Zip*

Email dlortner@embarqmail.com

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.

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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)

27 Feb 18
Meeting Date

HB 7055
Bill Number (if applicable)

~~663300~~ 663800
Amendment Barcode (if applicable)

Topic Labor

Name Byron Taylor

Job Title Engineer

Address 1138 Bella Lago Cy
Street

Phone 615-351-6111

Winter Park FL 32792
City *State* *Zip*

Email eagle55@ix.netcom.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

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic De Certification

Name Kevin Byrne

Job Title

Address 256 SE Todd Ave
Street
Port St. Lucie FL 34983
City *State* *Zip*

Phone 772 979 5899

Email kevinjbyrne54@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Joyce Wesley

Job Title CWA 3106 Retiree Member

Address 1131 Fromage Cir. W. Phone 904-445-7663
Street

Jacksonville FL 32225 Email jw7201@gmail.com
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing SEIU

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)

2/27/2018
Meeting Date

HB7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Joseph Tate

Job Title

Address 5973 Copper Creek Dr
Street
Jacksonville FL 32218
City *State* *Zip*

Phone 904-673-8526

Email jojotate@bellsouth.net

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

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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)

2-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic _____

Name John Altic

Job Title _____

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Self

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)

02/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic free speech

Name Xuanqi Zhu

Job Title student / journalist

Address 3371 riverview way
Street

winter park FL 32792
City *State* *Zip*

Phone 4079276877

Email KathyZhu23@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing ~~[illegible]~~ self

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

663 800
Amendment Barcode (if applicable)

Topic Education

Name Ed Wilson

Job Title

Address 6960 SW 155th St
Street

Phone 352-237-8650

Dunnellon FL 34432
City *State* *Zip*

Email edw.1sang@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AFP

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)

2-27-18
Meeting Date

CS/HB 7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Stephanie A Owens

Job Title Legislative Advocate

Address _____ Phone 727. 639. 1243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Jack Jarrell

Job Title Business Manager

Address PO Box 18 *Street*

Phone 813 623-1515

Rob Mango FL 33550 *City* *State* *Zip*

Email jack@Iw397.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing Ironworker Local Union 397

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2.27.18
Meeting Date

7055
Bill Number (if applicable)

663800
Amendment Barcode (if applicable)

Topic Education

Name Theresa King

Job Title President

Address PO Box 10888
Street

Phone 850-228-8940

Tallahassee FL 32301
City *State* *Zip*

Email fbt.tking@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing Florida Building & Construction Trades

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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Sen Baxley's amendment
Amendment Barcode (if applicable)

Topic Union decertification

Name Dr. Ana Cieresz ko

Job Title Legislative Director

Address 11420 N. Kendall Dr.
Street

Phone 305 321 0016

Miami FL 33176
City *State* *Zip*

Email acieresz ko@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing United Faculty of Miami Dade College

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/14
Meeting Date

HB 7055
Bill Number (if applicable)

Topic Public Education

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Job Title Legislative Director

Address 11420 N. Kendall Drive
Street

Phone 305 321 0016

Miami FL 33176
City *State* *Zip*

Email aciereszko@yahoo.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☑ Against
(The Chair will read this information into the record.)

Representing United Faculty of Miami Dade College

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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

157794
Amendment Barcode (if applicable)

Topic _____

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Ave. Ste C
Street

Phone (407) 418-0250

Orlando FL 32806
City *State* *Zip*

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Family Action

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

179276
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Englesides Cove
Street

Phone 850-224-9262

Tallahassee Fla. 32303
City *State* *Zip*

Email

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

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2-27-18
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

CS/HB 7055
Bill Number (if applicable)

179276
Amendment Barcode (if applicable)

Topic Education

Name Stephanie Owens

Job Title Legislative Advocate

Address _____ Phone 727 639 0593
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing League of Women Voters FL

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

203668
Amendment Barcode (if applicable)

Topic OUT OF SCHOOL SUSPENSION

Name JESSICA JANASIEWICZ

Job Title GOVERNMENT CONSULTANT

Address 119 S MONROE #202
Street

TALLAHASSEE FL 32301
City *State* *Zip*

Phone 850-567-7174

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing 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.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

480754
Amendment Barcode (if applicable)

Topic OUT OF SCHOOL SUSPENSION

Name JESSICA JANASIEWICZ

Job Title GOVERNMENT CONSULTANT

Address 119 S MONROE #202
Street
TALLAHASSEE FL 32301
City *State* *Zip*

Phone 850-567-7174

Email

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA ASSOCIATION OF SCHOOL ADMINISTRATORS

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)

Feb. 27, 2018
Meeting Date

7055
Bill Number (if applicable)

515880
Amendment Barcode (if applicable)

Topic McKay Scholarships

Name James Herzog

Job Title Associate Director for Education

Address 201 West Park Ave
Street
Tallahassee FL 32301
City *State* *Zip*

Phone (850)205-6823

Email jherzog@flaccb.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Conference of Catholic Bishops

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☑ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

3/27/18
Meeting Date

HB7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic FREE Speech

Name Barbara Frazier

Job Title V. Principal

Address 1702 Lake Roberts Lndg
Street
Winter Garden FL 34787
City *State* *Zip*

Phone 407-490-8810

Email barbarafrazier912@gmail.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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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)

2/27/2018
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic FREE SPEECH

Name DEANNA ORTNER

Job Title VOLUNTEER

Address 700 LIVE OAK ST
Street

MAITLAND FL 32751
City *State* *Zip*

Phone 407 629 4590

Email dlortner@embarqmail.com

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.

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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)

27 Feb 18
Meeting Date

HB 7055
~~496800~~
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Free Speech

Name Byron Taylor

Job Title Engineer

Address 1138 Bella Lago Cy
Street

Phone 615-351-6111

Winter Park FL 32792
City *State* *Zip*

Email eagle55@ix.netcom.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)

2-27-2018
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name John Altic

Job Title _____

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

02/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Union recertification

Name Xuanqi Zhu

Job Title Student / Journalist

Address 3371 Riverview way
Street

Phone 4079276877

Winter park FL 32792
City *State* *Zip*

Email Kathyzhu23@yahoo.com

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against
(The Chair will read this information into the record.)

Representing [redacted] Self

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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)

2/27/18
Meeting Date

HB 705 S
Bill Number (if applicable)

496 800
Amendment Barcode (if applicable)

Topic Education

Name Ed Wilson

Job Title

Address 6960 SW 155th St
Street

Phone 352-237-8650

Dunnellon FL 34432
City *State* *Zip*

Email edw.1sons@aol.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AFP

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

Free Speech 496800
Amendment Barcode (if applicable)

Topic Education

Name Naomi Choulagh

Job Title

Address Stone Rd
Street

Tallahassee FL 32303
City *State* *Zip*

Phone (850) 602-5542

Email [redacted]

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

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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)

02/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name Linda Jaworski

Job Title AFP

Address 6929 Matanzas Drive
Street

Phone 352 350 0350

Sebring FL 33872
City *State* *Zip*

Email ytrabbit@hotmail.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing AFP

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)

2-27-2018
Meeting Date

7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Free Speech - Campus

Name Gina Perez-Calhoun

Job Title Attorney - Candidate Orange County Commissioner

Address 4321 Andover Cy
Street

Phone 407 622 4772

Orlando FL 32825
City *State* *Zip*

Email grpclaw@gmail.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

7055
Bill Number (if applicable)

469 496800
Amendment Barcode (if applicable)

Topic union recertification

Name Scotland Calhoun

Job Title Legal assistant / social media

Address 4321 Andover Cay Blvd
Street

Phone 407 301 6769

Orlando FL 32825
City *State* *Zip*

Email scotlandcalhoun@gmail.com

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Amalgamated Transit Union Local 1596 & Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

2/27/2018
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Education

Name Grace Hancock

Job Title student

Address _____ Phone _____
Street

_____ 32313 Email _____
City *State* *Zip*

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.

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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)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name Melissa Fausz

Job Title Deputy Director of Policy

Address 200 W College Ave
Street

Tallahassee FL 32301
City *State* *Zip*

Phone 850-408-1218

Email mfausz@afphq.org

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Americans for Prosperity

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)

2/26/18
Meeting Date

HB7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Free Speech

Name Jennifer Jones

Job Title

Address 6802 Willow Dr
Street

Orlando Florida 32821
City *State* *Zip*

Phone 4079365863

Email

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

02-27-2018
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name JOHN BAXLEY

Job Title RETIRED MILITARY

Address 7220 HANSON DR. S.
Street

JACKSONVILLE FL 32210
City *State* *Zip*

Phone (904) 588-2487

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing MYSELF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name Amy Collins

Job Title _____

Address 3308 Sunnybrook Ave N
Street

Jacksonville FL 32254
City *State* *Zip*

Phone (904) 704-4274

Email amysoilylife@gmail.com

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

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic ~~MANUEL TAMARGO~~

Name MANUEL TAMARGO

Job Title

Address 3800 SW 62 AVE
Street

Phone

MIAMI FL 33155
City *State* *Zip*

Email

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.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Free speech

Name Ira Paul

Job Title Retired Educator

Address 18495 NW 78th Avenue
Street

Phone (305) 965-0139

Hialeah FL 33015
City *State* *Zip*

Email irajpaul@att.net

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Education - Free Speech

Name John Trigueiro

Job Title

Address 2627 Carson Oaks Dr
Street

Jacksonville FL 32221
City *State* *Zip*

Phone (904) 755-4112

Email JETGOP@AOL.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Myself

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Education Free Speech

Name Blake Shatzer

Job Title

Address 1073 Lake Forest Blvd
Street

Jacksonville FL 32208
City *State* *Zip*

Phone

Email

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

437055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Education / Free Speech

Name

Job Title

Address
Street

Phone

City *State* 33578 *Zip*

Email

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.

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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)

2-27-18
Meeting Date

705J
Bill Number (if applicable)

496400
Amendment Barcode (if applicable)

Topic Free Speech

Name Brigitte Smith

Job Title Registered Nurse

Address 4275 SW 85th Ave
Street

Ocala FL 34481
City *State* *Zip*

Phone 727 482 1124

Email brigittesmith370@yahoo.com

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

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S-001 (10/14/14)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB7055
Bill Number (if applicable)

Free Speech 496800
Amendment Barcode (if applicable)

Topic Education

Name Craig Marriott

Job Title

Address 101 South Woodward Avenue
Street

Phone 407 577 4399

Tallahassee FL 32304
City *State* *Zip*

Email Craig.Marriott1@gmail.com

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.

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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)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name JOHN KING

Job Title GRANPA

Address _____ Phone _____
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing _____

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 27th, 2018
Meeting Date

7055
Bill Number (if applicable)

Topic Education — Free Speech

496800
Amendment Barcode (if applicable)

Name Taylor W. Foland

Job Title Volunteer

Address 4125 East Hwy 318
Street

Phone 352-262-9826

Citra — FL — 32113
City *State* *Zip*

Email taylorfoland47@gmail

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Concerned citizen Self

Appearing at request of Chair: ☐ Yes ☑ No

Lobbyist registered with Legislature: ☐ Yes ☑ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

HB7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic FREE SPEECH

Name CHARLIE BATCHELDER

Job Title VOLUNTEER

Address 9884 N. CARAVEL TER
Street

CITRUS SPRINGS FL 34434
City *State* *Zip*

Phone 352-533-7686

Email CBAT84@BRIGHTHOUSE.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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/2018
Meeting Date

~~Free Speech 496800~~
Bill Number (if applicable)

free speech 496800
Amendment Barcode (if applicable)

Topic Education

Name Joseph Manson

Job Title

Address 2308 S. Lila Dr
Street

Tampa
City *State* *Zip*

Phone 813 767 8322

Email joemanson@mac.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing my self

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Free Speech

Name Paul Zeigler

Job Title Volunteer

Address 9571 SW 102 Pl.
Street

Phone (352) 237-6998

Ocala
City

FL.
State

34481
Zip

Email Truthwanted595@gmail.com

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.

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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)

2-27-18
Meeting Date

HB 7055
~~496800~~
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic FREE SPEACH

Name GERALD CASSATT

Job Title VOLUNTEER

Address 8675 SW 108th ST
Street

Phone 352-322-5966

OCALA FL 34481
City *State* *Zip*

Email

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against
(The Chair will read this information into the record.)

Representing

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

~~[illegible]~~ 496800
Amendment Barcode (if applicable)

Topic _____

Name Amber Kelly

Job Title Director of Policy & Communications

Address 4853 S. Orange Ave, Ste C
Street

Phone (407) 418-0250

Orlando FL 32806
City *State* *Zip*

Email _____

Speaking: ☑ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Family Action

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2-27-18
Meeting Date

SB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic Education

Name JAN RUBINO

Job Title retired

Address 726 Ingleside Ave
Street

Tallahassee Fla. 32303
City *State* *Zip*

Phone 850-224-9262

Email

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.

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2.27.18
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

CS/HB 7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic _____

Name Stephanie Owens

Job Title LEGISLATIVE ADVOCATE

Address _____ Phone 7176391243
Street

_____ Email _____
City *State* *Zip*

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing LEAGUE of WOMEN Voters FL

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)

Duplicate

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/27/18
Meeting Date

7055
Bill Number (if applicable)

496800
Amendment Barcode (if applicable)

Topic UNION RECERT

Name SAL NUZZO

Job Title VP Policy

Address 100 N DUVAL
Street

TALL. FL 32301
City *State* *Zip*

Phone 850-322-9941

Email SNUZZO@JAMESMADISON.ORG

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☑ In Support ☐ Against
(The Chair will read this information into the record.)

Representing THE JAMES MADISON INSTITUTE

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)

CourtSmart Tag Report

Room: KN 412 **Case No.:** **Type:**
Caption: Senate Appropriations Committee **Judge:**

Started: 2/27/2018 11:00:27 AM
Ends: 2/27/2018 5:59:40 PM Length: 06:59:14

11:00:33 AM Sen. Bradley (Chair)
11:05:31 AM S 1360
11:05:50 AM PCS 580822
11:06:10 AM Sen. Broxson
11:07:10 AM Michael Adkinson, Sheriff, Walton County (waives in support)
11:07:12 AM Madonna Finney, Attorney, Florida Adoption Council (waives in support)
11:07:19 AM Sen. Broxson
11:08:18 AM S 1144
11:08:28 AM PCS 175328
11:08:31 AM Sen. Perry
11:08:58 AM Cam Fentriss, Legislative Counsel, Florida Refrigeration and Air Conditioning Contractors Association (waives in support)
11:09:07 AM Carol Bowen, Chief Lobbyist, Associated Builders and Contractors (waives in support)
11:09:12 AM Rusty Payton, CEO, Florida Home Builders Association (waives in support)
11:09:17 AM Jeff Branch, Legislative Advocate, Florida League of Cities (waives against)
11:09:33 AM Sen. Bradley
11:10:23 AM S 1156
11:10:32 AM PCS 522090
11:10:39 AM Sen. Perry
11:11:00 AM Am. 551402
11:11:06 AM Sen. Perry
11:11:40 AM S 1156 (cont.)
11:11:44 AM Sen. Perry
11:12:42 AM S 1328
11:12:51 AM PCS 443072
11:12:57 AM Sen. Perry
11:13:21 AM Sen. Powell
11:14:18 AM Sen. Perry
11:14:59 AM Am. 618886
11:15:02 AM Sen. Perry
11:15:42 AM Jeff Branch, Legislative Advocate, Florida League of Cities
11:17:28 AM Sen. Powell
11:17:41 AM J. Branch
11:18:08 AM Sen. Powell
11:18:12 AM J. Branch
11:18:58 AM Sen. Powell
11:19:32 AM J. Branch
11:20:05 AM Sen. Powell
11:20:12 AM Sen. Bradley
11:20:32 AM S 1328 (cont.)
11:20:47 AM Rebecca DeLaRosa, Director, Palm Beach County (waives in support)
11:21:24 AM Trey Price, Executive Director, Florida Housing Finance Corporation
11:21:28 AM Sen. Powell
11:21:42 AM T. Price
11:22:26 AM Sen. Powell
11:22:43 AM T. Price
11:22:59 AM Sen. Powell
11:23:06 AM Sen. Gibson
11:23:37 AM Sen. Perry
11:25:09 AM S 310
11:25:15 AM Sen. Steube
11:25:58 AM Am. 116576

11:26:05 AM Sen. Steube
11:26:37 AM Casey Reed, State Director of Legislative Affairs, AT&T (waives in support)
11:27:05 AM S 310 (cont.)
11:27:08 AM Sen. Powell
11:27:24 AM Sen. Steube
11:27:33 AM Sen. Powell
11:27:47 AM Sen. Steube
11:28:09 AM Billy Anne Gay, Florida School Boards Association (waives in support)
11:29:05 AM Dennis Strange, Captain, Orange County Sheriff's Office
11:30:30 AM Larry Krantz, Florida Police Chiefs Association (waives in support)
11:30:36 AM Ron Draa, Director of External Affair, Florida Department of Law Enforcement (waives in support)
11:30:42 AM Barney Bishop, CEO, Florida Smart Justice Alliance (waives in support)
11:30:56 AM Sen. Steube
11:32:02 AM S 1508
11:32:14 AM Sen. Young
11:34:47 AM S 1318
11:35:00 AM PCS 578002
11:35:06 AM Sen. Rouson
11:36:37 AM Am. 571242
11:36:40 AM Sen. Brandes
11:37:06 AM Am. 238822
11:37:10 AM Sen. Brandes
11:37:38 AM Am. 438768
11:37:43 AM Sen. Brandes
11:38:17 AM Am. 914394
11:38:20 AM Sen. Brandes
11:38:52 AM S 1318 (cont.)
11:38:56 AM Barney Bishop, CEO, Florida Smart Justice Alliance (waives in support)
11:39:08 AM Sen. Brandes
11:39:41 AM Sen. Rouson
11:41:11 AM S 80
11:41:34 AM Sen. Lee
11:43:41 AM Sen. Powell
11:43:45 AM Sen. Lee
11:43:50 AM Sen. Powell
11:44:04 AM Sen. Lee
11:45:17 AM Sen. Powell
11:45:55 AM Sen. Lee
11:47:34 AM Sen. Powell
11:47:52 AM Stephen R. Winn, Executive Director, Florida Osteopathic Medical Association (waives in support)
11:47:55 AM Alexander Snitker, Liberty First Network (waives in support)
11:48:03 AM Paul Lambert, Florida Chiropractic Association (waives in support)
11:48:08 AM Chris Nuland, Florida Chapter, American College of Physicians (waives in support)
11:48:12 AM Tim Nungesser, Legislative Director, National Federation of Independent Business (waives in support)
11:48:16 AM Ron Watson, Lobbyist, Florida Chiropractic Physicians Association (waives in support)
11:48:23 AM Alexander Abboud, Governmental Affairs Liason, The Florida Dental Association (waives in support)
11:48:27 AM Aimee Diaz Lyon, Florida Academy of Family Physicians (waives in support)
11:48:33 AM Andrew Hosek, Analyst, Americans for Prosperity (waives in support)
11:48:46 AM Sen. Baxley
11:49:12 AM Sen. Lee
11:51:50 AM S 324
11:52:04 AM PCS 841860
11:52:18 AM Sen. Young
11:53:52 AM Sen. Powell
11:53:54 AM Sen. Young
11:54:31 AM Sen. Powell
11:55:34 AM Sen. Young
11:55:38 AM Sen. Powell
11:56:34 AM Sen. Young
11:56:37 AM Sen. Powell
11:57:22 AM Sen. Stewart
11:58:35 AM Sen. Young

11:59:19 AM Am 841860
11:59:28 AM Sen. Young
12:00:04 PM Am. 532634
12:00:22 PM Sen. Bean
12:02:20 PM Danny Leeper, County Commissioner, Nassau County BOCC (waives in support)
12:02:26 PM Justin Taylor, County Commissioner, Nassau County BOCC (waives in support)
12:02:36 PM George Spicer, County Commissioner, Nassau County BOCC (waives in support)
12:02:43 PM Justin Stankiewicz, Nassau County Commission (waives in support)
12:03:28 PM Pat Edwards, County Commissioner, Nassau BOCC
12:04:57 PM Mark Anderson, Lobbyist, Nassau County BOCC
12:07:10 PM Taco Pope, Planning Director, County Commissioner, Nassau County BOCC
12:08:25 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida
12:09:30 PM Susan Hurbin Alford, Senior Associate Director of Public Policy, Florida Association of Counties (waives in support)
12:09:41 PM Chris Doolin, Consultant, Small County Coalition (waives in support)
12:10:26 PM Gary Hunter, Attorney, Association of Florida Community Developers
12:16:05 PM Sen. Gibson
12:16:36 PM G. Hunter
12:17:22 PM Sen. Gibson
12:17:47 PM G. Hunter
12:18:24 PM Sen. Montford
12:19:25 PM G. Hunter
12:20:02 PM Mike Mullen, Attorney, Nassau County BOCC
12:26:52 PM Sen. Bean
12:29:15 PM S 324 (cont.)
12:29:40 PM Gary Hunter, Attorney, Association of Florida Community Developers (waives in support)
12:29:43 PM Kari Hebrank, Florida Home Builders (waives in support)
12:29:45 PM Rusty Payton, CEO, Florida Home Builders Association (waives in support)
12:29:57 PM Sen. Young
12:31:19 PM H 7001
12:31:54 PM Sen. Stargel
12:32:43 PM Sandi Ancona, Teacher (waives against)
12:32:48 PM Robert Chapman, State Employee (waives against)
12:33:00 PM Jean Clements, Teacher (waives against)
12:33:19 PM Naze Sahebzamani, Teacher (waives against)
12:33:40 PM Orville Elliot, Retires Postal Worker (waives against)
12:33:45 PM Jim Juneko, Crane Operator (waives against)
12:33:49 PM David Bernstein (waives against)
12:33:53 PM Scott A. Losey, Consultant (waives against)
12:33:56 PM Norwood Orrick (waives against)
12:34:01 PM Christina Regalado, Engineer (waives against)
12:34:06 PM Robert Redmond, Telecom Technician (waives against)
12:34:10 PM William Lawson, Field Representative (waives against)
12:34:17 PM Michael Clark (waives against)
12:34:25 PM Joey Assavida, Bus Driver (waives against)
12:34:31 PM Belinda Davis, Bus Driver (waives against)
12:34:36 PM Eric Curkin (waives against)
12:34:41 PM Joyce Wesley, Retiree (waives against)
12:34:50 PM Kurt Wenner, Vice President, Florida Tax Watch (waives in support)
12:34:53 PM Joseph Tate (waives against)
12:34:58 PM Tim Nungesser, Legislative Director, National Federation of Independent Business (waives in support)
12:35:12 PM Rich Templin, Florida AFL-CIO (waives against)
12:35:22 PM Joanne Cannon (waives against)
12:35:28 PM Joseph Richardson, Bus Driver (waives against)
12:35:33 PM Larry Dupree (waives against)
12:35:38 PM Bob Loveitt (waives against)
12:35:41 PM Ken Williams (waives against)
12:35:45 PM Carolyn Johnson, Policy Director, Florida Chamber of Commerce (waives in support)
12:35:49 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida (waives in support)
12:36:05 PM David Cullen, Sierra Club Florida
12:37:15 PM Karen Woodall, Executive Director, Florida Center for Fiscal and Economic Policy
12:37:18 PM Shawn Britton, Trustee (waives against)

12:37:26 PM Karen Woodall, Executive Director, Florida Center for Fiscal and Economic Policy
12:40:57 PM Kevin Byrne (waives against)
12:41:02 PM Frank Ramirez (waives against)
12:41:07 PM Andrew Hosek, Analyst, Americans for Prosperity (waives in support)
12:41:16 PM Gail Marie Perry, Chair, Communications Workers of America
12:43:37 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
12:44:24 PM Rich Templin (waives against)
12:48:28 PM Sen. Stargel
12:49:39 PM S 502
12:49:51 PM PCS 383058
12:49:57 PM Sen. Stargel
12:52:37 PM S 1244
12:52:40 PM PCS 113064
12:52:58 PM Sen. Lee
12:54:43 PM Am. 447718
12:54:46 PM Sen. Lee
12:56:11 PM S 1244 (cont.)
12:56:14 PM Gary Hunter, Attorney, Association of Florida Community Developers (waives in support)
12:56:21 PM Sen. Lee
12:58:09 PM Sen. Flores (Chair)
12:58:17 PM S 138
12:58:24 PM Sen. Book
1:00:36 PM PCS 944342
1:00:45 PM Sen. Stewart
1:01:15 PM Stephen R. Winn, Executive Director, Florida Osteopathic Medical Association (waives in support)
1:01:20 PM Ron Watson, Lobbyist, Florida Chiropractic Physicians Association (waives in support)
1:01:26 PM Barbara DeVane, Florida NOW (waives in support)
1:01:47 PM Greg Pound, Citizen
1:02:26 PM Aimee Diaz Lyon, Florida Academy of Family Physicians (waives in support)
1:03:32 PM S 144
1:03:38 PM Sen. Grimsley
1:05:19 PM S 322
1:05:31 PM Sen. Book
1:06:15 PM Sharon Jordan, President, Florida Tax Collectors Association (waives in support)
1:07:22 PM S 710
1:07:41 PM PCS 471064
1:07:47 PM Sen. Book
1:09:22 PM Stephen R. Winn, Executive Director, Florida Osteopathic Medical Association (waives in support)
1:10:17 PM S 538
1:10:22 PM Sen. Garcia
1:12:26 PM S 590
1:12:36 PM PCS 608810
1:12:41 PM Sen. Garcia
1:14:26 PM Am. 371160
1:14:32 PM Sen. Flores
1:14:48 PM Am. 614878
1:14:54 PM Sen. Flores
1:15:16 PM S 590 (cont.)
1:15:18 PM Barney Bishop, CEO, Florida Smart Justice Alliance (waives in support)
1:15:25 PM Sen. Garcia
1:16:55 PM S 7055
1:17:00 PM Sen. Passidomo
1:24:31 PM Am. 903506
1:24:32 PM Sen. Hukill
1:24:45 PM Am. 240726
1:24:47 PM Sen. Passidomo
1:25:09 PM Am. 798988
1:25:15 PM Sen. Stargel
1:25:29 PM Sen. Gibson
1:26:00 PM Sen. Stewart
1:26:09 PM Sen. Stargel
1:26:18 PM Sen. Gibson

1:26:59 PM Sen. Stargel
1:27:29 PM Sen. Gibson
1:27:55 PM Sen. Stargel
1:28:03 PM Sen. Gibson
1:28:07 PM Sen. Montford
1:28:47 PM Sen. Stargel
1:29:38 PM Sen. Montford
1:29:43 PM Sen. Bracy
1:29:58 PM Sen. Stargel
1:30:27 PM Sen. Bracy
1:30:30 PM Sen. Stargel
1:30:38 PM Jan Rubino, Retired (waives against)
1:30:44 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
1:30:47 PM Amber Kelly, Director of Policy and Communications, Florida Family Action (waives in support)
1:31:04 PM Sen. Stargel
1:31:17 PM Am. 583458
1:31:20 PM Sen. Stargel
1:33:08 PM Sen. Montford
1:33:33 PM Sen. Stargel
1:33:49 PM Sen. Montford
1:33:55 PM Sen. Stargel
1:34:01 PM Sen. Montford
1:34:29 PM Sen. Stargel
1:36:06 PM Sen. Montford
1:36:21 PM Sen. Stargel
1:37:02 PM Sen. Montford
1:37:18 PM Sen. Bracy
1:37:38 PM Sen. Stargel
1:37:58 PM Sen. Bracy
1:38:05 PM Sen. Stargel
1:38:22 PM Sen. Bracy
1:38:33 PM Sen. Stargel
1:39:04 PM Sen. Montford
1:40:07 PM Sen. Gibson
1:40:53 PM Sen. Stargel
1:41:41 PM Sen. Gibson
1:42:35 PM Sen. Stargel
1:42:48 PM Jan Rubino, Retired (waives against)
1:42:53 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
1:43:21 PM Joy Frank, General Counsel, Florida Association of District School Superintendents
1:46:12 PM Sen. Montford
1:46:56 PM Sen. Stargel
1:47:47 PM Am. 185740
1:47:49 PM Sen. Bean
1:48:41 PM Jan Rubino, Retired (waives against)
1:48:46 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
1:49:10 PM Am. 663800
1:49:16 PM Sen. Baxley
1:50:11 PM Sen. Stewart
1:50:33 PM Sen. Baxley
1:50:59 PM Sen. Braynon
1:51:52 PM Sen. Baxley
1:52:51 PM Sen. Braynon
1:53:42 PM Sen. Bradley
1:53:45 PM Sen. Braynon
1:54:35 PM Sen. Bradley
1:54:47 PM Sen. Gibson
1:55:26 PM Sen. Baxley
1:56:09 PM Sen. Gibson
1:56:47 PM Sen. Baxley
1:57:20 PM Sen. Gibson
1:57:52 PM Sen. Baxley

1:59:12 PM Matt Bouck, Legislative Analyst, Senate Education Committee
1:59:27 PM Sen. Gibson
2:01:10 PM Sen. Powell
2:02:01 PM Sen. Baxley
2:02:48 PM Sen. Stewart
2:03:15 PM Sen. Baxley
2:03:51 PM Sen. Bracy
2:04:40 PM Sen. Baxley
2:05:06 PM Sen. Montford
2:05:37 PM Sen. Baxley
2:06:04 PM Sen. Montford
2:06:11 PM Sen. Baxley
2:07:18 PM Gail Marie Perry, Communications Workers of America
2:08:49 PM Orville Elliot, Retires Postal Worker (waives against)
2:08:55 PM Michael Clark (waives against)
2:09:32 PM Robert Redmond, Telecom Technician (waives against)
2:10:52 PM Jim Juneko, Crane Operator (waives against)
2:12:39 PM Melissa Faust, Policy Expert, Americans for Prosperity
2:15:33 PM Joanne McCall, President, Florida Education Association
2:17:26 PM Linda Jowarski, Citizen (waives in support)
2:17:42 PM Naomi Choulagh, Citizen (waives in support)
2:17:47 PM Erik Mooney, Citizen (waives against)
2:17:54 PM Scotland Calhoun, Legal Assistant (waives in support)
2:17:58 PM Gina Perez Calhoun, Attorney (waives in support)
2:18:04 PM Grace Hancock, Student (waives in support)
2:18:07 PM Shawn Britton, Trustee (waives against)
2:18:34 PM Yennifer Pareoles, Citizen (waives in support)
2:18:45 PM Amy Collins, Citizen (waives in support)
2:18:50 PM Manuel Tamargo, Citizen (waives in support)
2:19:06 PM Ira Paul, Retired Educator
2:20:04 PM Erick Curkin, Citizen (waives against)
2:20:09 PM Belinda Davis, Bus Operator (waives against)
2:20:13 PM Joey Acevedo, Bus Driver (waives against)
2:20:23 PM Robert Chapman, State Employee (waives against)
2:20:36 PM Naze Sahebzamani, Teacher (waives against)
2:20:55 PM Sandi Ancona, Teacher (waives against)
2:21:05 PM Jean Clements, Teacher (waives against)
2:21:27 PM Chris Emmanuel, Policy Director, Florida Chamber of Commerce (waives in support)
2:21:32 PM John Trugueiro, Citizen (waives in support)
2:21:46 PM Larry Dupree (waives against)
2:21:50 PM Blake Schatzer, Citizen (waives in support)
2:21:54 PM Carlos Garcia, Citizen (waives in support)
2:22:10 PM Marshall Ogletree, Executive Director, United Faculty of Florida (waives against)
2:22:17 PM Craig Marriott, Citizen (waives in support)
2:22:20 PM Barbara Frazier, Vice Principal (waives in support)
2:22:25 PM Bridgitte Smith, Registered Nurse (waives in support)
2:22:31 PM John King, Grandfather (waives in support)
2:22:36 PM Taylor Foland, Volunteer, Concerned Citizens (waives in support)
2:22:40 PM Joseph Richardson, Citizen (waives against)
2:23:24 PM Anna Fusco, 5th Grade Teacher, Broward County Schools
2:24:44 PM James Herard, Parent (waives against)
2:24:48 PM Kenneth Minchew, Teacher (waives against)
2:24:54 PM Erik Mooney, Citizen (waives against)
2:24:59 PM Joanne Cannon, Citizen (waives against)
2:25:05 PM Norwood Orrick (waives against)
2:25:17 PM Roosevelt McClary, Behavior Technician (waives against)
2:25:52 PM William Lawson, Field Representative
2:27:26 PM Christina Regalado, Engineer (waives against)
2:27:47 PM Linda Edson, Retired Teacher
2:29:16 PM Joseph Manson, Citizen (waives in support)
2:29:23 PM Paul Ziegler, Volunteer (waives in support)
2:29:30 PM Lakey Love, Graduate Teaching Assistant, Student Power Network of Florida (waives against)

2:29:34 PM Rich Templin, Florida AFL-CIO
2:31:40 PM Deanna Ortner, Volunteer (waives in support)
2:31:44 PM Byron Taylor, Engineer (waives in support)
2:31:48 PM Kevin Byrne, Citizen (waives against)
2:31:50 PM Joyce Wesley, Retiree (waives against)
2:31:54 PM Joseph Tate, Citizen (waives against)
2:32:03 PM John Altic,Citizen (waives in support)
2:32:30 PM Xuanqi Zhu, Student (waives in support)
2:32:36 PM Ed Wilson, Citizen (waives in support)
2:32:46 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives in support)
2:34:17 PM Jack Jarrell, Business Manager, Iron Workers Local Union 397 (waives against)
2:34:25 PM Theresa King, President, Florida Building and Construction Trades (waives against)
2:34:43 PM Ana Ciereszko, Legislative Director, United Facilty of Miami Dade College (waives against)
2:35:37 PM Sen. Bracy
2:36:20 PM Sen. Montford
2:38:46 PM Sen. Gibson
2:42:24 PM Sen. Powell
2:44:10 PM Sen. Stewart
2:45:12 PM Sen. Braynon
2:47:38 PM Sen. Baxley
2:51:50 PM Sen. Baxley
2:51:54 PM S 7026
2:52:35 PM Sen. Galvano
3:01:43 PM Am. 114252
3:01:46 PM Sen. Galvano
3:04:29 PM Bob Gualtieri, Sheriff
3:04:49 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives in against)
3:04:55 PM Jan Rubino, Retired (waives against)
3:05:27 PM Am. 666020
3:05:30 PM Sen. Gibson
3:07:08 PM Nancy Lawther, Florida Parent Teacher Association (waives in support)
3:07:09 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
3:07:11 PM Jan Rubino, Retired (waives against)
3:07:32 PM Jon Harris Mauer, Government Affairs Manager, Equality Florida (waives against)
3:07:39 PM Erek Colbreath, Florida Students for Conceal Carry (waives against)
3:08:10 PM Sen. Gainer
3:08:45 PM Sen. Gibson
3:09:10 PM Sen. Stargel
3:09:35 PM Sen. Gibson
3:11:47 PM Sen. Galvano
3:12:19 PM Sen. Gibson
3:14:29 PM Am. 941870
3:14:32 PM Sen. Gibson
3:15:55 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
3:16:00 PM Nancy Lawther, Citizen (waives in support)
3:16:04 PM Jan Rubino, Retired (waives against)
3:18:20 PM Am. 366940
3:18:26 PM Sen. Stewart
3:22:05 PM Max Schachter, Parent of Shooting Victim, Parkland Florida
3:24:59 PM Jan Rubino, Retired (waives against)
3:25:03 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
3:25:08 PM Karen Woodall, Executive Director, Florida Center for Fiscal and Economic Policy (waives in support)
3:25:15 PM Nancy Lawther, Citizen (waives in support)
3:25:50 PM Jon Harris Mauer, Government Affairs Manager, Equality Florida
3:26:56 PM Michael Radner, Broward County
3:32:25 PM Sen. Braynon
3:34:28 PM Sen. Stewart
3:36:56 PM Am. 481868
3:37:02 PM Sen. Stewart
3:37:09 PM Nancy Lawther, Citizen (waives in support)
3:37:21 PM Jon Harris Mauer, Government Affairs Manager, Equality Florida (waives in support)
3:37:23 PM Michael Rajner (waives in support)

3:37:25 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
3:37:27 PM Jan Rubino, Retired (waives against)
3:37:45 PM Sen. Stewart
3:38:02 PM Am. 171890
3:38:06 PM Sen. Galvano
3:38:26 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives in support)
3:38:28 PM Jan Rubino, Retired (waives against)
3:38:56 PM Am. 363704
3:39:02 PM Sen. Galvano
3:39:56 PM Sen. Gibson
3:41:13 PM Sen. Galvano
3:43:44 PM Sen. Gibson
3:47:44 PM Sen. Galvano
3:47:59 PM Sen. Gibson
3:48:06 PM Sen. Galvano
3:48:21 PM Sen. Gibson
3:49:26 PM Am. 129560
3:49:31 PM Sen. Galvano
3:49:45 PM Am. 812208
3:49:52 PM Sen. Braynon
3:51:10 PM Nancy Lawther, Citizen (waives in support)
3:51:17 PM Jan Rubino, Retired (waives against)
3:51:25 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives in support)
3:51:35 PM Daphne Sainvil, Policy Advisor, Broward County Board of County Commissioners (waives in support)
3:52:16 PM Grady Judd, Sheriff, Polk County Sheriff's Office
3:57:29 PM Sen. Montford
4:00:28 PM G. Judd
4:03:43 PM Sen. Stewart
4:04:04 PM G. Judd
4:05:31 PM Sen. Stewart
4:06:44 PM G. Judd
4:07:04 PM Sen. Stewart
4:07:09 PM G. Judd
4:07:48 PM Sen. Stargel
4:09:41 PM Sen. Simmons
4:13:09 PM G. Judd
4:16:19 PM Sen. Braynon
4:16:53 PM G. Judd
4:17:12 PM Sen. Braynon
4:17:24 PM G. Judd
4:17:58 PM Sen. Braynon
4:18:40 PM G. Judd
4:19:00 PM Sen. Powell
4:19:14 PM G. Judd
4:20:35 PM Sen. Gibson
4:21:05 PM G. Judd
4:21:09 PM Sen. Gibson
4:21:12 PM G. Judd
4:21:16 PM Sen. Gibson
4:21:28 PM G. Judd
4:22:13 PM Sen. Gibson
4:23:09 PM Michael Rajner, Constituent
4:25:02 PM Jon Harris Mauer, Government Affairs Manager, Equality Florida
4:25:56 PM Russell Myer, Concerned Citizen
4:28:02 PM Pam Miller, Concerned Citizen
4:30:25 PM Rene Schaffer, Concerned Citizen
4:32:31 PM Greg Pound, Father
4:33:45 PM Sen. Powell
4:37:14 PM Sen. Gibson
4:41:28 PM Sen. Stargel
4:43:29 PM Sen. Montford
4:44:31 PM Sen. Galvano

4:46:09 PM Sen. Powell
4:47:16 PM Sen. Braynon
4:49:26 PM Am. 236270
4:49:30 PM Sen. Stewart
4:50:59 PM Jan Rubino, Retired (waives against)
4:51:11 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
4:51:29 PM Sen. Stewart
4:52:03 PM Am. 877728
4:52:06 PM Sen. Galvano
4:52:32 PM Sen. Gibson
4:53:03 PM Sen. Galvano
4:55:14 PM Sen. Gibson
4:55:34 PM Sen. Galvano
4:56:21 PM Jill Gran, Senior Policy Director, Florida Behavioral Health Association (waives in support)
4:56:26 PM Melanie Brown Woofter, CEO, Florida Council for Community Behavioral Health (waives in support)
4:56:58 PM S 7026 (cont.)
4:57:01 PM Sen. Bracy
4:57:31 PM Sen. Galvano
4:58:07 PM Sen. Bracy
4:58:51 PM DJ Parten, Director of Legislation, Florida Gun Rights (waives against)
4:58:54 PM Gary Hester, Retired Police Chief, Florida Police Chiefs Association (waives in support)
4:59:03 PM Ken Russell, Commissioner, City of Miami (waives against)
4:59:07 PM Marie Claire Leman, Common Ground (waives against)
4:59:09 PM Stephanie Owens, Legislative Advocate, League of Women Voters (waives against)
4:59:11 PM Catherine Baer, Common Ground (waives against)
4:59:15 PM Jon Harris Mauer, Government Affairs Manager, Equality Florida (waives against)
4:59:48 PM Paige Block, Parkland Mom (waives in support)
4:59:53 PM Amber Hersh, Parkland Resident (waives in support)
4:59:55 PM Rachel Rosas, Parent, Marjorie Stoneman Douglas High School (waives in support)
4:59:58 PM Erek Colbreath, Florida Students for Conceal Carry (waives against)
5:00:06 PM Patricia Kodish, Coral Springs Resident (waives in support)
5:00:08 PM Jacob Jordan Hancock, Duval County Public Schools (waives against)
5:00:12 PM Nicholas Maggio, Student, Atlantic Coast High School (waives against)
5:00:26 PM Connell Mosley, Student, Duval County Public Schools (waives against)
5:00:29 PM Olivia Holliday, Duval County Public Schools (waives against)
5:00:32 PM Talaya Jones, Student, Atlantic Coast High School (waives against)
5:00:34 PM Jasmine Fletcher, Duval County Public Schools (waives against)
5:00:37 PM Diana Brunner, Duval County Public Schools (waives against)
5:00:43 PM Grace Rogers, Duval County Public Schools (waives against)
5:00:47 PM Julia Ann Cuthbertson, Duval County Public Schools (waives against)
5:01:13 PM Rachel Cristol, Student, Atlantic Coast High School (waives against)
5:01:18 PM Lucas Mougeot, Student, Atantic Coast High School (waives against)
5:01:48 PM Claire Sullivan, Parkland City Commissioner
5:06:02 PM James Herard, Parent (waives in support)
5:06:06 PM Greg Hill, Citizen (waives in support)
5:06:08 PM Jon Willis, Citizen (waives in support)
5:07:15 PM Linda Beigel Schulman, Mother of Victim
5:13:28 PM Dr Patriein S. Willis, Superintendent
5:17:46 PM Gregory Hill, Student, Duval County
5:19:39 PM Jessica Pennington, Student, Duval County Public Schools (waives against)
5:19:51 PM Paula Wright, Duval County School Board Member (waives against)
5:19:59 PM Alexander Snitker, Liberty First Network (waives against)
5:20:02 PM Caroline Crespo, Student, Atlantic Coast High School (waives against)
5:20:40 PM Dan Daily, Commissioner, City of Coral Springs
5:21:29 PM Samantha Mayo, School Board Member (waives against)
5:21:34 PM Tajwan Ashley, Student, Duval County (waives in support)
5:21:47 PM Michael Rajner (waives against)
5:22:25 PM Abby Freedman, Broward County School Board Member
5:24:09 PM Lauren Nelda Pascal, Student (waives against)
5:24:45 PM Parkland City Mayor
5:25:59 PM Barney Bishop, CEO, Florida Smart Justice Alliance (waives in support)
5:26:01 PM Jennifer Moiso, Parkland Resident (waives in support)

5:26:06 PM Martha G Persten, Coral Springs Resident (waives in support)
5:26:21 PM Melanie Brown Woofter, CEO, Florida Council for Community Behavioral Health (waives in support)
5:26:40 PM Naze Sahebzamani, Teacher (waives in support)
5:27:05 PM Sen. Stewart
5:27:21 PM S 7026 (cont.)
5:27:55 PM Sen. Gibson
5:35:57 PM S 7055
5:36:13 PM Am. 337510
5:36:24 PM Sen. Baxley
5:36:29 PM Am. 730710
5:36:33 PM Sen. Passidomo
5:37:32 PM Am. 677148
5:37:36 PM Sen. Gibson
5:38:22 PM Am. 501258
5:38:24 PM Sen. Brandes
5:38:31 PM Am. 809628
5:38:34 PM Sen. Braynon
5:39:00 PM Sen. Bean
5:39:12 PM Sen. Passidomo
5:41:10 PM Am. 344352
5:41:22 PM Sen. Gibson
5:42:24 PM S 7055 (cont.)
5:43:42 PM S 1804
5:43:50 PM Sen. Stargel
5:44:28 PM Am. 194862
5:44:33 PM Sen. Stargel
5:45:58 PM Sen. Montford
5:47:44 PM Sen. Stargel
5:48:19 PM S 1804 (cont.)
5:49:21 PM S 7026
5:49:41 PM Sen. Galvano
5:51:29 PM S 7024
5:51:40 PM Sen. Galvano
5:52:40 PM S 376
5:52:47 PM Sen. Book
5:52:53 PM Am. 945328
5:52:55 PM Sen. Book
5:53:49 PM S 376 (cont.)
5:54:40 PM S 18
5:54:45 PM Sen. Braynon
5:55:14 PM Am. 897514
5:55:41 PM S 18 (cont.)
5:55:45 PM Sen. Braynon
5:56:20 PM S 1392
5:56:24 PM Sen. Brandes
5:56:32 PM Am. 868962
5:56:35 PM Sen. Gibson
5:56:46 PM Am. 381400
5:56:49 PM Sen. Brandes
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