

**SB 150** by **Altman (CO-INTRODUCERS) Garcia, Bean;** (Compare to CS/H 0461) Deaf and Hard-of-hearing Children  
350720 D S RCS ED, Legg Delete everything after 03/18 05:47 PM

**SB 226** by **Ring;** (Identical to H 0129) Disability Awareness  
847706 A S TP ED, Legg Delete L.61 - 97. 03/18 05:47 PM

**SB 916** by **Flores (CO-INTRODUCERS) Benacquisto;** (Identical to H 0419) Tax on Sales, Use, and Other Transactions

**SB 950** by **Braynon;** (Similar to H 0669) Photographic Enforcement on School Buses  
551028 A S L RCS ED, Bullard btw L.531 - 532: 03/18 05:49 PM

**SB 980** by **Flores;** Educational Personnel Evaluations  
141906 PCS S RCS ED 03/18 05:49 PM

**SB 1108** by **Gardiner, Thrasher;** (Similar to H 0465) Exceptional Student Education  
269176 A S RCS ED, Simmons btw L.287 - 288: 03/18 05:50 PM

**SB 1276** by **Montford;** (Similar to CS/H 0359) Public Meetings/University Direct-support Organizations  
823060 A S RCS ED, Montford Delete L.52 - 74: 03/18 05:50 PM

**SB 1630** by **Legg;** (Compare to H 7091) Education

**SB 1664** by **Legg;** (Compare to CS/H 0863) Education Instructional Personnel and School Administrators  
626992 PCS S RCS ED 03/18 05:50 PM

**SB 744** by **Simmons (CO-INTRODUCERS) Montford;** Charter Schools

**SB 780** by **Thompson;** (Identical to H 0373) Charter Schools

**SB 784** by **Thompson;** (Identical to H 0453) Charter Schools

**SB 828** by **Garcia;** (Identical to H 1341) Charter Schools

**SB 1092** by **Thompson;** (Compare to H 1001) Charter Schools

**SB 1204** by **Clemens;** Charter Schools

**SB 1206** by **Clemens;** Charter Schools

**SB 1230** by **Clemens;** Charter Schools

**SB 1232** by **Richter;** (Compare to H 7029) Public Education

**SB 1282** by **Stargel**; (Compare to H 0465) Charter Schools

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

**SB 1396** by **Bean**; (Similar to H 1267) Charter Schools

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

**EDUCATION**  
**Senator Legg, Chair**  
**Senator Montford, Vice Chair**

**MEETING DATE:** Monday, March 18, 2013  
**TIME:** 3:30 —6:00 p.m.  
**PLACE:** Pat Thomas Committee Room, 412 Knott Building

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

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 150</b> Altman (Compare CS/H 461)	Deaf and Hard-of-hearing Children; Citing this act as the "Deaf and Hard-of-Hearing Children's Educational Bill of Rights;" encouraging certain state agencies, institutions, and political subdivisions to develop recommendations ensuring that the language and communication needs of deaf and hard-of-hearing children are addressed; requiring the Department of Education to develop a communication model addressing communication considerations to be included in the individual education plan for deaf and hard-of-hearing students; requiring the department to disseminate the model to each school district and provide training as it determines necessary, etc.  ED 03/18/2013 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
2	<b>SB 226</b> Ring (Identical H 129)	Disability Awareness; Requiring that each district school board provide disability history and awareness instruction in all K-12 public schools; requiring that the Department of Education assist in creating the curriculum for the disability history and awareness instruction; creating the Disability History and Awareness Advisory Council within the Department of Education; providing that the Commissioner of Education, the member of the Senate, and the member of the House of Representatives are ex officio, nonvoting members of the council, etc.  ED 03/18/2013 Temporarily Postponed CF AED AP	Temporarily Postponed
3	<b>SB 916</b> Flores (Identical H 419, Compare H 7097)	Tax on Sales, Use, and Other Transactions; Specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer related accessories are exempt from the sales tax, etc.  ED 03/18/2013 Favorable AFT AP	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 950</b> Braynon (Similar H 669)	Photographic Enforcement on School Buses; Authorizing a school board to authorize use of school bus safety cameras to enforce specified provisions requiring a motor vehicle to stop behind a school bus stop signal; creating the School Bus Safety Camera Program; providing for use of cameras installed on a school bus to provide evidence of a violation when a driver fails to stop behind the bus while the bus stop signal is displayed; requiring the sheriff's office to issue a traffic citation in certain circumstances, etc.  ED 03/18/2013 Fav/CS TR AED AP	Fav/CS Yeas 6 Nays 2
5	<b>SB 980</b> Flores	Educational Personnel Evaluations; Authorizing a school district to reduce the percentage of the performance evaluation of instructional personnel which is based on student performance if the school district uses specified, multiple measures of instructional practice, etc.  ED 03/18/2013 Fav/CS AED AP RC	Fav/CS Yeas 8 Nays 0
6	<b>SB 1108</b> Gardiner / Thrasher (Similar H 465, Compare CS/H 7009, S 1282)	Exceptional Student Education; Prohibiting certain actions with respect to parent meetings with school district personnel; requiring a school district to provide exceptional student education-related services to certain home education program students; requiring the use of parental consent forms for specified actions in a student's individual education plan; providing requirements for renewal of a professional certificate relating to teaching students with disabilities, etc.  ED 03/18/2013 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
7	<b>SB 1276</b> Montford (Similar CS/H 359)	Public Meetings/University Direct-support Organizations; Providing an exemption from public meeting requirements for certain portions of meetings of a university direct-support organization or of the executive committee or other committees of the board of directors of such organization; providing for legislative review and repeal of the exemption; providing a statement of public necessity, etc.  ED 03/18/2013 Fav/CS GO EE RC	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>SB 1630</b> Legg (Compare H 7091)	Education; Requiring that the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, F.S., be load tested and independently verified as appropriate, adequate, efficient, and sustainable; requiring that full implementation of online common core assessments for all kindergarten through grade 12 public school students occur only after the technology infrastructure, connectivity, and capacity of all public schools and school districts have been load tested and independently verified as ready for successful deployment and implementation, etc.  ED 03/18/2013 Favorable AED AP	Favorable Yeas 8 Nays 0
9	<b>SB 1664</b> Legg (Compare CS/H 863, CS/H 1033, CS/CS/H 7001, CS/S 1096)	Education Instructional Personnel and School Administrators; Revising the requirements for State Board of Education rules for uniform core curricula for state-approved teacher preparation programs; authorizing a qualified private provider to seek approval to offer a competency-based certification program; requiring the State Board of Education to adopt rules that allow an individual who meets specified criteria to be eligible for a temporary certificate in education leadership; renaming the Florida Teachers Lead Program as the Florida Teachers Classroom Supply Assistance Program, etc.  ED 03/18/2013 Fav/CS AED AP	Fav/CS Yeas 8 Nays 0
10	<b>Workshop</b> - Discussion and testimony only on the following (no vote to be taken):  <b>SB 744</b> Simmons	Charter Schools; Revising the requirements of charter school applications regarding the submission of detailed financial information and annual employee compensation; requiring a charter school application to demonstrate that the applicant is financially capable and qualified to open, operate, and maintain a high-quality charter school; revising the grounds in which a sponsor may choose not to renew or terminate a charter; authorizing a governing board of a charter school, with the consent of the sponsor, to choose a corrective action if the charter school receives certain failing grades, etc.  ED 03/18/2013 Workshop-Discussed AED AP	Workshop-Discussed

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Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
<b>SB 780</b>	Thompson (Identical H 373, Compare H 1267, S 1396)	Charter Schools; Providing that contracts for charter school employees and contracts for charter school operations with an educational service provider or vendor may not extend beyond the terms of the school's charter contract; specifying that charter school employees and service providers or vendors under charter school operations contracts are not entitled to compensation after the charter school's closure; providing for closure of a charter school under certain circumstances, etc.	Workshop-Discussed
		ED 03/18/2013 Workshop-Discussed AED AP	
<b>SB 784</b>	Thompson (Identical H 453)	Charter Schools; Requiring the compensation and salary schedules for charter school employees to be based on school district schedules; providing salary restrictions in certain instances, etc.	Workshop-Discussed
		ED 03/18/2013 Workshop-Discussed AED AP	
<b>SB 828</b>	Garcia (Identical H 1341, Compare H 1001, S 1050, S 1092, S 1390)	Charter Schools; Granting school district programs the ad valorem tax exemption given to charter schools and creating certain restrictions on such property; providing a calculation for compliance with class size maximums for a public school of choice; restricting charter schools or technical career centers having financial problems from certain activities and requiring disclosure of such financial problems on subsequent applications; recognizing high-performing school choice districts and granting them flexibility, etc.	Workshop-Discussed
		ED 03/18/2013 Workshop-Discussed AFT AP	
<b>SB 1092</b>	Thompson (Compare H 1001, H 1341, S 828, S 1390)	Charter Schools; Requiring a charter school to submit to the school district an attendance plan for each student enrolled in the school; requiring a charter school to provide funding to a school district in the event of student transfers; requiring a charter school to report to the school district certain student enrollment information, etc.	Workshop-Discussed
		ED 03/18/2013 Workshop-Discussed AED AP	
<b>SB 1204</b>	Clemens	Charter Schools; Requiring a student transferring from a charter school to a traditional public school to take a placement test selected by the district school board, etc.	Workshop-Discussed
		ED 03/18/2013 Workshop-Discussed AED AP	

**COMMITTEE MEETING EXPANDED AGENDA**

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Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	<b>SB 1206</b> Clemens	Charter Schools; Providing that the performance of certain transfer students, as measured by learning growth, may not be included in the performance evaluation of certain traditional public school personnel for a specified period, etc.  ED 03/18/2013 Workshop-Discussed CA RC	Workshop-Discussed
	<b>SB 1230</b> Clemens	Charter Schools; Providing that when a charter school is dissolved any unencumbered public funds from the school revert to the sponsor and other funds revert to the Department of Education to be redistributed among eligible charter schools, etc.  ED 03/18/2013 Workshop-Discussed AED AP	Workshop-Discussed
	<b>SB 1232</b> Richter (Compare H 7029, S 1390)	Public Education; Citing this act as the "Public Education Innovation and Efficiency Act"; authorizing the State Board of Education to enter into a performance contract with a school district to provide a statutory waiver; authorizing a school district, upon a supermajority vote by the district school board, to apply for a waiver from certain statutes; requiring that a school district that receives one or more waivers comply with certain statutes; requiring that an application for each waiver request be submitted to the commissioner and the State Board of Education, etc.  ED 03/18/2013 Workshop-Discussed AED AP	Workshop-Discussed
	<b>SB 1282</b> Stargel (Compare H 465, H 1267, CS/H 7009, H 7029, S 1108, S 1396)	Charter Schools; Requiring policies agreed to by the sponsor and charter school to be incorporated into the charter contract; authorizing a charter school operated by a Florida College System institution to serve students in kindergarten through grade 12 if certain criteria are met; prohibiting the governing board or other related entity of a charter school subject to a corrective action plan or financial recovery plan from applying to open an additional charter school; restricting expenditures upon nonrenewal or termination of a charter school; revising requirements for classification as a high-performing charter school system, etc.  ED 03/18/2013 Workshop-Discussed JU AED AP	Workshop-Discussed

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 18, 2013, 3:30 —6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
	<b>SB 1390</b> Montford (Compare H 1001, H 1341, H 7029, S 828, S 1092, S 1232)	Charter Schools; Creating the Florida Innovation Zone Schools Act to allow school districts to designate certain schools to serve as incubators of innovation and transformation of public education; exempting innovation zone schools from ch. 1000-1013, F.S., subject to certain exceptions; providing a calculation for compliance with class size maximums for a public school of choice or an innovation zone school; creating new reporting requirements for charter schools regarding governance, fees, and students; recognizing academically high-performing school choice districts and granting them flexibility, etc.  ED 03/18/2013 Workshop-Discussed AED AP	Workshop-Discussed
	<b>SB 1396</b> Bean (Similar H 1267, Compare H 373, H 1409, CS/H 7009, S 780, S 1282)	Charter Schools; Authorizing the Commissioner of Education, with the approval of the State Board of Education, to authorize a school district to apply to establish a charter school under certain circumstances; revising the requirements for a charter school application; revising provisions requiring charter school compliance with statutes relating to education personnel compensation, contracts, and performance evaluations and workforce reductions; requiring the commissioner to annually review a high-performing charter school system's eligibility for high-performing status, etc.  ED 03/18/2013 Workshop-Discussed AED AP	Workshop-Discussed

TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Senate Confirmation Hearing:</b> A public hearing will be held for consideration of the below-named executive appointment to the office indicated.			
<b>Board of Governors of the State University System</b>			
11	Morton, Edward Allen (Naples)	01/06/2020	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, Florida Atlantic University</b>			
12	Moabery, Abdol (Delray Beach)	01/06/2016	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, Florida International University</b>			
13	Grant, Gerald C., Jr. (Palmetto Bay)	01/06/2016	Recommend Confirm Yeas 8 Nays 0
<b>Board of Trustees, University of Florida</b>			
14	Edwards, Charles B. (Ft. Myers)	01/06/2016	Recommend Confirm Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Education

Monday, March 18, 2013, 3:30 —6:00 p.m.

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TAB	OFFICE and APPOINTMENT (HOME CITY)	FOR TERM ENDING	COMMITTEE ACTION
<b>Board of Trustees, University of North Florida</b>			
15	Franklin, Fred D., Jr. ()	01/06/2018	Recommend Confirm Yeas 8 Nays 0
16	Russell, Lanny (Ponte Vedra Beach)	01/06/2016	Recommend Confirm Yeas 8 Nays 0

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

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

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

Prepared By: The Professional Staff of the Committee on Education

**BILL:** CS/SB 150

**INTRODUCER:** Committee on Education, Senator Altman, and others

**SUBJECT:** Deaf and Hard-of-hearing Children

**DATE:** March 18, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |                                         |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 150 clarifies the considerations that the individual educational plan (IEP) team must address to develop an IEP for a student who is deaf or hard-of-hearing. The bill also requires the Department of Education, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development. The Department of Education must provide technical assistance regarding using the model communication plan.

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

This bill amends section 1003.55 of the Florida Statutes.

**II. Present Situation:**

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, including children with

disabilities who have been suspended or expelled from school.<sup>1</sup> As the state educational agency, the Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.<sup>2</sup>

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.<sup>3</sup> In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.<sup>4</sup>

Current law requires that for a child who is deaf or hard-of-hearing, the IEP team consider: the child's language and communication needs, opportunities for direct communications with peers and professional personnel in the child's language and communication mode, academic level, and full range of needs, including opportunities for direct instruction in the child's language and communication mode.<sup>5</sup>

In the fall of 2011, 4,098 students were identified as deaf or hard-of-hearing.<sup>6</sup> The DOE has developed, in collaboration with the Florida School for the Deaf and Blind and a statewide leadership team, a draft model communication plan that was disseminated to all 67 school districts in November 2012. Initial feedback is anticipated in late March 2013.<sup>7</sup>

Educational options for students with hearing impairments have expanded significantly in the last 30 years in that students are increasingly attending traditional schools and being educated in general education classrooms.<sup>8</sup> Other developments have changed the classroom experiences of students with hearing impairments in the last three decades as well, including the evolution of implant technology and technologies such as visual or text communication devices and speech-to-print software. Still, despite advances and efforts to improve the outcomes of students with hearing impairments, evidence suggests that these students continue to lag behind their general education peers in academic achievement.<sup>9</sup>

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<sup>1</sup> 20 U.S.C. s.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

<sup>2</sup> 34 C.F.R. s. 300.149.

<sup>3</sup> Rule 6A-6.03028(3), F.A.C.

<sup>4</sup> 20 U.S.C. s. 1414(d)(3)(A) and (B).

<sup>5</sup> 20 U.S.C. s. 1414(d)(3)(B)(iv) and Rule 6A-6.03028(3)(g)9., F.A.C.

<sup>6</sup> Florida Department of Education, *Membership in Programs for Exceptional Students, Fall 2011* (Jan. 2012), available at <http://www.fldoe.org/eias/eiaspubs/word/esemem1112.doc>, at 2.

<sup>7</sup> E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

<sup>8</sup> United States Department of Education Institute of Education Sciences, *Facts from NLTS2: The Secondary School Experiences and Academic Performance of Students with Hearing Impairments* (Feb. 2011), <http://ies.ed.gov/pubsearch/pubsinfo.asp?pubid=NCSER20113003> (last visited March 13, 2013), at 1.

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

### III. Effect of Proposed Changes:

CS/SB 150 clarifies that to develop an IEP for a student who is deaf or hard-of-hearing, the IEP team must consider:

- The student's language and communication needs;
- Opportunities afforded to the student for direct communication with peers and professional personnel in the student's language and communication mode, and
- The student's academic level and full range of needs, including opportunities for direct instruction in the student's language and communication mode.

The bill requires the DOE, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development. The model communication plan must be adopted in rule by State Board of Education Rule and made available online to all school districts no later than December 31, 2013. The DOE must provide technical assistance regarding using the model communication plan.

The model will provide for a more thorough evaluation of a student's needs. Currently, Florida's IEP only requires the IEP team to check two boxes and provide brief sentences to indicate that the communications needs have been considered.<sup>10</sup> Additionally, parents will be able to utilize the information provided by the model to develop IEPs for students which will likely result in better targeted services for such students.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

#### C. Trust Funds Restrictions:

None.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

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<sup>10</sup> E-mail, Florida Department of Education, Governmental Relations (March 14, 2013), on file with the Committee on Education staff.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Committee on Education on March 18, 2013:**

The committee substitute differs from SB 150 in that the committee substitute:

- Clarifies the considerations that the IEP team must address to develop an IEP for a student who is deaf or hard-of-hearing;
- Requires the DOE, in coordination with the Florida School for the Deaf and Blind and with input from stakeholders, to develop a model communication plan for use during the IEP development;
- Requires the plan to be adopted in rule by the State Board of Education Rule and made available online to all school districts no later than December 31, 2013; and
- Requires the DOE to provide technical assistance regarding using the model communication plan.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate

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House

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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (6) is added to section 1003.55,  
Florida Statutes, to read:

1003.55 Instructional programs for blind or visually  
impaired students and deaf or hard-of-hearing students.—

(6) (a) In developing an individual education plan for a  
deaf or hard-of-hearing student, the individual education plan  
team must consider the student's language and communication  
needs, opportunities for direct communication with peers and  
professional personnel in the student's language and



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14 communication mode, and the student's academic level and full  
15 range of needs, including opportunities for direct instruction  
16 in the student's language and communication mode.

17 (b) The Department of Education, in coordination with the  
18 Florida School for the Deaf and the Blind and with input from  
19 education stakeholders, shall develop a model communication plan  
20 that shall be used during the development of a student's  
21 individual education plan. The model communication plan shall be  
22 adopted in rule by the State Board of Education and made  
23 available online to all school districts no later than December  
24 31, 2013. The department shall provide technical assistance for  
25 using the model communication plan.

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

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

29 And the title is amended as follows:

30 Delete everything before the enacting clause  
31 and insert:

32 A bill to be entitled  
33 An act relating to deaf and hard-of-hearing students;  
34 amending s. 1003.55, F.S.; requiring that a student's  
35 language and communication needs, including certain  
36 opportunities, be considered in the development of an  
37 individual education plan for a deaf or hard-of-  
38 hearing student; requiring the Department of Education  
39 to develop a model communication plan to be used in  
40 the development of an individual education plan for  
41 deaf or hard-of-hearing students; requiring the  
42 department to disseminate the model communication plan



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to each school district and provide technical  
assistance; providing an effective date.

By Senator Altman

16-00145-13

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A bill to be entitled

An act relating to deaf and hard-of-hearing children; providing a short title; providing legislative findings and purpose; encouraging certain state agencies, institutions, and political subdivisions to develop recommendations ensuring that the language and communication needs of deaf and hard-of-hearing children are addressed; requiring the purposes of the act to be expeditiously implemented; requiring the Department of Education to develop a communication model addressing communication considerations to be included in the individual education plan for deaf and hard-of-hearing students; requiring the department to disseminate the model to each school district and provide training as it determines necessary; providing an effective date.

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

Section 1. (1) SHORT TITLE.—This act may be cited as the “Deaf and Hard-of-Hearing Children’s Educational Bill of Rights.”

(2) LEGISLATIVE FINDINGS AND PURPOSE.—

(a) The Legislature finds that:

1. Hearing loss affects basic human needs, which are language and communication. Without language and quality communication, a child is isolated from other human beings and from the exchange of knowledge essential for educational growth and, therefore, cannot develop the skills required to become a

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productive, capable adult and a full participant of society.

2. Children who have a hearing loss possess the same innate capabilities to acquire language as any other children. They communicate through a visual language/American Sign Language or a spoken-written language/English. Manual systems, which do not include American Sign Language, are not languages and shall be used only as a tool to teach spoken English, not as a language model in the classroom. American Sign Language is a formal language as well as the preferred language of the signing Deaf community as spoken English is the preferred language of the oral deaf community.

3. It is this state’s policy to ensure that:

a. Deaf and hard-of-hearing children, like all children, have quality, ongoing, and accessible communication in their preferred language, both in and out of the classroom.

b. Deaf and hard-of-hearing children be placed in the least restrictive educational environment that is appropriate for their language needs and receive services based on their unique communication, language, and educational needs, consistent with 20 U.S.C. s. 1414(d)(3)(B)(iv) of the Individuals with Disabilities Education Act.

c. Deaf and hard-of-hearing children be given an education in which teachers, related service providers, and assessors understand the unique nature of deafness; are specifically trained to work with deaf and hard-of-hearing students; and can communicate spontaneously and fluidly with these children in a spoken-written language/English, listening and spoken language/auditory-oral, or a visual language/American Sign Language, which are accessible to deaf and hard-of-hearing

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59 children.

60 d. Deaf and hard-of-hearing children, like all children,

61 have the benefit of an education in which there is a sufficient

62 number of age-appropriate peers and adults with whom they can

63 interact and communicate in a spontaneous and fluid way.

64 e. Deaf and hard-of-hearing children receive an education

65 in which they are exposed to deaf and hard-of-hearing role

66 models in their preferred language.

67 f. Deaf and hard-of-hearing children, like all children,

68 have direct and appropriate access to all components of the

69 educational process, including recess, lunch, and

70 extracurricular, social, and athletic activities.

71 g. Deaf and hard-of-hearing children, like all children, be

72 provided with programs in which transition planning, as required

73 under the Individuals with Disabilities Education Act, focuses

74 on their unique vocational needs.

75 h. Families of children who are deaf or hard of hearing

76 receive accurate, balanced, and complete information regarding

77 their children's educational, language, and communication needs

78 and the available programmatic, placement, and resource options,

79 as well as access to support services and advocacy resources

80 from public and private agencies, departments, and all other

81 institutions and resources knowledgeable about hearing loss and

82 the needs of children who are deaf or hard of hearing.

83 (b) Given the central importance of communication to all

84 human beings, the purpose of this act is to encourage the

85 development of an educational delivery system, which is

86 language-driven and communication-driven, for children who are

87 deaf or hard of hearing in the state.

16-00145-13 2013150\_\_

88 (3) EDUCATIONAL RIGHTS OF DEAF AND HARD-OF-HEARING

89 CHILDREN; DUTY OF THE DEPARTMENT OF EDUCATION.—

90 (a) The Legislature recognizes the unique language and

91 communication needs of children who are deaf or hard of hearing

92 and encourages the development of specific recommendations by

93 all state agencies, institutions, and political subdivisions

94 concerned with the early intervention, early childhood, and the

95 education of deaf and hard-of-hearing students who are in

96 kindergarten through grade 12, including the Department of

97 Education, the Florida School for the Deaf and the Blind, and

98 the Department of Health, to ensure that:

99 1. These children have access to the same educational

100 environment that other children have in which their language and

101 communication needs are fully addressed and developed and in

102 which they have early, ongoing, and quality access to planned

103 and incidental communication opportunities.

104 2. The purposes of this act are expeditiously implemented.

105 (b) Pursuant to 20 U.S.C. s. 1414(d)(3)(B)(iv) of the

106 Individuals with Disabilities Education Act, which requires that

107 the individual education plan team consider the unique

108 communication needs of a child who is deaf or hard of hearing

109 and the preferred language of the child, the Department of

110 Education shall develop a model addressing communication

111 considerations for students who are deaf or hard of hearing as

112 part of the individual education plan process. The department

113 shall also disseminate the model to each school district and

114 provide training as it determines necessary.

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3.18.13

Meeting Date

Topic Related to the education of deaf and hard of hearing children Bill Number SB 150  
*(if applicable)*

Name Dr. Jeanne Prickett Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title President, Florida School for the Deaf and the Blind

Address 207 San Marco Avenue Phone 904.877.2210

Street

St. Augustine FL 32084 E-mail prickettj@fsdb.k12.fl.us  
City State Zip

Speaking:  For  Against  Information

Representing Florida School for the Deaf and the Deaf & the Blind

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13

Meeting Date

Topic DEAF & HARD OF HEARING

Bill Number 150  
(if applicable)

Name GARY C. LIEFFER

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

Job Title PRESIDENT

Address 5020 CENTENNIAL OAK CIRCLE

Phone 550.264.5139

Street

TALLAHASSEE, FL 32304

City

State

Zip

E-mail GARY@LIEFFERANDASSOCIATE.COM

Speaking:  For  Against  Information

Representing FLORIDA ASSOCIATION OF THE DEAF / FLORIDA RELAY FOR INTERPRETERS OF THE DEAF

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

WVAIVE IN SUPPORT

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-18-2013

Meeting Date

Topic DEAF AND HARD OF HEARING CHILDREN

Bill Number SB 150

(if applicable)

Name STEPHEN R. WINN

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title GOVERNMENTAL CONSULTANT

Address POST OFFICE BOX 1675

Phone 878-3056

Street

TALLAHASSEE

FL

32302

City

State

Zip

E-mail \_\_\_\_\_

Speaking:

For

Against

Information

Representing FLORIDA SOCIETY OF HEARING HEALTHCARE 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.

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

S-001 (10/20/11)

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

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

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SB 226

INTRODUCER: Senator Ring

SUBJECT: Disability Awareness

DATE: March 15, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Pre-meeting</b>
2.			CF	
3.			AED	
4.			AP	
5.				
6.				

**I. Summary:**

SB 226 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2013-2014 school year. The instruction must be integrated into the existing school curriculum and be augmented by individuals who have a disability and are approved by the school or school district and meet existing background screening requirements. The Department of Education is tasked with assisting in the development of an appropriate disability curriculum to be used in the school districts.

The bill creates the Disability History and Awareness Advisory Council within the Department of Education. The Disability History and Awareness Advisory Council is tasked with submitting an annual report, providing input regarding the curriculum for disability history and awareness, and assisting schools in locating individuals to make presentations at schools.

The bill is effective upon becoming law.

This bill amends section 1003.4205 of the Florida Statutes.

## II. Present Situation:

### Disability History and Awareness

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

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

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

- Promotional ideas to help schools promote disability history and awareness;
- Fliers recognizing the contributions of various individuals with disabilities;
- Disability etiquette documents;
- Documents concerning “people first” language;
- A guide to differentiated instruction;
- A copy of “A Legislative History of Florida’s Exceptional Student Education Program”; and
- A list of websites that contain a variety of games, activities, and lesson plans that can be

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<sup>1</sup> United States Census Bureau, *Profile America Facts for Features: 20<sup>th</sup> Anniversary of American with Disabilities Act: July 26* (May 26, 2010 based on 2005 report),

[http://www.census.gov/newsroom/releases/archives/facts\\_for\\_features\\_special\\_editions/cb10-ff13.html](http://www.census.gov/newsroom/releases/archives/facts_for_features_special_editions/cb10-ff13.html) (March 15, 2013).

<sup>2</sup> Section 1, ch. 2008-156, L.O.F.; s. 1003.4205, F.S.

<sup>3</sup> Section 1003.4205, F.S. Nationally, disability advocates are mobilizing to create understanding and celebrate the history of individuals with disabilities. In 2006, West Virginia passed the first Disability History Week bill. Since 2006, twenty states, including Florida, have signed disability awareness-related laws. Additional states are considering similar legislation. Museum of disABILITY History, *Disability History Week: Legislation*, <http://www.disabilityhistoryweek.org/legislations/> (last visited March 14, 2013).

<sup>4</sup> Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf>, at 1.

<sup>5</sup> Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf>, at 1-2.

integrated into a curriculum for students.

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

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

### III. Effect of Proposed Changes:

SB 226 changes current law to require, rather than authorize, district school boards to provide disability history and awareness instruction in all K-12 public schools beginning with the 2013-2014 school year. The disability history and awareness instruction must be provided during the first two weeks in October.

The bill requires the DOE to assist in creating the curriculum for the disability history and awareness instruction. The resource guide that the DOE created to help school districts promote Disability History and Awareness Weeks provides a list of websites that contain a variety of games, activities, and lesson plans that can be integrated into a curriculum for students.<sup>8</sup> The bill will likely raise greater awareness about individuals with disabilities and promote the full inclusion of such individuals in our society.

Beginning in the 2014-2015 school year, such instruction must be integrated into the existing school curriculum. Additionally, the bill requires that the instruction be augmented by presentations from individuals who:

- Have disabilities;
- Are approved as presenters by the school or school district; and

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<sup>6</sup> Section 6, ch. 2010-224, L.O.F., *codified at* s. 1012.582, F.S.

<sup>7</sup> Section 1012.582(1), F.S.

<sup>8</sup> Bureau of Exceptional Education and Student Services, Department of Education, *Disability History and Awareness: A Resource Guide* (2010), available at <http://www.fldoe.org/ese/pdf/DHA-Resource2010.pdf>, at 2.

- Meet the background screening requirements regarding entering schools and interacting with children under current law.<sup>9</sup>

The bill creates the Disability History and Awareness Advisory Council (council) within the DOE. The council must consist of 15 members, including the commissioner or the commissioner's designee, a member of the House of Representatives or the member's designee, and a member of the Senate or the member's designee. Of the remaining members, 6 individuals must be younger than 30 years of age and 6 individuals must be older than 30 years of age. Such individuals must apply to the DOE in order to become members of the council. The bill specifies that the commissioner, the Senate member, and the House of Representatives member are ex officio, nonvoting members of the council.

The bill requires that the council's responsibilities include at least the following:

- Provide input to the DOE regarding the curriculum for disability history and awareness;
- Assist, upon request, schools or school districts in locating individuals who have disabilities to make presentations at schools; and
- Submit an annual report to the Governor, the presiding officers of the Legislature, and the superintendent of each school district in the state. By August 1, 2014, and each year thereafter, the report must, at least, include recommendations and policy alternatives regarding the state of disability awareness in this state.

The council must meet at least four times a year or as often as needed.

The bill requires the DOE to provide a liaison to assist the council regarding the council's operations. Additionally, the bill requires the DOE to serve as the fiscal agent for all financial transactions required by the council.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

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<sup>9</sup> Section 1012.465, F.S., relates to background screening for noninstructional school district employees and contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds. Such individuals must meet level 2 screening requirements as described in s. 1012.32, F.S.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

There may be costs associated with the DOE providing a liaison to assist the disability history and awareness advisory council.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

None.

**B. Amendments:**

None.



847706

LEGISLATIVE ACTION

Senate	.	House
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The Committee on Education (Legg) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 61 - 97.

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

And the title is amended as follows:

Delete lines 10 - 22

and insert:

and awareness instruction; providing an effective

By Senator Ring

29-00087A-13

2013226\_\_

1 A bill to be entitled  
 2 An act relating to disability awareness; amending s.  
 3 1003.4205, F.S.; requiring that each district school  
 4 board provide disability history and awareness  
 5 instruction in all K-12 public schools; requiring that  
 6 the Department of Education assist in creating the  
 7 curriculum for the disability history and awareness  
 8 instruction; providing for individual presenters who  
 9 have disabilities to augment the disability history  
 10 and awareness instruction; creating the Disability  
 11 History and Awareness Advisory Council within the  
 12 Department of Education; providing for certain  
 13 individuals to apply to the department for membership  
 14 on the council; providing that the Commissioner of  
 15 Education, the member of the Senate, and the member of  
 16 the House of Representatives are ex officio, nonvoting  
 17 members of the council; requiring that the department  
 18 provide a liaison to assist the council; requiring  
 19 that the department act as the fiscal agent for all  
 20 financial transactions required by the council;  
 21 providing responsibilities of the council; providing  
 22 meeting times for the council; providing an effective  
 23 date.

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

26  
 27 Section 1. Section 1003.4205, Florida Statutes, is amended  
 28 to read:  
 29 1003.4205 Disability history and awareness instruction.-

Page 1 of 4

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

29-00087A-13

2013226\_\_

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

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

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

Page 2 of 4

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

29-00087A-13 2013226\_\_

59 ~~guest speakers, with a particular focus on including individuals~~  
60 ~~with disabilities.~~

61 (c)1. There is created within the Department of Education  
62 the Disability History and Awareness Advisory Council. The  
63 council shall consist of the following 15 members:

64 a. The Commissioner of Education or his or her designee.

65 b. A member of the House of Representatives, appointed by  
66 the Speaker of the House of Representatives, or his or her  
67 designee.

68 c. A member of the Senate, appointed by the President of  
69 the Senate, or his or her designee.

70 d. Six individuals who are younger than 30 years of age and  
71 who must apply to the Department of Education to become members  
72 of the council.

73 e. Six individuals who are 30 years of age or older and who  
74 must apply to the Department of Education to become members of  
75 the council.

76 2. The Commissioner of Education, the member of the Senate,  
77 and the member of the House of Representatives, or their  
78 designees, are ex officio, nonvoting members of the council.

79 3. The department shall provide a liaison to assist the  
80 council in its operation. The department shall act as the fiscal  
81 agent for all financial transactions required by the council.

82 4. The responsibilities of the council shall be, but are  
83 not limited to:

84 a. Providing to the Department of Education input regarding  
85 the curriculum for disability history and awareness;

86 b. Assisting, upon request, schools or school districts in  
87 locating individuals who have disabilities to make presentations

29-00087A-13 2013226\_\_

88 at schools; and

89 c. Submitting an annual report to the Governor, the  
90 President of the Senate, the Speaker of the House of  
91 Representatives, and the superintendent of each school district  
92 in this state by August 1, 2014, and each year thereafter. The  
93 annual report must include, but is not limited to,  
94 recommendations and policy alternatives regarding the state of  
95 disability awareness in this state.

96 5. The council shall meet at least four times a year and  
97 more often as needed.

98 (3) The goals of disability history and awareness  
99 instruction include:

100 (a) Better treatment for individuals who have ~~with~~  
101 ~~disabilities~~, especially for youth in school, and increased  
102 attention to preventing the bullying or harassment of students  
103 who have ~~with~~ disabilities.

104 (b) Encouragement to individuals who have ~~with~~ disabilities  
105 to develop increased self-esteem, resulting in more individuals  
106 who have ~~with~~ disabilities gaining pride in being an individual  
107 with a disability, obtaining postsecondary education, entering  
108 the workforce, and contributing to their communities.

109 (c) Reaffirmation of the local, state, and federal  
110 commitment to the full inclusion in society of, and the equal  
111 opportunity for, all individuals who have ~~with~~ disabilities.

112 Section 2. This act shall take effect upon becoming a law.

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

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 916

INTRODUCER: Senator Flores and others

SUBJECT: Sales and Use Tax

DATE: March 15, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Klebacha	ED	<b>Favorable</b>
2.	_____	_____	AFT	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

SB 916 provides an exemption from state and local sales tax during the 3-day period beginning at 12:01 a.m. on August 2, 2013, through 11:59 p.m. on August 4, 2013, on purchases of clothing costing \$75 or less per item, school supplies costing \$15 or less per item, and computers costing \$750 or less per item.

The bill takes effect upon becoming law.

The bill creates one unnumbered section of law.

**II. Present Situation:**

The sales<sup>1</sup> and use<sup>2</sup> tax created in ch. 212, F.S is a levy of 6 percent<sup>3</sup> on retail sales of most tangible personal property, admissions, transient lodging, commercial rentals, and motor vehicles. The tax provided 73 percent of the state’s general revenue in fiscal year 2011-2012.<sup>4</sup>

There are eight different types of local discretionary sales surtaxes (also referred to as local option sales taxes) currently authorized in law which provide revenue sources for county and municipal governments and school districts.<sup>5</sup> The local discretionary sales surtaxes apply to all

<sup>1</sup> Sale is defined in s. 212.02(15), F.S.

<sup>2</sup> Use tax is defined in s. 212.02(21), F.S.

<sup>3</sup> s. 212.05, F.S..

<sup>4</sup> 2012 Florida Tax Handbook, p. 16, readable at: <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2012.pdf>

<sup>5</sup> *Ibid.*, p. 207.

transactions that are subject to the state tax imposed on sales, use, services, rentals, admissions, and other authorized transactions authorized under ch. 212, F.S.

At times, the Legislature has enacted a “sales tax holiday” during which the purchase of certain items under a certain price does not incur a sales tax. In August 1998, the first sales tax holiday lasted for one week and applied to the purchase of items of clothing costing \$50 or less.<sup>6</sup> While a sales tax holiday usually occurs at the end of the summer and covers the types of items a parent might buy for a child returning to school, that is not always the case. In 2007, there were sales tax holidays for clothing, books, school supplies, energy efficient products, and hurricane preparedness articles.<sup>7</sup> The tax-free period of time has ranged from a few days to more than one week.

### III. Effect of Proposed Changes:

SB 916 provides an exemption from state and local sales tax during the 3-day period beginning at 12:01 a.m. on August 2, 2013, through 11:59 p.m. on August 4, 2013, for the following:

- Sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$75 or less per item. “Clothing” is defined to mean:
  - Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs.
  - All footwear, excluding skis, swim fins, roller blades, and skates.
- Sales of school supplies having a sales price of \$15 or less per item. “School supplies” is defined to mean pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue, paste, rulers, computer disks, protractors, compasses, and calculators.
- Sales of personal computers and related accessories having a sales price of \$750 or less. Qualifying items must be purchased for noncommercial home or personal use. The exemption includes personal computer base units and keyboards, personal digital assistants, handheld computers, monitors, other peripheral devices, modems for Internet and network access, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. Computer and computer related accessories do not include furniture or any systems, devices, software, or peripherals designed or intended primarily for recreational use.

The exemptions of the above items from sales tax do not apply to sales within a public lodging establishment as defined in section 509.013(4), F.S., within a theme park or entertainment complex as defined in section 509.013(9), F.S., or within an airport as defined in section 330.27(2), F.S.

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<sup>6</sup> *Ibid.*, p. 150.

<sup>7</sup> *Ibid.*, p.150.

The Department of Revenue is authorized to adopt rules to administer the exemption.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Subsection (b) of s. 18, Art. VII, State 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.

The bill provides a sales tax exemption that will reduce the municipalities' and counties' local option sales tax collections over a three-day period, thereby reducing their revenue-raising authority. This bill does not appear to qualify under any exemption or exception. If the bill is determined to be 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:**

None.

##### **B. Private Sector Impact:**

During the specified period, clothing, wallets, and bags selling for \$75 or less; school supplies selling for \$15 or less; and computers selling for \$750 or less can be purchased tax-free. Given the timing of the tax-free period, families will be able to save money on clothing and school supplies prior to the beginning of the school year. Moreover, the tax exemptions provided by the bill should significantly increase sales of non-exempt items during the tax-free days.

##### **C. Government Sector Impact:**

The Revenue Estimating Conference (REC) estimates that the impact from a 3-day sales tax holiday for clothing and school supplies will have a nonrecurring negative impact of \$23.9 million to General Revenue for FY 2013-14 and a nonrecurring negative impact of

\$5.4 million to local governments. The REC has not yet evaluated the impact of including computers as part of the sales tax holiday.<sup>8</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

None.

**B. Amendments:**

None.

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

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<sup>8</sup> Revenue Estimating Conference, readable at:  
<http://edr.state.fl.us/Content/conferences/revenueimpact/2013RevenueImpactSummary.pdf>

By Senator Flores

37-00480A-13

2013916\_\_

A bill to be entitled

An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, wallets, bags, school supplies, personal computers, and personal computer related accessories are exempt from the sales tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an effective date.

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

Section 1. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from 12:01 a.m. on August 2, 2013, through 11:59 p.m. on August 4, 2013, on the sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$75 or less per item. As used in this paragraph, the term "clothing" means:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and

2. All footwear, excluding skis, swim fins, roller blades, and skates.

(b) School supplies having a sales price of \$15 or less per item. As used in this paragraph, the term "school supplies" means pens, pencils, erasers, crayons, notebooks, notebook

37-00480A-13

2013916\_\_

filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

(c) Personal computers and related accessories with a sales price of \$750 or less, purchased for noncommercial home or personal use, including personal computer base units and keyboards, personal digital assistants, handheld computers, monitors, other peripheral devices, modems for Internet and network access, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. Computers and computer-related accessories do not include furniture or any systems, devices, software, or peripherals designed or intended primarily for recreational use.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s. 509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) 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 section.

Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13  
Meeting Date

Topic Back to School Tax Holiday

Bill Number SB 914  
*(if applicable)*

Name Melissa Joiner

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

Job Title Director Gov't Affairs

Address \_\_\_\_\_

Phone 850-570-0269

Tallahassee Fl.  
City State Zip

E-mail Melissa@frf.org

Speaking:  For  Against  Information

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 (10/20/11)

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

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

Prepared By: The Professional Staff of the Committee on Education

**BILL:** CS/SB 950

**INTRODUCER:** Education Committee and Senator Braynon

**SUBJECT:** Photographic Enforcement on School Buses

**DATE:** March 18, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McLaughlin	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	TR	_____
3.	_____	_____	AED	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 950 creates the “School Bus Camera Safety Program,” authorizing a Florida school district to deploy school bus safety cameras on its school buses for enforcing s. 316.172, F.S., when a driver fails to stop upon approaching any school bus which displays a stop signal. A school district deploying school bus safety cameras must coordinate the issuance of traffic citations with the local sheriff’s office.

The bill provides for the issuance of citations to registered owners of motor vehicles and a \$250 penalty for any violations of s. 316.172., F.S., regardless of the method of enforcement. If the penalty is paid within 30 days of notification, the total penalty is \$250. However, if the penalty is not paid within 30 days of notification and a traffic citation is issued, the total penalty is \$250 plus surcharges, costs, and fees.

If a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., does occur, the violation may not be used to impose points on a driver’s license or to set motor vehicle insurance rates.

School districts would have to work out details for such aspects as: interlocal agreements with sheriff's offices; sources, financing, and procurement of the equipment; installation, inspection, and maintenance procedures; training of school bus technicians and drivers to ensure proper operation and functioning; administrative procedures for documented reporting to proper enforcement jurisdictions; accounting for funds remitted to school districts from penalties imposed on vehicle owners; management and retention of images used as evidence; and data management.

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

This bill amends sections 316.003, 316.008, 316.650, 316.655, 318.14, 318.15, 318.19, 320.03, 322.27 and creates section 316.0084, of the Florida Statutes.

## II. Present Situation:

National statistics have consistently demonstrated that school buses constitute one of the safest forms of transportation. The National Research Council concluded that children are at far more risk traveling to and from school by bike, walking, or in private passenger vehicles, especially if a teen-age driver is involved, than in school buses.<sup>1</sup> According to the National Highway Traffic Safety Administration, approximately 450,000 public school buses travel approximately 4.3 billion miles to transport 23.5 million children to and from school and school-related activities.<sup>2</sup>

Since 2000, 130 school-age pedestrians (younger than 19) have died in school transportation-related crashes. Over two-thirds (67 percent) were struck by school buses, 6 percent by vehicles functioning as school buses, and 27 percent by other vehicles involved in the crashes. There were 56 school-age pedestrians between the ages of 5 and 7 killed in school transportation-related crashes.<sup>3</sup>

According to the Florida Department of Education (DOE), from the 1999-2000 to the 2009-2010 school years there have been four pedestrian students struck by a vehicle illegally passing a stopped school bus.<sup>4</sup> These statistics indicate that there may be an opportunity to improve even this very safe form of travel.<sup>5</sup> Public health and traffic safety officials have examined the risks associated with school bus stops and noted the importance of carefully selecting bus stop locations.<sup>6</sup>

Current law requires district school boards to establish school bus stops at the most reasonably safe locations available.<sup>7</sup> Where unusual traffic hazards exist at school bus stops on roads

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<sup>1</sup> *The Relative Risks of School Travel: A National Perspective and Guidance for Local Community Risk Assessment*. Transportation Research Board, 2002.

<sup>2</sup> See <http://www.nhtsa.gov/school-buses> (last visited March 13, 2013).

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

<sup>4</sup> Florida Department of Education, *Florida Public School Bus Transportation-related Fatalities Multi-Year Summary* (last visited March 13, 2013).

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

<sup>6</sup> Schieber RA, Vegega ME *Reducing childhood pedestrian injuries: summary of a multidisciplinary conference*. Injury Prevention, 2002; 8:13-110. See [http://www.cdc.gov/ncipc/pub-res/childhood\\_pedestrian/child\\_pedestrian.htm](http://www.cdc.gov/ncipc/pub-res/childhood_pedestrian/child_pedestrian.htm) (last visited March 14, 2013).

<sup>7</sup> s. 1006.22(12)(c), F.S.

maintained by the state outside of municipalities, the Florida Department of Transportation (FDOT) must place signs at the bus stops warning drivers of the location of the stops.<sup>8</sup> The FDOT must place these signs in concurrence and cooperation with and upon request of the district school board.<sup>9</sup> According to the FDOT, federal guidelines, rather than requirements, are provided for states to use in placing “school bus ahead” signs.<sup>10</sup>

Documentation of stop locations and the specific procedures for ensuring stop safety are determined by the school district.<sup>11</sup> Districts have safety professionals who review new stop locations or existing locations when there is an indication of a hazard.<sup>12</sup> Some districts routinely review all stop locations. The DOE also notes that all school bus operators are trained and instructed to report hazards at stops.<sup>13</sup>

According to the DOE, in 2010-2011, school districts reported that there were 282,758 public school bus stops in Florida.<sup>14</sup> There were 14,810 public school buses in daily service in 2010-2011, equating to an average of 38 stops per day per bus (19 physical locations, morning and afternoon).<sup>15</sup>

### **Failure to Stop for a School Bus**

A person commits a moving violation if he or she is driving a vehicle and fails to stop when approaching any school bus while it is displaying a stop signal.<sup>16</sup> A violation of this offense is punishable as provided in ch. 318, F.S. Presently, there is a minimum \$100 civil penalty and an additional \$65 civil penalty for a driver who has been found guilty by the court for failing to stop for a school bus.<sup>17</sup> The Florida Department of Highway Safety and Motor Vehicles (DHSMV) must suspend the driver’s license of any person who commits a second or subsequent violation of this section within a 5-year period for not less than 90 days and not more than six months.<sup>18</sup>

Section 316.172(1)(b), F.S., provides that a person commits a moving violation if the person passes a school bus on the side children enter and exit while the bus is displaying a stop signal. A violation of this offense is punishable as provided in ch. 318, F.S., and requires a mandatory hearing. Section 318.18(5)(b), F.S., assesses a minimum \$200 civil penalty and an additional \$65 civil penalty for a violation of s. 316.172(1)(b), F.S. In addition, the DHSMV must suspend the driver’s license of any person who commits a violation of this section for not less than 180 days and not more than one year for a second or subsequent offense within a five year period.<sup>19</sup>

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

<sup>9</sup> s.1006.22(12)(c), F.S.

<sup>10</sup> *Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, Federal Highway Administration, <http://mutcd.fhwa.dot.gov/pdfs/2009/mutcd2009edition.pdf> (last visited March 14, 2013).

<sup>11</sup> s. 1006.22(12)(c), F.S.

<sup>12</sup> Telephone conversation, Florida Department of Education, School Transportation Management Staff ( March 13, 2013).

<sup>13</sup> *Id.*

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

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

<sup>16</sup> s. 316.172(1)(a), F.S.

<sup>17</sup> s. 318.18(5)(a)(c), F.S.

<sup>18</sup> s. 318.18(5)(a), F.S.

<sup>19</sup> s. 318.18(5)(b), F.S.

According to the DHSMV, in 2012, there were 3,263 citations for failure to stop for a school bus pursuant to s. 316.172(1)(a), F.S., and 63 citations for passing a stopped school bus pursuant to s. 316.172(1)(b), F.S. This data is based on law enforcement citations.<sup>20</sup> Reports of illegal “pass-by” of the school bus by bus operators or other non-law enforcement witnesses can be used for information and analysis, but not to find the offending motorist in violation of the law or impose consequences.<sup>21</sup> In 2000, a Florida study by the Center for Urban Transportation Research found that there were 10,719 reported instances of motorists illegally passing school buses on the day of the survey.<sup>22</sup> There were 14,108 public school buses in daily service at that time.<sup>23</sup>

### III. Effect of Proposed Changes:

#### **School Bus Safety Camera Program**

CS/SB 950 creates the “School Bus Safety Camera Program” and provides a definition of the term “school bus safety camera.” The bill authorizes the use of cameras to enforce the requirements of s. 316.172, F.S., for failing to stop for a school bus when so directed, but does not require school districts to participate in the school bus safety camera program. The locations and frequency of the installation of school bus safety cameras is left to the districts.

The bill provides that a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., may not be used to impose points on a driver’s license or to set motor vehicle insurance rates.

#### **Administration**

- Allows school districts, after consultation with the county sheriff’s office, to authorize the use of school bus safety cameras to enforce s. 316.172, F.S.
- Allows school districts, upon adoption of a resolution, to contract with a vendor of automated devices for the installation, operation, notice processing, administration, and maintenance of the school bus safety camera program, or, to enter into an interlocal agreement with the county sheriff’s office in which the sheriff’s office may enter into such a contract with a vendor.
- Provides that the sheriff’s office may contract for employees, agents, or vendors to perform all administrative or ministerial requirements, including installation of the cameras, processing and initial review of the images, printing and mailing notices of violation, and electronic transmission of a replica of the traffic citation data to the appropriate court or traffic violations bureau.
- Specifies that school bus safety cameras must meet specifications of the Department of Education, which shall adopt rules prescribing such specifications by October 1, 2013.
- Specifies that the county sheriff’s office shall serve as the law enforcement agency if the school board contracts through an interlocal agreement with the county sheriff’s office.

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<sup>20</sup> Florida Department of Highway Safety and Motor Vehicles Annual Uniform Traffic Citation Report, available at <https://services.flhsmv.gov/SpecialtyPlates/UniformTrafficCitationReport> (last visited March 13, 2013).

<sup>21</sup> Telephone conversation, Florida Department of Education, School Transportation Management Staff ( March 13, 2013).

<sup>22</sup> Center for Urban Transportation Research, School Bus Stop-Arm Violations in Florida: A Follow-up Study (July 2000) available at [http://www.cutr.usf.edu/pubs/Stop\\_arm\\_viol\\_follow.pdf](http://www.cutr.usf.edu/pubs/Stop_arm_viol_follow.pdf) (last visited March 13, 2013).

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

**Violations**

- Specifies that when the operator of a motor vehicle violates s. 316.172 F.S., by failing to stop behind a school bus displaying a stop signal or by passing a school bus before the stop signal has been withdrawn, the school bus safety camera shall record images or video of the violation and record the vehicle's license plate. The images or video recorded by a school bus safety camera may not contain the face of the operator of or any passenger in the motor vehicle.

**Fines**

- Provides that a fine of \$250 shall be imposed for a violation of s. 316.172, F.S., when enforced under s. 316.0084, F.S. All fines collected, less costs to administer, operate, and maintain the program, shall be distributed as follows: 25 percent shall be remitted to the county in which the offense was committed; 35 percent shall be remitted to the school district in which the offense was committed; 30 percent shall be remitted to the Department of Revenue for deposit into the General Revenue Fund; and, 10 percent shall be remitted to the Department of Education for school bus safety initiatives.

**Notifications**

- Specifies that a review of the information from a school bus safety camera by a deputy sheriff or employee of the sheriff's office must precede issuance of a notice of violation by an enforcement officer to the registered owner or lessee of the motor vehicle depicted in the images or video.
- Specifies that if the vehicle has more than one registered owner or lessee, the notice shall be issued to the first person listed as owner.
- Specifies that the sheriff's office must notify the owner of the vehicle of the violation by first-class mail within 30 days after identification of the owner or lessee.
- Provides that the notification must include the name and address of the person alleged to be liable as the registered owner of the vehicle; the license plate number; the violation; the date, time and location of the violation; a copy of the images of the motor vehicle and license plate and the Internet location where the images or video may be viewed; the amount of the fine and the time, place, and manner of payment; the date when payment must be made or by which an exemption affidavit must be provided; the procedure under which the violation may be contested; and, a notice that failure to pay the fine timely, establish an exemption, or transfer liability to the individual identified as the operator of the vehicle constitutes an admission of responsibility for the violation and that failure to pay the fine shall result in the owner or lessee being denied a new or replacement license plate until the fine has been paid.
- Establishes that the defendant bears the burden of proof in any hearing challenging the timely or proper mailing of a notice of violation.
- Provides for specified exemptions that the owner may document in an affidavit to avoid being responsible and liable for paying the fine.

**Citations**

- Provides that the person in actual care, custody, or control of the motor vehicle, as identified in the affidavit, may be issued the traffic citation.

- Provides that, if the payment is not received within 30 days, a traffic citation shall be mailed to the registered owner of the vehicle involved in the violation.
- Specifies that the submission of a false affidavit is a misdemeanor of the second degree.
- Specifies that the images as evidence are admissible in any proceedings for enforcement and raise a rebuttable presumption that the motor vehicle shown was used in the violation.
- Provides that the image evidence supplements and does not prohibit the issuance of a traffic citation by a law enforcement officer for violation of s. 316.172, F.S.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

#### **V. Fiscal Impact Statement:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

Some revenue would accrue to sellers of school bus safety cameras and/or contractors administering the program.

Members of the public found guilty of violating the statute would face fines.

##### **C. Government Sector Impact:**

School districts would incur expenditures relating to the purchase, installation, and use of the safety cameras. County sheriff's offices would incur expenses relating to training and employment of staff that would administer the program directly or oversee contractors under the program.

The Department of Education would incur administrative expenses relating to adoption and implementation of specifications for the school bus safety cameras.<sup>24</sup>

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<sup>24</sup> The Florida Department of Education, 2013 Bill Analysis: SB 950, March 1, 2013, on file with the Senate Education Committee.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by the Education Committee on March 18, 2013:**

The committee substitute provides that a violation of s. 316.172, F.S., if enforced pursuant to s. 316.0084, F.S., may not be used to impose points on a driver's license or to set motor vehicle insurance rates.

- B. **Amendments:**

None.



551028

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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	.	

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The Committee on Education (Bullard) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 531 and 532  
insert:

Section 10. Paragraph (d) of subsection (3) of section  
322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver  
license or identification card.-

(3) There is established a point system for evaluation of  
convictions of violations of motor vehicle laws or ordinances,  
and violations of applicable provisions of s. 403.413(6) (b) when  
such violations involve the use of motor vehicles, for the  
determination of the continuing qualification of any person to



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14 operate a motor vehicle. The department is authorized to suspend  
15 the license of any person upon showing of its records or other  
16 good and sufficient evidence that the licensee has been  
17 convicted of violation of motor vehicle laws or ordinances, or  
18 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
19 more points as determined by the point system. The suspension  
20 shall be for a period of not more than 1 year.

21 (d) The point system must ~~shall~~ have as its basic element a  
22 graduated scale of points assigning relative values to  
23 convictions of the following violations:

24 1. Reckless driving, willful and wanton—4 points.

25 2. Leaving the scene of a crash resulting in property  
26 damage of more than \$50—6 points.

27 3. Unlawful speed resulting in a crash—6 points.

28 4. Passing a stopped school bus—4 points. However, no  
29 points may be imposed if the violation of s. 316.172 is enforced  
30 pursuant to s. 316.0084. In addition, a violation of s. 316.172  
31 that is enforced pursuant to s. 316.0084 may not be used for  
32 purposes of setting motor vehicle insurance rates.

33 5. Unlawful speed:

34 a. Not in excess of 15 miles per hour of lawful or posted  
35 speed—3 points.

36 b. In excess of 15 miles per hour of lawful or posted  
37 speed—4 points.

38 6. A violation of a traffic control signal device as  
39 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
40 However, no points may ~~shall~~ be imposed for a violation of s.  
41 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
42 stop at a traffic signal and when enforced by a traffic



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43 infraction enforcement officer. In addition, a violation of s.  
44 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
45 stop at a traffic signal and when enforced by a traffic  
46 infraction enforcement officer may not be used for purposes of  
47 setting motor vehicle insurance rates.

48 7. All other moving violations (including parking on a  
49 highway outside the limits of a municipality)-3 points. However,  
50 no points may ~~shall~~ be imposed for a violation of s. 316.0741 or  
51 s. 316.2065(11); and points may ~~shall~~ be imposed for a violation  
52 of s. 316.1001 only when imposed by the court after a hearing  
53 pursuant to s. 318.14(5).

54 8. Any moving violation covered above, excluding unlawful  
55 speed, resulting in a crash-4 points.

56 9. Any conviction under s. 403.413(6)(b)-3 points.

57 10. Any conviction under s. 316.0775(2)-4 points.

58

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

60 And the title is amended as follows:

61 Between lines 51 and 52

62 insert:

63 amending s. 322.27, F.S.; providing that the  
64 Department of Highway Safety and Motor Vehicles may  
65 not impose driver license points following a violation  
66 for passing a stopped school bus if such violation is  
67 enforced pursuant to the School Bus Safety Camera  
68 Program; providing that a violation enforced pursuant  
69 to the School Bus Safety Camera Program may not be  
70 used for purposes of setting motor vehicle insurance  
71 rates;

By Senator Braynon

36-00150A-13

2013950\_\_

1 A bill to be entitled  
 2 An act relating to photographic enforcement on school  
 3 buses; amending s. 316.003, F.S.; defining the term  
 4 "school bus safety camera" for purposes of the Florida  
 5 Uniform Traffic Control Law; amending s. 316.008,  
 6 F.S.; authorizing a school board to authorize use of  
 7 school bus safety cameras to enforce specified  
 8 provisions requiring a motor vehicle to stop behind a  
 9 school bus stop signal; creating s. 316.0084, F.S.;  
 10 creating the School Bus Safety Camera Program;  
 11 providing for use of cameras installed on a school bus  
 12 to provide evidence of a violation when a driver fails  
 13 to stop behind the bus while the bus stop signal is  
 14 displayed; requiring a school board to authorize use  
 15 of such cameras by adopting a resolution; providing  
 16 for the school board to enter into an agreement with a  
 17 vendor for the installation, operation, notice  
 18 processing, and administration and maintenance of the  
 19 school bus safety camera program and with the county  
 20 sheriff for operation and enforcement of the program;  
 21 providing for a fine and the distribution of fines  
 22 collected; providing procedures for enforcement and  
 23 payment of fines; providing penalties for submission  
 24 of a false affidavit establishing an exemption;  
 25 providing for responsibility to pay the fine and  
 26 specified fees; requiring the sheriff's office to  
 27 issue a traffic citation in certain circumstances;  
 28 providing that the images or video identified in the  
 29 traffic citation raises a rebuttable presumption of a

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

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30 violation; authorizing the sheriff's office to issue a  
 31 citation to the operator of a motor vehicle in certain  
 32 circumstances; providing for the distribution of  
 33 fines; authorizing the sheriff's office to contract  
 34 for certain administrative requirements; requiring  
 35 such cameras to meet specifications adopted by rule of  
 36 the Department of Education; requiring the department  
 37 to adopt such rules by a certain date; providing for  
 38 applicability; amending s. 316.650, F.S.; providing  
 39 procedures for transmission of citation data to the  
 40 court; amending s. 316.655, F.S.; providing an  
 41 exception to certain penalties; amending ss. 318.14  
 42 and 318.19, F.S.; providing exceptions to certain  
 43 traffic infraction disposition procedures; amending s.  
 44 318.15, F.S.; providing procedures that apply upon  
 45 failure to comply with civil penalty for failing to  
 46 stop behind a school bus displaying a stop signal or  
 47 by passing a school bus before the stop signal has  
 48 been withdrawn when such violations are enforced under  
 49 specified provisions; amending s. 320.03, F.S.;  
 50 restricting issuance of a license plate or validation  
 51 sticker until outstanding fines and fees are paid;  
 52 providing an effective date.

54 WHEREAS, the Legislature recognizes the great harm that can  
 55 occur when motor vehicles do not stop when a school bus displays  
 56 its stop signal and further recognizes that large numbers of  
 57 school buses traverse Florida communities daily, often during  
 58 hours when there are limited law enforcement personnel on the

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

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59 roads, and

60 WHEREAS, the Legislature believes that there is a state  
61 interest in providing an additional deterrent to this dangerous  
62 practice and, to that end, an additional enforcement mechanism  
63 for violations of s. 316.172, Florida Statutes, through the use  
64 of school bus safety cameras is necessary, and

65 WHEREAS, the local school board is charged with safely  
66 transporting students to and from schools and is the appropriate  
67 entity to determine enactment of a School Bus Safety Camera  
68 Program within its jurisdiction with assistance and enforcement  
69 by the local sheriff's office, NOW, THEREFORE,

70  
71 Be It Enacted by the Legislature of the State of Florida:

72  
73 Section 1. Subsection (91) is added to section 316.003,  
74 Florida Statutes, to read:

75 316.003 Definitions.—The following words and phrases, when  
76 used in this chapter, shall have the meanings respectively  
77 ascribed to them in this section, except where the context  
78 otherwise requires:

79 (91) SCHOOL BUS SAFETY CAMERA.—A camera or cameras  
80 installed on a school bus and synchronized to record images or  
81 video of a motor vehicle when the motor vehicle fails to stop  
82 behind the school bus stop signal or passes the bus before the  
83 signal has been withdrawn.

84 Section 2. Paragraph (d) is added to subsection (8) of  
85 section 316.008, Florida Statutes, to read:

86 316.008 Powers of local authorities.—  
87 (8)

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88 (d) The district school board may authorize use of school  
89 bus safety cameras to assist in enforcement of s. 316.172 when a  
90 motor vehicle fails to stop behind the school bus stop signal or  
91 passes the school bus before the stop signal has been withdrawn.  
92 Such cameras may be used within the school district, including  
93 on any road under the jurisdiction of a municipality, the  
94 county, or the Department of Transportation.

95 Section 3. Section 316.0084, Florida Statutes, is created  
96 to read:

97 316.0084 School Bus Safety Camera Program.—

98 (1) This section may be cited as the "School Bus Safety  
99 Camera Program."

100 (2) After consultation with the county sheriff's office, a  
101 district school board may authorize the use of school bus safety  
102 cameras to enforce s. 316.172 as provided in this section.

103 (3) Authorization by a school board shall be by adoption of  
104 a resolution applying within county boundaries and authorizing  
105 enforcement under this section. The resolution and  
106 implementation of the program are not subject to the  
107 requirements of chapter 120. Upon adoption of the resolution,  
108 the school board may contract with a vendor of automated devices  
109 for the installation, operation, notice processing, and  
110 administration and maintenance of the school bus safety camera  
111 program, or, if the school board enters into an interlocal  
112 agreement with the sheriff's office pursuant to subsection (4),  
113 the sheriff's office may enter into such a contract with a  
114 vendor.

115 (4) The school board may contract for the operation and  
116 enforcement of the program through an interlocal agreement with

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117 the county sheriff's office, which shall perform as the law  
118 enforcement agency under this section.

119 (5) When the operator of a motor vehicle violates s.  
120 316.172 by failing to stop behind a school bus displaying a stop  
121 signal or by passing a school bus before the stop signal has  
122 been withdrawn, the school bus safety camera shall record images  
123 or video of the violation and record the vehicle's license  
124 plate. The images or video recorded by a school bus safety  
125 camera may not contain the face of the operator of or any  
126 passenger in the motor vehicle.

127 (6) A fine of \$250 shall be imposed for a violation of s.  
128 316.172 when enforced under this section. No costs, fees, or  
129 other charges may be added to the fine if paid pursuant to the  
130 notice of violation provided under paragraph (7)(a). All fines  
131 collected, less costs to administer, operate, and maintain the  
132 program, shall be distributed as follows:

133 (a) Twenty-five percent shall be remitted to the county in  
134 which the offense was committed.

135 (b) Thirty-five percent shall be remitted to the school  
136 district in which the offense was committed.

137 (c) Thirty percent shall be remitted to the Department of  
138 Revenue for deposit into the General Revenue Fund.

139 (d) Ten percent shall be remitted to the Department of  
140 Education for school bus safety initiatives.

141 (7) Enforcement of s. 316.172 under this section shall be  
142 accomplished as follows:

143 (a) A deputy sheriff, officer, or employee of the sheriff's  
144 office shall review the images or video recorded by a school bus  
145 safety camera. If he or she determines that such images or video

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146 depicts a violation of s. 316.172, the sheriff's office shall  
147 issue a notice of violation to the registered owner or lessee of  
148 the motor vehicle depicted in the images or video. If the motor  
149 vehicle has more than one registered owner or lessee, the notice  
150 shall be issued to the first person listed on the title or other  
151 evidence of ownership.

152 (b)1. The notice of violation shall be sent to the  
153 registered owner or lessee by first-class mail within 30 days  
154 after identification of the owner or lessee. The notice of  
155 violation must include, at a minimum:

156 a. The name and address of the person alleged to be liable  
157 as the registered owner or lessee of the motor vehicle involved  
158 in the violation.

159 b. The license plate number of the motor vehicle.

160 c. The violation charged.

161 d. The date, time, and location of the violation.

162 e. A copy of the images of the motor vehicle and license  
163 plate that were recorded by the school bus safety camera and the  
164 URL or web address of the Internet website where the images or  
165 video may be viewed.

166 f. The amount of the fine and the time, place, and manner  
167 of payment of the fine.

168 g. The date by which payment of the fine must be made to  
169 the place specified under sub-subparagraph f. or by which an  
170 exemption affidavit under paragraph (d) must be provided to the  
171 sheriff's office. The date must be clearly and prominently  
172 depicted in the notice and shall be within 30 days after the  
173 notice of violation is mailed.

174 h. The procedure under which the notice of violation may be

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175 contested, including establishing an exemption under paragraph  
176 (c) and requesting a court hearing under s. 318.14.

177 i. A notice that, following issuance of a traffic citation  
178 under paragraph (g), failure to timely pay the fine, establish  
179 an exemption, or transfer liability to the individual identified  
180 as the operator of the motor vehicle constitutes an admission  
181 that the registered owner or lessee is responsible for the  
182 violation and that the owner's or lessee's failure to pay the  
183 fine shall result in the owner's or lessee's liability for the  
184 fine and the denial of a new or replacement license plate or  
185 revalidation sticker as part of motor vehicle registration until  
186 the owner or lessee presents a receipt from the applicable  
187 governmental entity or the clerk of court showing that the fine  
188 has been paid. This sub-subparagraph does not apply to the owner  
189 of a leased motor vehicle if the vehicle is registered in the  
190 name of the lessee of the vehicle.

191 2. In any hearing on a traffic citation issued pursuant to  
192 this section in which the timely or proper mailing of a notice  
193 of violation is challenged, the defendant bears the burden of  
194 proving that the notice of violation was not timely or properly  
195 mailed.

196 3. The owner of the rented or leased motor vehicle for  
197 which a notice of violation is issued for a violation of s.  
198 316.172 is not responsible for paying the traffic fine and is  
199 not required to submit an affidavit as specified in this  
200 subsection if the motor vehicle involved in the violation is  
201 registered in the name of the lessee and the lessee is  
202 responsible for paying the fine.

203 (c) The motor vehicle owner or lessee who is issued a

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204 notice of violation is liable for the fine unless one of the  
205 following exemptions is established:

206 1. The motor vehicle passed beyond the school bus stop  
207 signal in order to yield the only right-of-way available to an  
208 emergency vehicle and did so prudently;

209 2. The motor vehicle passed beyond the school bus stop  
210 signal at the direction of a law enforcement officer;

211 3. The motor vehicle was, at the time of the violation, in  
212 the care, custody, or control of another person operating the  
213 vehicle;

214 4. A traffic citation was issued by a law enforcement  
215 officer to the operator of the motor vehicle for the alleged  
216 violation of s. 316.172;

217 5. The motor vehicle's owner or lessee was deceased on or  
218 before the date of the violation as established by an affidavit  
219 submitted by a representative of the motor vehicle owner's or  
220 lessee's estate or other designated person or family member; or

221 6. The motor vehicle was stolen at the time of the  
222 violation.

223 (d) To establish an exemption under paragraph (c), the  
224 owner or lessee shall, within 30 days after the date of issuance  
225 of the notice of violation, furnish the local sheriff's office  
226 with an affidavit setting forth detailed information supporting  
227 the exemption.

228 1. An affidavit supporting an exemption under subparagraph  
229 (c)3. must include the name, address, date of birth, and, if  
230 known, the driver license number of the operator who leased,  
231 rented, or otherwise had the care, custody, or control of the  
232 motor vehicle at the time of the alleged violation.

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233 2. An affidavit supporting an exemption under subparagraph  
 234 (c)4. must include a copy of the traffic citation issued for the  
 235 alleged violation.

236 3. An affidavit supporting an exemption under subparagraph  
 237 (c)5. must include a certified copy of the owner's or lessee's  
 238 death certificate showing that the date of death occurred on or  
 239 before the issuance of the notice of violation, and:

240 a. The bill of sale showing that the deceased owner's or  
 241 lessee's motor vehicle was sold or transferred after his or her  
 242 death but on or before the date of the alleged violation;

243 b. Documented proof that the registered license plate  
 244 belonging to the deceased owner's or lessee's motor vehicle was  
 245 returned to the department or any branch office or authorized  
 246 agent of the department on or before the date of the alleged  
 247 violation; or

248 c. A copy of the law enforcement report indicating that the  
 249 deceased owner's or lessee's registered license plate or motor  
 250 vehicle was stolen after the owner's or lessee's death but on or  
 251 before the date of the alleged violation.

252 4. An affidavit supporting an exemption under subparagraph  
 253 (c)6., if the motor vehicle was stolen at the time of the  
 254 alleged violation, must include a copy of the law enforcement  
 255 report indicating that the motor vehicle was stolen.

256 (e) If the motor vehicle owner or lessee or his or her  
 257 representative timely submits an affidavit establishing an  
 258 exemption from liability which is determined by a deputy  
 259 sheriff, officer, or employee of the sheriff's office to be  
 260 sufficient, neither the sheriff's office nor the court shall  
 261 take any further action to enforce the violation against the

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262 owner or lessee unless, for the exemption under subparagraph  
 263 (c)3., liability is not successfully transferred as provided in  
 264 this section. If the registered owner or lessee fails to timely  
 265 submit an affidavit establishing an exemption from liability,  
 266 the owner or lessee may not rely on such exemption to avoid  
 267 liability in a hearing on a traffic citation issued pursuant to  
 268 this section. Submission of a false affidavit is a misdemeanor  
 269 of the second degree, punishable as provided in s. 775.082 or s.  
 270 775.083.

271 (f) If no exemption is established under subparagraph  
 272 (c)1., subparagraph (c)2., subparagraph (c)4., subparagraph  
 273 (c)5., or subparagraph (c)6., the motor vehicle owner or lessee  
 274 who has been issued a notice of violation is responsible for  
 275 payment of the fine unless the owner or lessee successfully  
 276 transfers liability to the person identified as the operator  
 277 pursuant to subparagraph (c)3., there is adjudication that no  
 278 violation by the owner or lessee occurred, or there is an  
 279 otherwise lawful determination that no civil penalty shall be  
 280 imposed. A successful transfer of liability occurs when the  
 281 person identified as the operator of the motor vehicle pursuant  
 282 to subparagraph (c)3. pays a fine pursuant to s. 318.14 or, if  
 283 the traffic citation is contested, is found liable.

284 (g) If the motor vehicle owner or lessee fails to respond  
 285 to a notice of violation by paying the fine imposed under  
 286 subsection (6) or submitting an affidavit that complies with  
 287 paragraph (d) within 30 days after the date of issuance of the  
 288 notice of violation, as reflected on the notice of violation,  
 289 the sheriff's office shall issue a traffic citation for the  
 290 violation of s. 316.172 to the registered owner or lessee by

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 291 first-class mail within 45 days after the issuance of the notice  
 292 of violation. The sheriff's office may conduct an additional  
 293 review of the images or video of the violation before issuing  
 294 the traffic citation. In any hearing on a traffic citation  
 295 issued pursuant to this section in which the timely or proper  
 296 mailing of the traffic citation is challenged, the defendant  
 297 bears the burden of proving that the traffic citation was not  
 298 timely or properly mailed.

(h) A motor vehicle owner or lessee who has been issued a  
 300 traffic citation is liable for the fine imposed pursuant to this  
 301 section together with any surcharges, fees, or costs imposed  
 302 pursuant to chapter 318. Within 30 days after the date of  
 303 issuance of the traffic citation, as reflected on the traffic  
 304 citation, the owner or lessee shall either pay the fine and  
 305 surcharges, fees, and costs imposed pursuant to chapter 318 or  
 306 contest the traffic citation at a hearing under chapter 318.  
 307 Failure to pay the fine shall result in the owner's or lessee's  
 308 liability for the fine and the denial of a new or replacement  
 309 license plate or revalidation sticker as part of motor vehicle  
 310 registration until the owner's or lessee's name no longer  
 311 appears on a list of those who have outstanding fines pursuant  
 312 to s. 318.15(3) or until the owner or lessee presents a receipt  
 313 from the governmental entity or clerk of court that provided the  
 314 data showing that the outstanding fines have been paid. This  
 315 paragraph does not apply to the owner of a leased motor vehicle  
 316 if the vehicle is registered in the name of the lessee of the  
 317 vehicle.

(i) In any hearing on a traffic citation issued pursuant to  
 318 this section, the images or video identified in the traffic  
 319

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 320 citation are deemed authentic and admissible into evidence. The  
 321 images or video identified in the traffic citation raises a  
 322 rebuttable presumption that the motor vehicle identified in the  
 323 traffic citation was operated in violation of s. 316.172 at the  
 324 time and place identified in the traffic citation.

(j)1. Upon receipt by the sheriff's office of an affidavit  
 326 pursuant to subparagraph (d)1., the operator designated as  
 327 having the care, custody, and control of the motor vehicle at  
 328 the time of the violation may, by first-class mail, be issued a  
 329 traffic citation for a violation of s. 316.172. The affidavit is  
 330 admissible in any hearing pursuant to this section for purposes  
 331 of providing proof that the motor vehicle was in the actual  
 332 care, custody, or control of the person identified in the  
 333 affidavit.

2. The motor vehicle operator receiving the traffic  
 335 citation shall proceed pursuant to s. 318.14 and may pay the  
 336 fine pursuant to s. 318.18 and any additional surcharges, fees,  
 337 and costs or may choose to contest the traffic citation. If the  
 338 operator is found not liable for the fine, the registered owner  
 339 or lessee of the motor vehicle shall be liable for the fine. The  
 340 sheriff's office shall send a new notice of violation by first-  
 341 class mail to the registered owner or lessee stating that the  
 342 operator was found not liable and giving the registered owner or  
 343 lessee the option of paying the fine under this section or  
 344 contesting the violation by a stated date that is at least 20  
 345 days after the mailing of the new notice. The owner or lessee  
 346 may not attempt to transfer liability more than one time using  
 347 the affidavit procedure. If timely payment is not made by the  
 348 owner or lessee under this section, the sheriff's office shall

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 349 issue a traffic citation for the violation of s. 316.172 to the  
 350 registered owner or lessee by first-class mail within 30 days  
 351 after the issuance of the new notice of violation. Failure to  
 352 pay the fine shall result in the owner's or lessee's liability  
 353 for the fine and the denial of a new or replacement license  
 354 plate or revalidation sticker as part of motor vehicle  
 355 registration until the owner's or lessee's name no longer  
 356 appears on a list of those who have outstanding fines pursuant  
 357 to s. 318.15(3) or until the owner or lessee presents a receipt  
 358 from the governmental entity or clerk of court that provided the  
 359 data showing that the outstanding fines have been paid.

360 (8) Fines collected by the school board or the sheriff's  
 361 office pursuant to the notice of violation provided under  
 362 paragraph (7) (a) and distributed to the state pursuant to  
 363 subsection (6) shall be paid to the Department of Revenue  
 364 monthly by means of electronic funds transfers with a report of  
 365 the summary detail of penalties remitted.

366 (9) Except for the review by a deputy sheriff, officer, or  
 367 employee of the sheriff's office pursuant to paragraph (7) (a),  
 368 the sheriff's office may contract for employees, agents, or  
 369 vendors to perform all administrative or ministerial  
 370 requirements of enforcement of s. 316.172 pursuant to this  
 371 section, including, but not limited to, provision and  
 372 installation of school bus safety cameras, processing and  
 373 initial review of images or video before review by a deputy  
 374 sheriff, officer, or employee of the sheriff's office, printing  
 375 and mailing notices of violation, and electronic transmission of  
 376 a replica of the traffic citation data to the appropriate court  
 377 or traffic violations bureau.

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 378 (10) School bus safety cameras must meet specifications of  
 379 the Department of Education, which shall adopt rules prescribing  
 380 such specifications by October 1, 2013.

381 (11) This section supplements the enforcement of s. 316.172  
 382 by law enforcement officers and does not prohibit a law  
 383 enforcement officer from issuing a uniform traffic citation when  
 384 the operator fails to stop behind a school bus displaying a stop  
 385 signal or passes a school bus before the stop signal has been  
 386 withdrawn. When a law enforcement officer issues a uniform  
 387 traffic citation, the procedures for disposition of the citation  
 388 in chapter 318 apply.

389 (12) This section does not limit the powers of district  
 390 school boards as established by the State Constitution and  
 391 recognized by s. 1001.32(2).

392 Section 4. Subsection (3) of section 316.650, Florida  
 393 Statutes, is amended to read:

394 316.650 Traffic citations.—

395 (3) (a) Except for a traffic citation issued pursuant to s.  
 396 316.1001, ~~or~~ s. 316.0083, or s. 316.0084, each traffic  
 397 enforcement officer, upon issuing a traffic citation to an  
 398 alleged violator of any provision of the motor vehicle laws of  
 399 this state or of any traffic ordinance of any municipality or  
 400 town, shall deposit the original traffic citation or, in the  
 401 case of a traffic enforcement agency that has an automated  
 402 citation issuance system, the chief administrative officer shall  
 403 provide by an electronic transmission a replica of the citation  
 404 data to a court having jurisdiction over the alleged offense or  
 405 with its traffic violations bureau within 5 days after issuance  
 406 to the violator.

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407 (b) If a traffic citation is issued pursuant to s.  
 408 316.1001, a traffic enforcement officer may deposit the original  
 409 traffic citation or, in the case of a traffic enforcement agency  
 410 that has an automated citation system, may provide by an  
 411 electronic transmission a replica of the citation data to a  
 412 court having jurisdiction over the alleged offense or with its  
 413 traffic violations bureau within 45 days after the date of  
 414 issuance of the citation to the violator. If the person cited  
 415 for the violation of s. 316.1001 makes the election provided by  
 416 s. 318.14(12) and pays the \$25 fine, or such other amount as  
 417 imposed by the governmental entity owning the applicable toll  
 418 facility, plus the amount of the unpaid toll that is shown on  
 419 the traffic citation directly to the governmental entity that  
 420 issued the citation, or on whose behalf the citation was issued,  
 421 in accordance with s. 318.14(12), the traffic citation will not  
 422 be submitted to the court, the disposition will be reported to  
 423 the department by the governmental entity that issued the  
 424 citation, or on whose behalf the citation was issued, and no  
 425 points will be assessed against the person's driver ~~driver's~~  
 426 license.

427 (c) If a traffic citation is issued under s. 316.0083 or s.  
 428 316.0084, the traffic infraction enforcement officer shall  
 429 provide by electronic transmission a replica of the traffic  
 430 citation data to the court having jurisdiction over the alleged  
 431 offense or its traffic violations bureau within 5 days after the  
 432 date of issuance of the traffic citation to the violator.

433 Section 5. Subsection (1) of section 316.655, Florida  
 434 Statutes, is amended to read:  
 435 316.655 Penalties.—

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

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436 (1) A violation of any of the provisions of this chapter,  
 437 except those violations with a specific criminal charge, as  
 438 enumerated in s. 318.17, are infractions, as defined in s.  
 439 318.13(3). Except for violations of s. 316.172 when no traffic  
 440 citation is issued by a law enforcement officer and s. 316.302,  
 441 infractions of this chapter are punishable as provided in  
 442 chapter 318. Any person convicted of a violation of or otherwise  
 443 found to be in violation of s. 316.063, s. 316.3025, s. 316.516,  
 444 s. 316.545, or s. 316.550 shall be punished as specifically  
 445 provided in that section.

446 Section 6. Subsection (2) of section 318.14, Florida  
 447 Statutes, is amended to read:

448 318.14 Noncriminal traffic infractions; exception;  
 449 procedures.—

450 (2) Except as provided in ss. 316.1001(2), ~~and~~ 316.0083,  
 451 and 316.0084, any person cited for a violation requiring a  
 452 mandatory hearing listed in s. 318.19 or any other criminal  
 453 traffic violation listed in chapter 316 must sign and accept a  
 454 citation indicating a promise to appear. The officer may  
 455 indicate on the traffic citation the time and location of the  
 456 scheduled hearing and must indicate the applicable civil penalty  
 457 established in s. 318.18. For all other infractions under this  
 458 section, except for infractions under s. 316.1001, the officer  
 459 must certify by electronic, electronic facsimile, or written  
 460 signature that the citation was delivered to the person cited.  
 461 This certification is prima facie evidence that the person cited  
 462 was served with the citation.

463 Section 7. Section 318.19, Florida Statutes, is amended to  
 464 read:

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

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465 318.19 Infractions requiring a mandatory hearing.—Any  
 466 person cited for the infractions listed in this section shall  
 467 not have the provisions of s. 318.14(2), (4), and (9) available  
 468 to him or her but must appear before the designated official at  
 469 the time and location of the scheduled hearing:

470 (1) Any infraction which results in a crash that causes the  
 471 death of another.~~+~~

472 (2) Any infraction which results in a crash that causes  
 473 “serious bodily injury” of another as defined in s.  
 474 316.1933(1).~~+~~

475 (3) Any infraction of s. 316.172(1)(b), except when  
 476 enforced under s. 316.0084 when the violation was recorded by a  
 477 school bus safety camera.~~+~~

478 (4) Any infraction of s. 316.520(1) or (2).~~+~~~~or~~

479 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 480 316.189 of exceeding the speed limit by 30 m.p.h. or more.

481 Section 8. Subsection (3) is added to section 318.15,  
 482 Florida Statutes, to read:

483 318.15 Failure to comply with civil penalty or to appear;  
 484 penalty.—

485 (3) Notwithstanding subsection (1), any governmental  
 486 entity, including a clerk of court, shall provide the department  
 487 with data that is machine readable by the department’s computer  
 488 system listing persons who have one or more outstanding  
 489 violations of s. 316.172 when enforced under s. 316.0084 for  
 490 failing to stop behind a school bus displaying a stop signal or  
 491 by passing a school bus before the stop signal has been  
 492 withdrawn. The data provided to the department shall include the  
 493 person’s driver license number or, in the case of a business

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494 entity, the vehicle registration number. Pursuant to s.  
 495 320.03(8), such persons may not be issued a license plate or  
 496 revalidation sticker for any motor vehicle until the amounts  
 497 assessed have been fully paid.

498 Section 9. Subsection (8) of section 320.03, Florida  
 499 Statutes, is amended to read:

500 320.03 Registration; duties of tax collectors;  
 501 International Registration Plan.—

502 (8) If the applicant’s name appears on the list referred to  
 503 in s. 316.1001(4), s. 316.1967(6), s. 318.15(3), or s.  
 504 713.78(13), a license plate or revalidation sticker may not be  
 505 issued until that person’s name no longer appears on the list or  
 506 until the person presents a receipt from the governmental entity  
 507 or the clerk of court that provided the data showing that the  
 508 fines outstanding have been paid. This subsection does not apply  
 509 to the owner of a leased vehicle if the vehicle is registered in  
 510 the name of the lessee of the vehicle. The tax collector and the  
 511 clerk of the court are each entitled to receive monthly, as  
 512 costs for implementing and administering this subsection, 10  
 513 percent of the civil penalties and fines recovered from such  
 514 persons. As used in this subsection, the term “civil penalties  
 515 and fines” does not include a wrecker operator’s lien as  
 516 described in s. 713.78(13). If the tax collector has private tag  
 517 agents, such tag agents are entitled to receive a pro rata share  
 518 of the amount paid to the tax collector, based upon the  
 519 percentage of license plates and revalidation stickers issued by  
 520 the tag agent compared to the total issued within the county.  
 521 The authority of any private agent to issue license plates shall  
 522 be revoked, after notice and a hearing as provided in chapter

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523 120, if he or she issues any license plate or revalidation  
524 sticker contrary to the provisions of this subsection. This  
525 section applies only to the annual renewal in the owner's birth  
526 month of a motor vehicle registration and does not apply to the  
527 transfer of a registration of a motor vehicle sold by a motor  
528 vehicle dealer licensed under this chapter, except for the  
529 transfer of registrations which includes the annual renewals.  
530 This section does not affect the issuance of the title to a  
531 motor vehicle, notwithstanding s. 319.23(8)(b).

532 Section 10. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13  
Meeting Date

Topic School Bus cameras

Bill Number 950  
*(if applicable)*

Name Verona A. Pickup - Crawford

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

Job Title Legislative Liaison

Address 571 Kingsbury Terrace  
*Street*

Phone 561-644-2439

Wellington FL 33414  
*City State Zip*

E-mail ~~Verona~~ veronapickup@msu.com

Speaking:  For  Against  Information *waiting in support*

Representing Palm Beach School 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.**

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

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

3/18/2013

*Meeting Date*

Topic Photographic enforcement on school buses Bill Number 950  
*(if applicable)*

Name Paul Henry Amendment Barcode \_\_\_\_\_  
*(if applicable)*

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

Address PO Box 698 Phone 850-629-9550  
*Street*

Monticello FL 32345  
*City State Zip*

E-mail realid@liberty2010.org

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic STOP ARM CAMERAS

Bill Number 950 / 669  
*(if applicable)*

Name KATHIE LUEBKER

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

Job Title FL STOP ARM SAFETY COALITION

Address \_\_\_\_\_

Phone \_\_\_\_\_

*Street*

*City*

*State*

*Zip*

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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



581-02495-13

Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to public school personnel; providing requirements for the performance evaluation of personnel for purposes of the performance salary schedule; providing an effective date.

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

Section 1. Notwithstanding any provision of law to the contrary, for purposes of the performance salary schedule in s. 1012.22, Florida Statutes, and personnel evaluation procedures and criteria in s. 1012.34, Florida Statutes:

(1) At least 50 percent of a classroom teacher's performance evaluation shall be based on the student learning growth, or student achievement if student learning growth cannot be measured, that solely reflects such growth or achievement of the students assigned to that teacher, and the remaining portion shall be based on factors identified in district-determined, state-approved evaluation system plans.

(2) The student performance data used in the performance evaluation of nonclassroom instructional personnel shall be based on student outcome data that reflects the actual contribution of such personnel to the performance of the students assigned to the individual in the individual's areas of responsibility.

(3) For purposes of the performance salary schedule in s. 1012.22, Florida Statutes, the student assessment data in the performance evaluation must be from statewide assessments or



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district-determined assessments as required in s. 1008.22(8), Florida Statutes, in the subject areas taught.

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

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

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

Prepared By: The Professional Staff of the Committee on Education

**BILL:** CS/SB 980

**INTRODUCER:** Committee on Education and Senator Flores

**SUBJECT:** Educational Personnel Evaluations

**DATE:** March 19, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	RC	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |                                         |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 980 revises the criteria for the performance evaluation of classroom teachers and instructional personnel. The student learning growth portion of a classroom teacher's evaluation must only be based on the performance of students assigned to the teacher in the subjects taught by him or her. For instructional personnel, the student learning growth portion of the evaluation is based on performance data that reflects their actual contributions to the performance of students actually assigned to their areas of responsibility.

The bill is effective July 1, 2013.

This bill creates an undesignated section of law.

## II. Present Situation:

Florida's educator evaluation system differentiates among four levels: highly effective; effective; needs improvement or, for instructional personnel in the first three years of employment who need improvement, developing;<sup>1</sup> and unsatisfactory.<sup>2</sup>

### Evaluation Criteria

The Department of Education must approve each school district's instructional personnel and school administrator performance evaluation system.<sup>3</sup> Components of the performance evaluation system are divided into three parts: performance of students, instructional practice or leadership, (for instructional or administrative personnel, respectively), and professional responsibilities.<sup>4</sup> The Commissioner of Education is required to consult with instructional personnel, school administrators, education stakeholders, and experts in developing the performance levels for the evaluation system.<sup>5</sup>

At least fifty percent of the evaluation for classroom teachers<sup>6</sup> and other instructional personnel are based on student performance for students assigned to them over a 3-year period.<sup>7</sup> For other instructional personnel,<sup>8</sup> a school district may include specific job-performance expectations related to student support and use student learning growth data and other measurable student outcomes specific to the individual's assignment, as long as the student learning growth accounts for at least 30 percent of the evaluation.<sup>9</sup> The remainder of the evaluation must be based on the Florida Educator Accomplished Practices and professional responsibilities.<sup>10</sup>

At least fifty percent of a school administrator's evaluation is based on student performance over a 3-year period.<sup>11</sup> The remainder of the evaluation is based on indicators that include the recruitment and retention of effective or highly effective teachers, improvement in the percentage of classroom teachers evaluated at the effective or highly effective level, other leadership practices that result in improved student outcomes, and professional responsibilities.<sup>12</sup>

If less than 3 years of student learning growth data is available for an evaluation, the district must include the years for which data is available and may reduce the percentage of the evaluation based on student learning growth to not less than 40 percent for classroom teachers and school administrators and not less than 20 percent for other instructional personnel.<sup>13</sup>

<sup>1</sup> Section 1012.34(3)(a), F.S., requires newly hired teachers to be evaluated at least twice in the first year of teaching.

<sup>2</sup> s. 1012.34(2), F.S.

<sup>3</sup> s. 1012.34(1)(b), F.S.

<sup>4</sup> s. 1012.34(3)(a), F.S.

<sup>5</sup> s. 1012.34(2)(e), F.S.

<sup>6</sup> See s. 1012.01(2)(a), F.S., excluding substitute teachers.

<sup>7</sup> s. 1012.34(3)(a), F.S.

<sup>8</sup> See s. 1012.01(2)(b)-(e), F.S., which includes student personnel services, librarians and media specialists, other instructional staff, such as learning resource specialists, instructional trainers, and adjunct educators, and education paraprofessionals.

<sup>9</sup> s. 1012.34(3)(a)1.b., F.S.

<sup>10</sup> s. 1012.34(3)(a)2. and 4., F.S.

<sup>11</sup> s. 1012.34(3)(a)1.c., F.S.

<sup>12</sup> s. 1012.34(3)(a)3. and 4., F.S.

<sup>13</sup> s. 1012.34(3)(a)1., F.S.

### **Assessments**

School districts are required to use the state's learning growth model for FCAT-related courses beginning in the 2011-2012 school year.<sup>14</sup> School districts must use comparable measures of student growth for other grades and subjects with the department's assistance, if needed.<sup>15</sup> Additionally, districts are permitted to request alternatives to the growth measure, if justified, through the evaluation approval process.<sup>16</sup>

The law requires school districts, beginning with the 2014-2015 school year, to administer local assessments that measure student mastery of the content.<sup>17</sup> The school district can use statewide assessments, other standardized assessments, including nationally recognized standardized assessments, industry certification examinations, or district-developed or selected end-of-course assessments.<sup>18</sup>

A district that has not implemented an assessment for a course or has not adopted a comparable measure of student learning growth has the discretion to use two alternative growth measures for a classroom teacher who teaches the course: student learning growth on statewide assessments or student learning growth based on measurable learning targets in the school improvement plan.<sup>19</sup> Additionally, a district school superintendent may assign to an instructional team, the student learning growth of the team's students on statewide assessments.<sup>20</sup>

### **Pay**

Current law provides for a new performance pay salary schedule that requires a base salary schedule with salary increases for a highly effective or effective teacher or school administrator, as determined by his or her evaluation.<sup>21</sup> The law also requires a district school board to adopt a grandfathered salary schedule or salary schedules for use as the basis for paying all school employees hired before July 1, 2014.<sup>22</sup>

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

### **Performance Evaluations**

CS/SB 980 revises the criteria for evaluating classroom teachers and instructional personnel for purposes of the performance pay schedule in s. 1012.22, F.S. The Department of Education, through the performance evaluation system approval process would ensure that the provisions of the bill are implemented.

The student learning growth portion of a classroom teacher's evaluation must only be based on the performance of students assigned to the teacher in the subjects taught by him or her. A student achievement measure may be used rather than student learning growth, if student

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<sup>14</sup> s. 1012.34(7)(b), F.S.

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

<sup>16</sup> s. 1012.34(7)(c) and (d), F.S. The DOE approves each school district's instructional personnel and school administrator performance evaluation system

<sup>17</sup> s. 1008.22(8), F.S.

<sup>18</sup> s. 1008.22(8)(b), F.S.

<sup>19</sup> s. 1012.34(7)(d) and (e), F.S.

<sup>20</sup> s. 1012.34(7)(e), F.S.

<sup>21</sup> s. 1012.22(1)(c)4. and 5., F.S.

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

learning growth cannot be measured. The remaining portion of the evaluation would be based on instructional practice and job responsibilities that are determined by the district and part of the state approved evaluation system.

For instructional personnel, the student learning growth portion of the evaluation is based on performance data that reflects their actual contributions to the performance of students assigned to their areas of responsibility, as defined in the district-developed or district-selected assessments that are a part of the state approved evaluation system. The remaining portion of their evaluation is based on instructional practice and professional and job responsibilities that are determined by the district and part of the state approved evaluation system.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by Committee on Education on March 18, 2013:**

The committee substitute:

- Removes the provision that allows a school district to reduce the percentage of the performance evaluation of classroom teachers and other instructional personnel which is based on student performance, if the school district uses multiple measures of instructional practice.

- B. **Amendments:**

None.

By Senator Flores

37-00879-13

2013980\_\_

A bill to be entitled

An act relating to educational personnel evaluations; amending s. 1012.34, F.S.; authorizing a school district to reduce the percentage of the performance evaluation of instructional personnel which is based on student performance if the school district uses specified, multiple measures of instructional practice; providing an effective date.

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

Section 1. Paragraph (a) of subsection (3) of section 1012.34, Florida Statutes, is amended to read:

1012.34 Personnel evaluation procedures and criteria.—

(3) EVALUATION PROCEDURES AND CRITERIA.—Instructional personnel and school administrator performance evaluations must be based upon the performance of students assigned to their classrooms or schools, as provided in this section. Pursuant to this section, a school district's performance evaluation is not limited to basing unsatisfactory performance of instructional personnel and school administrators solely upon student performance, but may include other criteria approved to evaluate instructional personnel and school administrators' performance, or any combination of student performance and other approved criteria. Evaluation procedures and criteria must comply with, but are not limited to, the following:

(a) A performance evaluation must be conducted for each employee at least once a year, except that a classroom teacher, as defined in s. 1012.01(2)(a), excluding substitute teachers,

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

37-00879-13

2013980\_\_

who is newly hired by the district school board must be observed and evaluated at least twice in the first year of teaching in the school district. The performance evaluation must be based upon sound educational principles and contemporary research in effective educational practices. The evaluation criteria must include:

1. Performance of students.—At least 50 percent of a performance evaluation must be based upon data and indicators of student learning growth assessed annually by statewide assessments or, for subjects and grade levels not measured by statewide assessments, by school district assessments as provided in s. 1008.22(8). Each school district must use the formula adopted pursuant to paragraph (7)(a) for measuring student learning growth in all courses associated with statewide assessments and must select an equally appropriate formula for measuring student learning growth for all other grades and subjects, except as otherwise provided in subsection (7).

a. For classroom teachers, as defined in s. 1012.01(2)(a), excluding substitute teachers, the student learning growth portion of the evaluation must include growth data for students assigned to the teacher over the course of at least 3 years. If less than 3 years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than 40 percent.

b. For instructional personnel who are not classroom teachers, the student learning growth portion of the evaluation must include growth data on statewide assessments for students assigned to the instructional personnel over the course of at

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

37-00879-13 2013980  
 59 least 3 years, or may include a combination of student learning  
 60 growth data and other measurable student outcomes that are  
 61 specific to the assigned position, provided that the student  
 62 learning growth data accounts for not less than 30 percent of  
 63 the evaluation. If less than 3 years of student growth data are  
 64 available, the years for which data are available must be used  
 65 and the percentage of the evaluation based upon student learning  
 66 growth may be reduced to not less than 20 percent.

67 c. For school administrators, the student learning growth  
 68 portion of the evaluation must include growth data for students  
 69 assigned to the school over the course of at least 3 years. If  
 70 less than 3 years of data are available, the years for which  
 71 data are available must be used and the percentage of the  
 72 evaluation based upon student learning growth may be reduced to  
 73 not less than 40 percent.

74 2. Instructional practice.—Evaluation criteria used when  
 75 annually observing classroom teachers, as defined in s.  
 76 1012.01(2)(a), excluding substitute teachers, must include  
 77 indicators based upon each of the Florida Educator Accomplished  
 78 Practices adopted by the State Board of Education. For  
 79 instructional personnel who are not classroom teachers,  
 80 evaluation criteria must be based upon indicators of the Florida  
 81 Educator Accomplished Practices and may include specific job  
 82 expectations related to student support.

83 3. Instructional leadership.—For school administrators,  
 84 evaluation criteria must include indicators based upon each of  
 85 the leadership standards adopted by the State Board of Education  
 86 under s. 1012.986, including performance measures related to the  
 87 effectiveness of classroom teachers in the school, the

37-00879-13 2013980  
 88 administrator's appropriate use of evaluation criteria and  
 89 procedures, recruitment and retention of effective and highly  
 90 effective classroom teachers, improvement in the percentage of  
 91 instructional personnel evaluated at the highly effective or  
 92 effective level, and other leadership practices that result in  
 93 student learning growth. The system may include a means to give  
 94 parents and instructional personnel an opportunity to provide  
 95 input into the administrator's performance evaluation.

96 4. Professional and job responsibilities.—For instructional  
 97 personnel and school administrators, other professional and job  
 98 responsibilities must be included as adopted by the State Board  
 99 of Education. The district school board may identify additional  
 100 professional and job responsibilities.

101  
 102 A school district may reduce the percentage of the performance  
 103 evaluation of instructional personnel described in sub-  
 104 paragraphs a. and b. which is based on student performance to  
 105 not less than 40 percent if the school district uses multiple  
 106 measures of instructional practice, including principal  
 107 observation, peer review, student surveys of instructional  
 108 personnel performance, or other valid and reliable indicators of  
 109 instructional practice.

110 Section 2. This act shall take effect upon becoming a law.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-18-13

Meeting Date

Topic \_\_\_\_\_

Bill Number ~~828~~ 980  
*(if applicable)*

Name Bill Warren

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

Job Title Legislative Director

Address 215 S. Monroe St. Suite 420

Phone \_\_\_\_\_

<sup>Street</sup>  
Tallahassee, Fl. 32302  
<sub>City State Zip</sub>

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/12  
Meeting Date

Topic Teacher Evaluations

Bill Number SB 980  
*(if applicable)*

Name Michael Monroe

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

Job Title Policy Analyst

Address 213 S. Adams Street  
*Street*

Phone 201-2966

Tallahassee FL 32301  
*City State Zip*

E-mail michael.monroe@floridaea.org

Speaking:  For  Against  Information

Representing FEA - 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.*

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13

Meeting Date

Topic Teacher Evaluation Bill Number SB 980  
*(if applicable)*

Name Kathy Hebda Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Deputy Chancellor Ed Quality

Address 325 W. Gaines St. Phone 245-0811  
*Street*

Tallahassee FL 32395 E-mail Kathy.Hebda@fldoe.org  
*City State Zip*

Speaking:  For  Against  Information

Representing DOE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

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

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

Prepared By: The Professional Staff of the Committee on Education

**BILL:** CS/SB 1108

**INTRODUCER:** Committee on Education and Senators Gardiner and Thrasher

**SUBJECT:** Exceptional Student Education

**DATE:** March 18, 2013      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |                                         |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 1108 provides mechanisms for increased parental involvement, clarifies student eligibility for services, specifies school and program accountability requirements, and expands charter school programs.

The bill provides for the involvement of parents of students with disabilities in meetings, including those related to decisions regarding assessment and placement. The bill also requires school districts to provide services to eligible home school students who enroll in a public school.

The bill defines an Exceptional Student Education Center and specifies the accountability requirements that apply to them. The bill establishes requirements for the reimbursement of federal funds to charter schools. Finally, the bill requires applicants for renewal of a professional educator certificate to earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities.

This bill substantially amends sections 1002.20, 1002.33, 1002.41, 1003.57, 1003.58, and 1012.585, and creates sections 1003.5715, 1003.572, and 1008.3415 of the Florida Statutes.

## II. Present Situation:

Federal law requires states to make a free appropriate public education available to all children with disabilities residing in the state between the ages of 3 and 21, including children with disabilities who have been suspended or expelled from school.<sup>1</sup> As the state educational agency, the Department of Education (DOE) must exercise general supervision over all educational programs for children with disabilities in the state, including all programs administered by other state or local agencies, and ensure that the programs meet the educational standards of the state educational agency.<sup>2</sup>

For each eligible student or child with a disability served by a school district, or other state agency that provides special education and related services either directly, by contract, or through other arrangements, an individual educational plan (IEP) or individual family support plan must be developed, reviewed, and revised.<sup>3</sup> In developing an IEP, the IEP team is required to consider a child's strengths, concerns of the parents for enhancing education, results of the initial evaluation or most recent evaluation of the child, and the academic, developmental, and functional needs of the child, as well as special factors.<sup>4</sup>

States receiving Individuals with Disabilities Education (IDEA) funds must comply with detailed procedural requirements, including identifying, evaluating, and making placements for students with disabilities and for developing an individualized education program for each student.<sup>5</sup> States must also provide students with disabilities and their parents with certain procedural safeguards, including: notice of any proposal or refusal to change the student's identification, evaluation, or educational placement; the opportunity to present a complaint and to have an impartial due process hearing; and the right to keep the student in his or her current educational placement pending administrative or judicial review proceedings.<sup>6</sup> A student with a disability and his or her parents also have the right to bring a civil action in state court, if they are aggrieved by the decision of the state administrative hearing officer relating to a due process hearing or alternative placement.<sup>7</sup>

### Exceptional Student Education (ESE) Centers

There is no definition in state law or rules for an "exceptional education student (ESE) center."<sup>8</sup> The Department of Education (DOE) uses federal reporting criteria to define ESE center schools.<sup>9</sup> The term "educational environment" is a classification that indicates the extent to which students and children with disabilities who are receiving services under federal law<sup>10</sup>

<sup>1</sup> 20 U.S.C. s.1400 et. seq., as amended by P.L. 108-446; 34 C.F.R. s. 300.17.

<sup>2</sup> 34 C.F.R. s. 300.149.

<sup>3</sup> Rule 6A-6.03028(3), F.A.C.

<sup>4</sup> 20 U.S.C. s. 1414(d)(3)(A) and (B).

<sup>5</sup> 20 U.S.C. § 1412. See <http://idea.ed.gov/explore/view/p/%2Croot%2Cdynamic%2CTopicalArea%2C12%2C>. (last visited March 15, 2013.)

<sup>6</sup> 20 U.S.C. § 1415 (b), (c), (d), (e),(f), and (j). There is an exception to keeping a student in his or her current placement if it involves an alternative educational setting.

<sup>7</sup> 20 U.S.C. § 1415(i)(2)

<sup>8</sup> There is a reference to exceptional education student centers in s. 1011.62(1)(f), F.S.

<sup>9</sup> Florida DOE, May 8, 2012. See [http://www.fldoe.org/board/meetings/2012\\_05\\_09/doc3.pdf](http://www.fldoe.org/board/meetings/2012_05_09/doc3.pdf). Telephone conversation with DOE, October 26, 2012.

<sup>10</sup> 20 U.S.C. § 1400 et seq., as amended by the Individuals with Disabilities Education Improvement Act of 2004, P.L.108-446.

attend educational programs with their peers without disabilities.<sup>11</sup> For children and students who do not attend educational programs with a majority of peers without disabilities, the educational environment reflects the setting in which they receive special education and related services. The data collected includes the percent of children with individual education plans (IEPs) who are ages 6 through 21 and served inside the regular class 80 percent or more of the day, inside the regular class less than 40 percent of the day, and in separate schools, residential facilities, or homebound or hospital placements.<sup>12</sup>

In May 2012, the State Board of Education adopted the Commissioner of Education's recommendation for student performance and learning gains to be attributed to the home school if the ESE center chooses a school improvement rating.<sup>13</sup>

According to the DOE's June 2012 workshop materials on differentiated accountability:<sup>14</sup>

- ESE centers will now be eligible to receive a school grade with full inclusion of students with disabilities in performance measures.
- ESE centers are treated similar to alternative schools for accountability purposes in that the centers are able to select a regular school grade or a school improvement rating.<sup>15</sup>
- A separate process for identifying ESE centers as alternative schools has been processed through the DOE.
- If the ESE center elects to receive a school improvement rating instead of a school grade, the scores for ESE center students are not only used in the ESE center's school improvement rating but are also credited back to home schools for inclusion in performance measures and learning gains for the home schools' grades.
- For alternative schools that are charter schools, the scores for students are not credited back to home schools. This is new for 2011-2012.
- For ESE centers that are charter schools, scores for students are not credited back to home schools.

The DOE's July 2012 technical assistance paper for calculating school improvement ratings states that beginning in 2011-2012, ESE centers will have the option of receiving a school grade or a school improvement rating.<sup>16</sup>

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<sup>11</sup> *Individuals with Disabilities Education Act (IDEA) Part B Data Dictionary*, Data Accountability Center, under contract with the U.S. Department of Education, Office of Special Education Programs, February 2012. See <https://www.ideadata.org/618DataCollection.asp>.

<sup>12</sup> *Florida's Part B State Performance Plan for 2005-2012*, Florida DOE. See <http://www.fldoe.org/ese/pdf/RevisedSPP.pdf>.

<sup>13</sup> Approval of minutes of February 28, March 27, May 9-10, and May 15, 2012, State Board of Education meetings. The State Board also recommended and adopted, as a priority of the legislative agenda, a change to the law to exempt the performance results of 3,000 students in emergent levels one through three on the Florida Alternate Assessment from applying to the home school grade. See [http://www.fldoe.org/board/meetings/2012\\_07\\_17/minutes.pdf](http://www.fldoe.org/board/meetings/2012_07_17/minutes.pdf). The meeting materials indicate that this recommendation required a statutory change.

<sup>14</sup> Florida's School Grading System 2011-2012 Changes, Differentiated Accountability Academy/Workshop, DOE. June 21, 2012. See [http://www.flbsi.org/ppt/Leadership\\_VII-School\\_Grades.ppt](http://www.flbsi.org/ppt/Leadership_VII-School_Grades.ppt).

<sup>15</sup> Current law (s. 1008.341, F.S.,) defines an alternative school as a school that provides dropout prevention and academic intervention services pursuant to s. 1003.53, F.S.

<sup>16</sup> *2012 Guide to Calculating Alternative School Improvement Ratings*, DOE, July 2012. See <http://schoolgrades.fldoe.org/pdf/1112/AltSchoolRatingGuide2012.pdf>.

### III. Effect of Proposed Changes:

#### **Parental Involvement**

The bill prohibits districts from interfering with meetings in which a parent invites another person to attend (IEP meetings, for example). Private instructional personnel (e.g., a physical therapist) who are employed by the parent or under contract may observe a student in a public school setting or provide services in the educational setting at a time agreed upon by the private instructional personnel and the school.

Parental consent on IEPs is required for ESE center placement, Florida Alternate Assessment<sup>17</sup> and instruction decisions, unless the district documents that reasonable efforts have been made to obtain consent, the parent failed to respond, or approval was obtained through due process. An IEP team meeting must be held to make these decisions.

At the initial IEP meeting, the bill requires each school district to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student (i.e., Level 1, Level 2, Level 3, Level 4, and Level 5).

Under the bill, a student remains in his or her current educational assignment, pending the resolution of due process proceedings for a complaint, unless the parent and district otherwise agree. This provision substantively codifies current federal law.

#### **Eligibility for Services**

Districts are required to provide ESE education related services to eligible home school students who enroll in a public school. For this purpose, the bill provides for funding through the Florida Education Finance Program (FEFP). According to the DOE, a school district is not obligated to provide services to children in home education programs. If the parent of a child currently enrolled in a home education program chooses to enroll the child full time in a public school, the school district must ensure that a free and appropriate public education (FAPE) is made available to the child.<sup>18</sup>

#### **Accountability**

The bill defines an ESE center, as well as other settings (e.g., resource rooms) and provides for the choice of a school grade or school improvement rating, at the discretion of the center. The bill specifies that the student achievement scores and learning gains of students who have only been enrolled in or attended an ESE center for grades K -12 are not included in the home school's grade if the student receives a rating of "emergent," which is a performance category on

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<sup>17</sup> All Florida students participate in the state's assessment and accountability system. The Florida Alternate Assessment is designed for students whose participation in the general statewide assessment (FCAT, FCAT 2.0, and EOC) is not appropriate even with accommodations. This assessment measures student academic performance on the Next Generation Sunshine State Standards Access Points (NGSSS-AP) in Language Arts, Mathematics, and Science at three levels of complexity; participatory, supported, and independent. Access Points are academic expectations written specifically for students with significant cognitive disabilities. As part of the Next Generation Sunshine State Standards, access points reflect the essence or core intent of the standards that apply to all students in the same grade, but at reduced levels of complexity. See <http://www.fldoe.org/asp/altassessment.asp>.

<sup>18</sup> *Home Education and Exceptional Student Education Services: Frequently Asked Questions*, DOE, readable at: [http://www.floridaschoolchoice.org/information/home\\_education/files/ESE\\_faqs.pdf](http://www.floridaschoolchoice.org/information/home_education/files/ESE_faqs.pdf).

the FAA. The accountability mechanism in the bill codifies the DOE's practice of authorizing a center to select a school grade or school improvement rating without defining the center within the statutory definition of an alternative school.

### **Program Assessment**

The bill requires best practices assessments related to inclusion once every 3 years. A district and school would be required to complete an assessment with a Florida Inclusion Network facilitator, which provides learning opportunities, consultation, information, and support for educators, parents, and community members.<sup>19</sup>

### **Federal Funding**

The bill establishes requirements for the reimbursement of federal funds to charter schools, including Title I, Title II, and IDEA funds. The sponsor must reimburse the charter school on a monthly basis for all invoices submitted by charter schools for federal funds available for the benefit of charter schools and students.

### **Renewal of Professional Educator Certificate**

The bill also requires applicants for renewal of a professional educator certificate to earn a minimum of one college credit or the equivalent inservice points in the area of instruction for teaching students with disabilities. The requirement may not, however, add to the total hours required by the department for continuing education or inservice training.

## **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.

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<sup>19</sup> See

[http://www.floridainclusionnetwork.com/Research\\_Centers/CRSRL/Florida\\_Inclusion\\_Network/Home/FIN\\_Facilitator\\_Directory.aspx](http://www.floridainclusionnetwork.com/Research_Centers/CRSRL/Florida_Inclusion_Network/Home/FIN_Facilitator_Directory.aspx).

C. Government Sector Impact:

The costs, if any, are indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

**CS by Committee on Education on March 18, 2013:**

The committee substitute:

- Requires each school district, at the initial IEP meeting, to provide a parent with information on the amount of funds that the district receives from the state appropriation for each of the five ESE support levels for a full-time student.

B. Amendments:

None.



269176

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
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	.	
	.	

The Committee on Education (Simmons) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 287 and 288  
insert:

(j) The district school board shall provide each parent with information regarding the amount that the school district receives from the state appropriation for each of the five exceptional student education support levels for a full-time student. The school district shall provide this information at the initial meeting of a student's individual education plan team.

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



269176

14 And the title is amended as follows:

15 Delete line 21

16 and insert:

17 educational practices for exceptional students;  
18 requiring a district school board to provide parents  
19 with information regarding the funding the school  
20 district receives for exceptional student education;  
21 requiring the school district to provide the  
22 information at the initial meeting of a student's  
23 individual education plan team;

By Senators Gardiner and Thrasher

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1 A bill to be entitled  
 2 An act relating to exceptional student education;  
 3 amending s. 1002.20, F.S.; prohibiting certain actions  
 4 with respect to parent meetings with school district  
 5 personnel; providing requirements for meetings  
 6 relating to exceptional student education and related  
 7 services; amending s. 1002.33, F.S.; providing  
 8 requirements for the reimbursement of federal funds to  
 9 charter schools; amending s. 1002.41, F.S.; requiring  
 10 a school district to provide exceptional student  
 11 education-related services to certain home education  
 12 program students; requiring reporting and funding  
 13 through the Florida Education Finance Program;  
 14 amending s. 1003.57, F.S.; requiring a school district  
 15 to use specified terms to describe the instructional  
 16 setting for certain exceptional students; defining the  
 17 term "inclusion" for purposes of exceptional student  
 18 instruction; providing for determination of  
 19 eligibility as an exceptional student; requiring  
 20 certain assessments to facilitate inclusive  
 21 educational practices for exceptional students;  
 22 creating s. 1003.5715, F.S.; requiring the use of  
 23 parental consent forms for specified actions in a  
 24 student's individual education plan; providing  
 25 requirements for the consent forms; providing  
 26 requirements for changes in a student's individual  
 27 education plan; requiring the State Board of Education  
 28 to adopt rules; creating s. 1003.572, F.S.; defining  
 29 the term "private instructional personnel";

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30 encouraging the collaboration of public and private  
 31 instructional personnel and providing requirements  
 32 therefor; amending s. 1003.58, F.S.; conforming a  
 33 cross-reference; creating s. 1008.3415, F.S.;  
 34 requiring an exceptional student education center to  
 35 choose to receive a school grade or school improvement  
 36 rating; excluding student assessment data from the  
 37 calculation of a home school's grade under certain  
 38 circumstances; requiring the State Board of Education  
 39 to adopt rules; amending s. 1012.585, F.S.; providing  
 40 requirements for renewal of a professional certificate  
 41 relating to teaching students with disabilities;  
 42 authorizing the State Board of Education to adopt  
 43 rules; providing an effective date.  
 44

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

46  
 47 Section 1. Paragraph (a) of subsection (21) of section  
 48 1002.20, Florida Statutes, is amended to read:  
 49 1002.20 K-12 student and parent rights.—Parents of public  
 50 school students must receive accurate and timely information  
 51 regarding their child's academic progress and must be informed  
 52 of ways they can help their child to succeed in school. K-12  
 53 students and their parents are afforded numerous statutory  
 54 rights including, but not limited to, the following:  
 55 (21) PARENTAL INPUT AND MEETINGS.—  
 56 (a) *Meetings with school district personnel.*—Parents of  
 57 public school students may be accompanied by another adult of  
 58 their choice at any meeting with school district personnel.

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59 School district personnel may not object to the attendance of  
 60 such adult or discourage or attempt to discourage, through any  
 61 action, statement, or other means, parents from inviting another  
 62 person of their choice to attend any meeting. Such prohibited  
 63 actions include, but are not limited to, attempted or actual  
 64 coercion or harassment of parents or students or retaliation or  
 65 threats of consequences to parents or students.

66 1. Such meetings include, but not are not limited to,  
 67 meetings related to: the eligibility for exceptional student  
 68 education or related services; the development of an individual  
 69 family support plan (IFSP); the development of an individual  
 70 education plan (IEP); the development of a 504 accommodation  
 71 plan issued under s. 504 of the Rehabilitation Act of 1973; the  
 72 transition of a student from early intervention services to  
 73 other services; the development of postsecondary goals for a  
 74 student and the transition services needed to reach those goals;  
 75 and other issues that may affect a student's educational  
 76 environment, discipline, or placement.

77 2. The parents and school district personnel attending the  
 78 meeting shall sign a document at the meeting's conclusion which  
 79 states whether any school district personnel have prohibited,  
 80 discouraged, or attempted to discourage the parents from  
 81 inviting a person of their choice to the meeting.

82 Section 2. Paragraph (c) of subsection (17) of section  
 83 1002.33, Florida Statutes, is amended to read:

84 1002.33 Charter schools.—

85 (17) FUNDING.—Students enrolled in a charter school,  
 86 regardless of the sponsorship, shall be funded as if they are in  
 87 a basic program or a special program, the same as students

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88 enrolled in other public schools in the school district. Funding  
 89 for a charter lab school shall be as provided in s. 1002.32.

90 (c) If the district school board is providing programs or  
 91 services to students funded by federal funds, any eligible  
 92 students enrolled in charter schools in the school district  
 93 shall be provided federal funds for the same level of service  
 94 provided students in the schools operated by the district school  
 95 board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all  
 96 charter schools shall receive all federal funding for which the  
 97 school is otherwise eligible, including Title I funding, not  
 98 later than 5 months after the charter school first opens and  
 99 within 5 months after any subsequent expansion of enrollment.  
 100 Unless otherwise mutually agreed to by the charter school and  
 101 its sponsor, and consistent with state and federal rules and  
 102 regulations governing the use and disbursement of federal funds,  
 103 the sponsor shall reimburse the charter school on a monthly  
 104 basis for all invoices submitted by the charter school for  
 105 federal funds available to the sponsor for the benefit of the  
 106 charter school, the charter school's students, and the charter  
 107 school's students as public school students in the school  
 108 district. Such federal funds include, but are not limited to,  
 109 Title I, Title II, and Individuals with Disabilities Education  
 110 Act (IDEA) funds. To receive timely reimbursement for an  
 111 invoice, the charter school must submit the invoice to the  
 112 sponsor at least 30 days before the monthly date of  
 113 reimbursement set by the sponsor. In order to be reimbursed, any  
 114 expenditures made by the charter school must comply with all  
 115 applicable state rules and federal regulations, including, but  
 116 not limited to, the applicable federal Office of Management and

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 117 Budget Circulars, the federal Education Department General  
 118 Administrative Regulations, and program-specific statutes,  
 119 rules, and regulations. Such funds may not be made available to  
 120 the charter school until a plan is submitted to the sponsor for  
 121 approval of the use of the funds in accordance with applicable  
 122 federal requirements. The sponsor has 30 days to review and  
 123 approve any plan submitted pursuant to this paragraph.

124 Section 3. Subsection (10) is added to section 1002.41,  
 125 Florida Statutes, to read:

126 1002.41 Home education programs.—

127 (10) A school district shall provide exceptional student  
 128 education-related services, as defined in State Board of  
 129 Education rule, to a home education program student with a  
 130 disability who is eligible for the services and who enrolls in a  
 131 public school for the purpose of receiving those related  
 132 services. The school district providing the services shall  
 133 report each such student as a full-time equivalent student in a  
 134 manner prescribed by the Department of Education, and funding  
 135 shall be provided through the Florida Education Finance Program  
 136 pursuant to s. 1011.62.

137 Section 4. Subsection (1) of section 1003.57, Florida  
 138 Statutes, is amended to read:

139 1003.57 Exceptional students instruction.—

140 (1) (a) For purposes of providing exceptional student  
 141 instruction under this section:

142 1. A school district shall use the following terms to  
 143 describe the instructional setting for a student with a  
 144 disability, 6 through 21 years of age, who is not educated in a  
 145 setting accessible to all children who are together at all

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 146 times:  
 147 a. "Exceptional student education center" or "special day  
 148 school" means a separate public school to which nondisabled  
 149 peers do not have access.  
 150 b. "Other separate environment" means a separate private  
 151 school, residential facility, or hospital or homebound program.  
 152 c. "Regular class" means a class in which a student spends  
 153 80 percent or more of the school week with nondisabled peers.  
 154 d. "Resource room" means a classroom in which a student  
 155 spends between 40 percent to 80 percent of the school week with  
 156 nondisabled peers.  
 157 e. "Separate class" means a class in which a student spends  
 158 less than 40 percent of the school week with nondisabled peers.  
 159 2. A school district shall use the term "inclusion" to mean  
 160 that a student is receiving education in a general education  
 161 regular class setting, reflecting natural proportions and age-  
 162 appropriate heterogeneous groups in core academic and elective  
 163 or special areas within the school community; a student with a  
 164 disability is a valued member of the classroom and school  
 165 community; the teachers and administrators support universal  
 166 education and have knowledge and support available to enable  
 167 them to effectively teach all children; and a student is  
 168 provided access to technical assistance in best practices,  
 169 instructional methods, and supports tailored to the student's  
 170 needs based on current research.  
 171 (b) Each district school board shall provide for an  
 172 appropriate program of special instruction, facilities, and  
 173 services for exceptional students as prescribed by the State  
 174 Board of Education as acceptable, including provisions that:

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175 1. The district school board provide the necessary  
176 professional services for diagnosis and evaluation of  
177 exceptional students.

178 2. The district school board provide the special  
179 instruction, classes, and services, either within the district  
180 school system, in cooperation with other district school  
181 systems, or through contractual arrangements with approved  
182 private schools or community facilities that meet standards  
183 established by the commissioner.

184 3. The district school board annually provide information  
185 describing the Florida School for the Deaf and the Blind and all  
186 other programs and methods of instruction available to the  
187 parent of a sensory-impaired student.

188 4. The district school board, once every 3 years, submit to  
189 the department its proposed procedures for the provision of  
190 special instruction and services for exceptional students.

191 ~~(c)(b)~~ A student may not be given special instruction or  
192 services as an exceptional student until after he or she has  
193 been properly evaluated and found eligible as an exceptional  
194 student, ~~classified, and placed~~ in the manner prescribed by  
195 rules of the State Board of Education. The parent of an  
196 exceptional student evaluated and found eligible or ineligible  
197 ~~placed or denied placement in a program of special education~~  
198 shall be notified of each such evaluation and determination  
199 ~~placement or denial~~. Such notice shall contain a statement  
200 informing the parent that he or she is entitled to a due process  
201 hearing on the identification, evaluation, and eligibility  
202 determination placement, or lack thereof. Such hearings are  
203 exempt from ss. 120.569, 120.57, and 286.011, except to the

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204 extent that the State Board of Education adopts rules  
205 establishing other procedures. Any records created as a result  
206 of such hearings are confidential and exempt from s. 119.07(1).  
207 The hearing must be conducted by an administrative law judge  
208 from the Division of Administrative Hearings pursuant to a  
209 contract between the Department of Education and the Division of  
210 Administrative Hearings. The decision of the administrative law  
211 judge is final, except that any party aggrieved by the finding  
212 and decision rendered by the administrative law judge has the  
213 right to bring a civil action in the state circuit court. In  
214 such an action, the court shall receive the records of the  
215 administrative hearing and shall hear additional evidence at the  
216 request of either party. In the alternative, in hearings  
217 conducted on behalf of a student who is identified as gifted,  
218 any party aggrieved by the finding and decision rendered by the  
219 administrative law judge has the right to request a review of  
220 the administrative law judge's order by the district court of  
221 appeal as provided in s. 120.68.

222 ~~(d)(e)~~ Notwithstanding any law to the contrary, during the  
223 pendency of any proceeding conducted pursuant to this section,  
224 unless the district school board and the parents otherwise  
225 agree, the student shall remain in his or her then-current  
226 educational assignment or, if applying for initial admission to  
227 a public school, shall be assigned, with the consent of the  
228 parents, in the public school program until all such proceedings  
229 have been completed.

230 ~~(e)(d)~~ In providing for the education of exceptional  
231 students, the district school superintendent, principals, and  
232 teachers shall utilize the regular school facilities and adapt

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233 them to the needs of exceptional students to the maximum extent  
 234 appropriate. To the extent appropriate, students with  
 235 disabilities, including those students in public or private  
 236 institutions or other facilities, shall be educated with  
 237 students who are not disabled. Segregation of exceptional  
 238 students shall occur only if the nature or severity of the  
 239 exceptionality is such that education in regular classes with  
 240 the use of supplementary aids and services cannot be achieved  
 241 satisfactorily.

242 (f) Once every 3 years, each school district and school  
 243 shall complete a Best Practices in Inclusive Education (BPIE)  
 244 assessment with a Florida Inclusion Network facilitator and  
 245 include the results of the BPIE assessment and all planned  
 246 short-term and long-term improvement efforts in the school  
 247 district's exceptional student education policies and  
 248 procedures. BPIE is an internal assessment process designed to  
 249 facilitate the analysis, implementation, and improvement of  
 250 inclusive educational practices at the district and school team  
 251 levels.

252 (g)(e) In addition to the services agreed to in a student's  
 253 individual educational plan, the district school superintendent  
 254 shall fully inform the parent of a student having a physical or  
 255 developmental disability of all available services that are  
 256 appropriate for the student's disability. The superintendent  
 257 shall provide the student's parent with a summary of the  
 258 student's rights.

259 (h)(f) School personnel may consider any unique  
 260 circumstances on a case-by-case basis when determining whether a  
 261 change in placement is appropriate for a student who has a

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262 disability and violates a district school board's code of  
 263 student conduct. School personnel may remove and place such  
 264 student in an interim alternative educational setting for not  
 265 more than 45 school days, without regard to whether the behavior  
 266 is determined to be a manifestation of the student's disability,  
 267 if the student:

268 1. Carries a weapon to or possesses a weapon at school, on  
 269 school premises, or at a school function under the jurisdiction  
 270 of the school district;

271 2. Knowingly possesses or uses illegal drugs, or sells or  
 272 solicits the sale of a controlled substance, while at school, on  
 273 school premises, or at a school function under the jurisdiction  
 274 of the school district; or

275 3. Has inflicted serious bodily injury upon another person  
 276 while at school, on school premises, or at a school function  
 277 under the jurisdiction of the school district.

278 (i)(g) For purposes of paragraph (h)(f), the term:

279 1. "Controlled substance" means a drug or other substance  
 280 identified under Schedule I, Schedule II, Schedule III, Schedule  
 281 IV, or Schedule V of the Controlled Substances Act, 21 U.S.C. s.  
 282 812(c) and s. 893.02(4).

283 2. "Weapon" means a device, instrument, material, or  
 284 substance, animate or inanimate, which is used for, or is  
 285 readily capable of, causing death or serious bodily injury;  
 286 however, this definition does not include a pocketknife having a  
 287 blade that is less than 2 1/2 inches in length.

288 Section 5. Section 1003.5715, Florida Statutes, is created  
 289 to read:

290 1003.5715 Parental consent; individual education plan.-

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291 (1) The Department of Education shall adopt separate  
 292 parental consent forms that school districts must use for each  
 293 of the following actions in a student's individual education  
 294 plan (IEP):  
 295 (a) Administer to the student an alternate assessment  
 296 pursuant to s. 1008.22 and provide instruction in the state  
 297 standards access points curriculum.  
 298 (b) Place the student in an exceptional student education  
 299 center.  
 300 (2) In accordance with 34 C.F.R. s. 300.503, each form  
 301 shall be provided to the parent in the parent's native language,  
 302 as defined in 34 C.F.R. s. 300.29, and include the following:  
 303 (a) A statement that the parent is a participant of the  
 304 individual education plan team (IEP Team) and has the right to  
 305 consent or refuse consent to the actions described in subsection  
 306 (1). The statement shall include information that the refusal of  
 307 parental consent means that the school district may not proceed  
 308 with the actions described in subsection (1) without a school  
 309 district due process hearing in accordance with 34 C.F.R. ss.  
 310 300.507 and 300.508.  
 311 (b) A "does consent" box and a signature line.  
 312 (c) A "does not consent" box and a signature line.  
 313 (d) An informational statement of the benefits and  
 314 consequences of giving parental consent to the actions described  
 315 in subsection (1).  
 316 (3) A school district may not proceed with the actions  
 317 described in subsection (1) without parental consent unless the  
 318 school district documents reasonable efforts to obtain the  
 319 parent's consent and the child's parent has failed to respond or

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320 the school district obtains approval through a due process  
 321 hearing in accordance with 34 C.F.R. ss. 300.507 and 300.508 and  
 322 resolution of appeals.  
 323 (4) Except for a change in placement described in s.  
 324 1003.57(1)(h), if a school district determines that there is a  
 325 need to change an exceptional student's IEP as it relates to  
 326 actions described in subsection (1), the school must hold an IEP  
 327 Team meeting that includes the parent to discuss the reason for  
 328 the change. The school shall provide written notice of the  
 329 meeting to the parent at least 10 days before the meeting,  
 330 indicating the purpose, time, and location of the meeting and  
 331 who, by title or position, will attend the meeting. The IEP Team  
 332 meeting requirement may be waived by informed consent of the  
 333 parent after the parent receives the written notice.  
 334 (5) For a change in actions described in subsection (1) in  
 335 a student's IEP, the school district may not implement the  
 336 change without parental consent unless the school district  
 337 documents reasonable efforts to obtain the parent's consent and  
 338 the child's parent has failed to respond or the school district  
 339 obtains approval through a due process hearing in accordance  
 340 with 34 C.F.R. ss. 300.507 and 300.508 and resolution of  
 341 appeals.  
 342 (6) Pursuant to 34 C.F.R. s. 300.518, during the pendency  
 343 of a due process hearing or appellate proceeding regarding a due  
 344 process complaint, the student shall remain in his or her  
 345 current educational assignment while awaiting the decision of  
 346 any impartial due process hearing or court proceeding, unless  
 347 the parent and the district school board otherwise agree.  
 348 (7) This section does not abrogate any parental right

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349 identified in the Individuals with Disabilities Education Act  
350 (IDEA) and its implementing regulations.

351 (8) The State Board of Education shall adopt rules pursuant  
352 to ss. 120.536(1) and 120.54 to implement this section,  
353 including, but not limited to, developing parental consent  
354 forms.

355 Section 6. Section 1003.572, Florida Statutes, is created  
356 to read:

357 1003.572 Collaboration of public and private instructional  
358 personnel.-

359 (1) As used in this section, the term "private  
360 instructional personnel" means:

361 (a) Individuals certified under s. 393.17 or licensed under  
362 chapter 490 or chapter 491 for applied behavior analysis  
363 services as defined in ss. 627.6686 and 641.31098.

364 (b) Speech-language pathologists licensed under s.  
365 468.1185.

366 (c) Occupational therapists licensed under part III of  
367 chapter 468.

368 (d) Physical therapists licensed under chapter 486.

369 (e) Psychologists licensed under chapter 490.

370 (f) Clinical social workers licensed under chapter 491.

371 (2) The collaboration of public and private instructional  
372 personnel shall be designed to enhance but not supplant the  
373 school district's responsibilities under the Individuals with  
374 Disabilities Education Act (IDEA). The school as the local  
375 education agency shall provide therapy services to meet the  
376 expectations provided in federal law and regulations and state  
377 statutes and rules. Collaboration of public and private

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378 instructional personnel will work to promote educational  
379 progress and assist students in acquiring essential skills,  
380 including, but not limited to, readiness for pursuit of higher  
381 education goals or employment. Where applicable, public and  
382 private instructional personnel shall undertake collaborative  
383 programming. Coordination of services and plans between a public  
384 school and private instructional personnel is encouraged to  
385 avoid duplication or conflicting services or plans.

386 (3) Private instructional personnel who are hired or  
387 contracted by parents to collaborate with public instructional  
388 personnel must be permitted to observe the student in the  
389 educational setting, collaborate with instructional personnel in  
390 the educational setting, and provide services in the educational  
391 setting according to the following requirements:

392 (a) The student's public instructional personnel and  
393 principal consent to the time and place.

394 (b) The private instructional personnel satisfy the  
395 requirements of s. 1012.32 or s. 1012.321.

396 (4) The provision of private instructional personnel by a  
397 parent does not constitute a waiver of the student's or parent's  
398 right to a free and appropriate public education under IDEA.

399 Section 7. Subsection (3) of section 1003.58, Florida  
400 Statutes, is amended to read:

401 1003.58 Students in residential care facilities.—Each  
402 district school board shall provide educational programs  
403 according to rules of the State Board of Education to students  
404 who reside in residential care facilities operated by the  
405 Department of Children and Family Services or the Agency for  
406 Persons with Disabilities.

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407 (3) The district school board shall have full and complete  
 408 authority in the matter of the assignment and placement of such  
 409 students in educational programs. The parent of an exceptional  
 410 student shall have the same due process rights as are provided  
 411 under s. 1003.57(1)(c) ~~1003.57(1)(b)~~.

412  
 413 Notwithstanding the provisions herein, the educational program  
 414 at the Marianna Sunland Center in Jackson County shall be  
 415 operated by the Department of Education, either directly or  
 416 through grants or contractual agreements with other public or  
 417 duly accredited educational agencies approved by the Department  
 418 of Education.

419 Section 8. Section 1008.3415, Florida Statutes, is created  
 420 to read:

421 1008.3415 School grade or school improvement rating for  
 422 exceptional student education centers.-

423 (1) Each exceptional student education center shall choose  
 424 to receive a school grade pursuant to s. 1008.34 or a school  
 425 improvement rating pursuant to s. 1008.341.

426 (2) Notwithstanding s. 1008.34(3)(c)3., the achievement  
 427 scores and learning gains of a student with a disability who  
 428 attends an exceptional student education center and has not been  
 429 enrolled in or attended a public school other than an  
 430 exceptional student education center for grades K-12 within the  
 431 school district shall not be included in the calculation of the  
 432 home school's grade if the student is identified as an emergent  
 433 student on the alternate assessment tool described in s.  
 434 1008.22(3)(c)13.

435 (3) The State Board of Education shall adopt rules under

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436 ss. 120.536(1) and 120.54 to implement this section, including,  
 437 but not limited to, defining exceptional student education  
 438 centers.

439 Section 9. Paragraph (e) is added to subsection (3) of  
 440 section 1012.585, Florida Statutes, and subsection (6) is added  
 441 to that section, to read:

442 1012.585 Process for renewal of professional certificates.-

443 (3) For the renewal of a professional certificate, the  
 444 following requirements must be met:

445 (e) Beginning July 1, 2014, an applicant for renewal of a  
 446 professional certificate must earn a minimum of 1 college credit  
 447 or the equivalent inservice points in the area of instruction  
 448 for teaching students with disabilities. The requirement in this  
 449 paragraph may not add to the total hours required by the  
 450 department for continuing education or inservice training.

451 (6) The State Board of Education may adopt rules under ss.  
 452 120.536(1) and 120.54 to implement this section, including, but  
 453 not limited to, applicant renewal requirements.

454 Section 10. This act shall take effect July 1, 2013.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/18/13

Meeting Date



Topic Education Bill Number 1108  
(if applicable)

Name RICHARD LaBELLE Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Executive Director, Family Network on Disabilities

Address 2196 Mam St. Suite K Phone 727 523 1130

Street

Dunedin

City

FL

State

34698

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing FAMILY NETWORK ON Disabilities

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13

Meeting Date

Topic Special Education Bill Number 1108  
*(if applicable)*

Name ~~Patricia~~ Sylvia Smith Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title Policy Attorney - Director of Legislative Affairs

Address 2728 Centerview Dr Ste 102 Phone 8504889071

Tallahassee FL 32301 E-mail Sylvia S  
*City State Zip* ss@disabilityrightsflorida.org

Speaking:  For  Against  Information

Representing Disability Rights Florida

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

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/2013

Meeting Date

Topic Exeptional Student Education

Bill Number 1108  
*(if applicable)*

Name Mariah Harris

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

Job Title Myself-Student w/Down syndrome

Address 1270 SW 28<sup>th</sup> Terr  
*Street*  
H. Lauderdale, Fla. 33312  
*City State Zip*

Phone (954) 205-0016

E-mail 321 Fun Life@gmail.com

Speaking:  For  Against  Information

Representing Myself & all students w/an IEP that <sup>WANT</sup> need to be included!!

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/2013

Meeting Date

Topic Exeptional Student Education

Bill Number 1108  
*(if applicable)*

Name Nancy Linley-Harris

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

Job Title Parent

Address 1270 SW 28th Terr  
*Street*  
H. Lauderdale, Fla. 33312  
*City State Zip*

Phone (954) 612-2997

E-mail podsanjels@gmail.com

Speaking:  For  Against  Information

Representing My Child & ESE Reform Taskforce of S. Florida / Families *Down syndrome*

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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



3/18/2013

*Meeting Date*

Topic Exeptional Student Education

Bill Number 1108  
*(if applicable)*

Name Patricea Taima

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

Job Title Mom - Parent/Advocate

Address 346 Wood Gate Cir.

Phone 754.422.2861

*Street*  
Weston FL 33326  
*City State Zip*

E-mail ptaima@bellsouth.net

Speaking:  For  Against  Information

Representing My Child / ESE Reform Task Force, S. 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 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/2013

Meeting Date

Topic Exeptional Student Education

Bill Number 1108  
*(if applicable)*

Name Jeannette Ramos

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

Job Title parent

Address 10112 N. Nob Hill Cir

Phone (954) 667-2065

Tamarac FL, 33321  
City State Zip

E-mail Hearts544@hotmail.com

Speaking:  For  Against  Information

Representing my children / ese reform task force south Florida families of children with Down Syndrome.

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

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

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S-001 (10/20/11)

THE FLORIDA SENATE

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

3/18/2013

Meeting Date



Topic Exeptional Student Education

Bill Number 1108

(if applicable)

Name ~~XXX~~ TINA QUANT

Amendment Barcode \_\_\_\_\_

(if applicable)

Job Title MOM / Student Advocate & Business Owner

Address 2001 NW 96<sup>th</sup> Terrace # 10K

Phone 954-937-3705

Street

Pembroke Pines, Florida 33024

City

State

Zip

E-mail tinaquant@gmail.com

Speaking:  For  Against  Information

Representing Myself & Child for ESE Reform Taskforce S. Florida

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-18-13

Meeting Date

Topic \_\_\_\_\_

Bill Number 1108  
*(if applicable)*

Name Bill Warren

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

Job Title Legislative Director

Address 215 S. Monroe St. Suite 420

Phone \_\_\_\_\_

Tallahassee, FL 32302  
Street City State Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing Foundation for Florida's Future

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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

S-001 (10/20/11)

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

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1276

INTRODUCER: Committee on Education and Senator Montford

SUBJECT: Public Meetings/University Direct-Support Organizations

DATE: March 18, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Fav/CS</b>
2.			GO	
3.			EE	
4.			RC	
5.				
6.				

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

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

CS/SB 1276 exempts portions of meetings of university direct-support organizations (DSO) from public meeting laws when confidential information and documents are discussed.

The bill exempts from public meetings requirements, a portion of a meeting of a DSO board of directors, or the board's executive committee or other committees of the board at which information or documents related to donors, funding proposals, or research plans or programs are discussed.

The bill provides for repeal of the exemption regarding DSO meetings on October 2, 2018, unless reviewed and saved from repeal by the Legislature. Additionally, the bill provides a statement of public necessity justifying the exemption as required by the Florida Constitution.

Article I, s. 24(c) of the Florida Constitution requires a two-thirds vote of each house for the exemption of records or meetings from the requirements of Article I, s. 24(a) or (b) of the Florida Constitution. The bill creates a public meeting exemption. As a result, the bill requires a two-thirds vote for final passage.

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

This bill amends section 1004.28 of the Florida Statutes.

## II. Present Situation:

### University direct-support organizations

A university direct-support organization (DSO) is a Florida not-for-profit corporation which is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a state university.<sup>1</sup> A DSO may also be operated for the benefit of a research and development park or research and development authority affiliated with a state university. A DSO must be certified by a state university board of trustees to operate in a manner consistent with the goals of the university and in the best interest of the state.<sup>2</sup> DSOs serve a critical role in raising private support for university academic, research, and athletic activities.<sup>3</sup>

State universities are considered agencies of the state. As a result, state universities are subject to public records and public meetings laws.<sup>4</sup> DSO boards are also subject to open public records and public meetings laws.<sup>5</sup>

A DSO must provide for an annual financial audit of the organization's accounts and records which must be conducted by an independent certified public accountant pursuant to rules adopted by the Auditor General in accordance with current law<sup>6</sup> and by the university board of trustees.<sup>7</sup> The DSO documents that are currently recognized by law to be public and open to inspection include the following:<sup>8</sup>

- Audit report prepared by the independent auditor during the annual audit process under current law;<sup>9</sup>
- Management letter; and
- Any supplemental data requested by the Board of Governors, the university's board of trustees, the Auditor General, and the Office of Program Policy Analysis and Government Accountability (OPPAGA).

---

<sup>1</sup> Section 1004.28(1)(a)1.-2., F.S.

<sup>2</sup> Section 1004.28(1)(a)2.-3., F.S.

<sup>3</sup> Florida Board of Governors, *2013 Agency Bill Analysis for HB 359* (Feb. 14, 2013), at 1. HB 359

<sup>4</sup> Chapters 119 and 286, Florida Statutes. See *Wood v. Marston*, 442 So. 2d 934, 938 (Fla. 1983) (holding that a University of Florida screening committee was subject to Florida's Sunshine Law).

<sup>5</sup> Section 1004.28, F.S.; see also *Palm Beach Community College Foundation, INC., v. WFTV, INC.*, 611 So.2<sup>nd</sup> 588 (4<sup>th</sup> DCA 1993); Op. Att'y Gen. Fla. 05-27 (2005); Op. Att'y Gen. Fla. 92-53 (1992) (providing that John and Mable Ringling Museum of Art Foundation, Inc., established pursuant to statute as a not-for-profit corporation to assist the museum in carrying out its functions by raising funds for the museum, is subject to Sunshine Law by virtue of its substantial ties with the museum).

<sup>6</sup> Section 11.45(8), F.S.

<sup>7</sup> Section 1004.28(5), F.S.

<sup>8</sup> Section 1004.28(5), F.S.

<sup>9</sup> Section 1004.28(5), F.S.

A DSO document is considered confidential if the document does not fall within the above-referenced records that are recognized as public documents under current law. Although current law exempts certain DSO documents from disclosure as a public record, the DSO meetings at which such confidential documents are discussed are not exempt from disclosure as a public record.

### **Public records and meetings law**

Article I, s. 24(a) of the Florida Constitution sets forth the state law regarding access to public records. Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf.<sup>10</sup>

Article I, s. 24(b) of the Florida Constitution sets forth the state law regarding access to public meetings. All meetings of any collegial public body of the executive branch of state government or of local governments, school districts, or special districts at which public business of such body is transacted or discussed must be open and noticed to the public. Meetings of the Legislature must also be open and noticed to the public.<sup>11</sup>

Current law also requires all meetings of any board or commission of any agency or authority of the state or of any county, municipal corporation, or political subdivision at which official acts are to be taken are declared to be public meetings. Such meetings must be open to the public at all times and that no resolution, rule, or formal action is binding except as taken or made at an open meeting. The board or commission is responsible for providing reasonable notice of all such meetings.<sup>12</sup>

However, the Legislature has the authority to exempt records and meetings from the requirements of Article I, s. 24(a) and (b) of the Florida Constitution. The Legislature may provide by general law passed by a two-thirds vote of each house for the exemption of records and meetings. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.<sup>13</sup>

Pursuant to the Open Government Sunset Review Act, in the 5<sup>th</sup> year after enactment of a new exemption or substantial amendment of an existing exemption, the exemption must be repealed on October 2<sup>nd</sup> of the fifth year, unless the Legislature acts to reenact the exemption.<sup>14</sup>

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

CS/SB 1276 exempts from public meetings requirements, a portion of a meeting of a DSO board of directors, or the board's executive committee or other committees of the board at which the following are discussed:

---

<sup>10</sup> Art. I, s. 24(a), Fla. Const.

<sup>11</sup> Art. I, s. 24(b), Fla. Const.

<sup>12</sup> Section 286.011(1), F.S.

<sup>13</sup> Art. I, s. 24(c), Fla. Const.

<sup>14</sup> Section 119.15(2)-(3), F.S.

- Identity of a donor or a prospective donor;
- A proposal seeking research funding from the DSO; or
- A plan or program for either initiating or supporting research.

By exempting the above-referenced information from public meetings, the bill will protect the identity of donors and prospective donors thereby increasing the likelihood of candid discussions regarding a state university's research plans and proposals at such meetings.

Pursuant to the Open Government Sunset Review Act,<sup>15</sup> portions of DSO meetings that include discussions regarding information or documents related to donors, funding proposals, or research plans or programs will cease to be exempt from current law regarding public meetings on October 2, 2018, unless the Legislature reenacts the exemption for such information or documents.

The need for exemption regarding a research funding proposal or a plan for initiating or supporting research may vary. As a result, the period of exemption for 5 years or longer may not be necessary for all proposals and plans.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

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<sup>15</sup> Section 119.15(2)-(3), F.S.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

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

**CS by Committee on Education on March 18, 2013:**

The committee substitute differs from SB 1276 in that the committee substitute:

- Replaces the term “a” with “any” regarding portions of meetings to which the public meetings exemption will apply.

- B. **Amendments:**

None.



823060

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/18/2013	.	
	.	
	.	
	.	

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The Committee on Education (Montford) recommended the following:

**Senate Amendment**

Delete lines 52 - 74  
and insert:  
necessity that any portion of a meeting of the board of directors of a university direct-support organization, or the executive committee or other committees of the board, at which the identity of a donor or prospective donor is discussed be exempt from disclosure. For the benefit of the state universities, and ultimately all citizens of this state, direct-support organizations serve a vital role in raising charitable donations from private sources. This undertaking demands great sensitivity and discretion, as donors and prospective donors



823060

14 frequently seek anonymity and are concerned about the potential  
15 release of sensitive financial information. If direct-support  
16 organizations cannot protect the anonymity of donors or  
17 prospective donors, prospective donors may decline to  
18 contribute, thus hampering the ability of the direct-support  
19 organization to fully accomplish its mission. The state  
20 recognizes these realities by expressly making most of the  
21 records of direct-support organizations confidential and exempt  
22 from the state's public records laws, including the identity of  
23 donors or prospective donors. Failure to close meetings at which  
24 the identity of donors or prospective donors is discussed would  
25 significantly compromise the confidentiality of such donors.

26 (2) The Legislature further finds that it is a public  
27 necessity that any portion of a meeting of the board of  
28 directors

By Senator Montford

3-00298A-13

20131276\_\_

1 A bill to be entitled  
 2 An act relating to public meetings; amending s.  
 3 1004.28, F.S.; providing an exemption from public  
 4 meeting requirements for certain portions of meetings  
 5 of a university direct-support organization or of the  
 6 executive committee or other committees of the board  
 7 of directors of such organization; providing for  
 8 legislative review and repeal of the exemption;  
 9 providing a statement of public necessity; providing  
 10 an effective date.

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

13  
 14 Section 1. Subsection (5) of section 1004.28, Florida  
 15 Statutes, is amended to read:

16 1004.28 Direct-support organizations; use of property;  
 17 board of directors; activities; audit; facilities.—

18 (5) ANNUAL AUDIT; PUBLIC RECORDS AND MEETINGS EXEMPTION.—

19 (a) Each direct-support organization shall provide for an  
 20 annual financial audit of its accounts and records to be  
 21 conducted by an independent certified public accountant in  
 22 accordance with rules adopted by the Auditor General pursuant to  
 23 s. 11.45(8) and by the university board of trustees. The annual  
 24 audit report shall be submitted, within 9 months after the end  
 25 of the fiscal year, to the Auditor General and the Board of  
 26 Governors for review. The Board of Governors, the university  
 27 board of trustees, the Auditor General, and the Office of  
 28 Program Policy Analysis and Government Accountability shall have  
 29 the authority to require and receive from the organization or

Page 1 of 4

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

3-00298A-13

20131276\_\_

30 from its independent auditor ~~any~~ records relative to the  
 31 operation of the organization.

32 (b) The identity of donors who desire to remain anonymous  
 33 shall be protected, and that anonymity shall be maintained in  
 34 the auditor's report. All records of the organization other than  
 35 the auditor's report, management letter, and ~~any~~ supplemental  
 36 data requested by the Board of Governors, the university board  
 37 of trustees, the Auditor General, and the Office of Program  
 38 Policy Analysis and Government Accountability are shall be  
 39 confidential and exempt from the provisions of s. 119.07(1).

40 (c) Any portion of a meeting of the board of directors of  
 41 the organization, or of the executive committee or other  
 42 committees of such board, at which the identity of a donor or  
 43 prospective donor, a proposal seeking research funding from the  
 44 organization, or a plan or program for either initiating or  
 45 supporting research is discussed, is exempt from s. 286.011 and  
 46 s. 24(b), Art. I of the State Constitution. This paragraph is  
 47 subject to the Open Government Sunset Review Act in accordance  
 48 with s. 119.15, and shall stand repealed on October 2, 2018,  
 49 unless reviewed and saved from repeal through reenactment by the  
 50 Legislature.

51 Section 2. (1) The Legislature finds that it is a public  
 52 necessity that a portion of a meeting of the board of directors  
 53 of a university direct-support organization, or the executive  
 54 committee or other committees of the board, at which the  
 55 identity of a donor or prospective donor is discussed be exempt  
 56 from disclosure. For the benefit of the state universities, and  
 57 ultimately all citizens of this state, direct-support  
 58 organizations serve a vital role in raising charitable donations

Page 2 of 4

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20131276\_\_

59 from private sources. This undertaking demands great sensitivity  
 60 and discretion, as donors and prospective donors frequently seek  
 61 anonymity and are concerned about the potential release of  
 62 sensitive financial information. If direct-support organizations  
 63 cannot protect the anonymity of donors or prospective donors,  
 64 prospective donors may decline to contribute, thus hampering the  
 65 ability of the direct-support organization to fully accomplish  
 66 its mission. The state recognizes these realities by expressly  
 67 making most of the records of direct-support organizations  
 68 confidential and exempt from the state's public records laws,  
 69 including the identity of donors or prospective donors. Failure  
 70 to close meetings at which the identity of donors or prospective  
 71 donors is discussed would significantly compromise the  
 72 confidentiality of such donors.

73 (2) The Legislature further finds that it is a public  
 74 necessity that a portion of a meeting of the board of directors  
 75 of a university direct-support organization, or the executive  
 76 committee or other committees of the board, at which a proposal  
 77 seeking research funding from the organization or a plan or  
 78 program for either initiating or supporting research is  
 79 discussed be exempt from disclosure. The resources raised by  
 80 direct-support organizations are frequently used to fund  
 81 university-connected research projects, which provide valuable  
 82 opportunities for faculty and students and may lead to future  
 83 commercial applications. This activity requires the direct-  
 84 support organization to evaluate proposals and examine plans or  
 85 programs for either initiating or supporting research which  
 86 contain highly proprietary information, including specific  
 87 research approaches and targets of investigation. Maintaining

Page 3 of 4

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20131276\_\_

88 the confidentiality of research plans and proposals is a  
 89 hallmark of research funding, is practiced by the National  
 90 Science Foundation and the National Institutes of Health, and  
 91 allows for candid exchanges between reviewers critiquing plans  
 92 and proposals. This exemption is necessary because the failure  
 93 to close access to portions of meetings in which these  
 94 activities are discussed would significantly undermine the  
 95 confidentiality of the research plans and proposals and may  
 96 injure the affected researcher.

97 Section 3. This act shall take effect October 1, 2013.

Page 4 of 4

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/10/13  
Meeting Date

Topic SB Direct Support Organizations

Bill Number SB 1276  
*(if applicable)*

Name Andy Palmer

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

Job Title Government Affairs Consultant

Address 215 S. Monroe St, Suite 505  
Street

Phone (850) 205-9000

Tallahassee FL 32301  
City State Zip

E-mail andy.palmer@metzlaw.com

Speaking:  For  Against  Information

Representing Harbor Branch Oceanographic Institute Foundation

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

Meeting Date \_\_\_\_\_

Topic \_\_\_\_\_

Bill Number 1276  
*(if applicable)*

Name MARION HOFFMANN

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

Job Title Assoc. v.p. Govt. Relations

Address 215 S. Monroe St. Ste 110

Phone \_\_\_\_\_

Tallahassee FL 3  
City State Zip

E-mail marionhoff@fl.edu

Speaking:  For  Against  Information

Representing Univ. 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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-18-2013

Meeting Date

Topic

Public Records / DSO's

Bill Number

1276

(if applicable)

Name

JANET OWEN

Amendment Barcode

(if applicable)

Job Title

VP, Governmental Affairs - Univ of North FL

Address

1 UNF Drive

Phone

Street

Jack

City

State

Zip

E-mail

Speaking:

For

Against

Information

Representing

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

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

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

Prepared By: The Professional Staff of the Committee on Education

BILL: SB 1630

INTRODUCER: Senator Legg

SUBJECT: Education

DATE: March 15, 2013

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Favorable</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

Under SB 1630, the full implementation of online common core assessments for all kindergarten through grade 12 public school students would be contingent upon an independent third party determination that the technology infrastructure, connectivity, and capacity of all public schools and school districts are verified as ready for successful deployment and implementation.

Additionally, the bill provides that the Next Generation Sunshine State Standards, the state’s public K-12 curricular standards, would include the common core standards in English/Language Arts and Mathematics. The bill directs the Division of Law Revision and Information to change the term “Sunshine State Standards” to the term “Next Generation Sunshine State Standards” wherever it appears in Florida Statutes.

The effective date of the bill is upon becoming a law.

This bill amends section 1000.21 of the Florida Statutes and creates three undesignated sections of law.

**II. Present Situation:**

The Common Core State Standards Initiative (Initiative) involves governors and state education commissioners from 48 states, two territories, and the District of Columbia committed to developing a common set of state standards in English/Language arts and mathematics for grades

K-12. The initiative is a state-led effort coordinated by the National Governor's Association Center for Best Practices and the Council of Chief State School Officers.<sup>1</sup>

The Common Core State Standards (CCSS) in English/Language Arts (which includes reading standards) and in Mathematics were adopted by the Florida State Board of Education on July 27, 2010.<sup>2</sup> The standards in both English/Language Arts and in mathematics must be fully implemented beginning in the 2013-2014 school year.<sup>3</sup>

The Race to the Top Assessment program was authorized as part of the American Recovery and Reinvestment Act of 2009.<sup>4</sup> In September 2010, the U.S. Department of Education (U.S. DOE) awarded competitive, four-year grants to two consortia of states, the Partnership for Assessment of Readiness for College and Careers (PARCC) and the Smarter Balanced Assessment Consortium (SBAC).<sup>5</sup> On January 7, 2011, PARCC and SBAC each entered into a Cooperative Agreement with the U.S. DOE regarding these grants.<sup>6</sup> Florida is a PARCC member state.

The two consortia are developing comprehensive computer-based assessment systems that are valid, support and inform instruction, provide accurate information about what students know and can do, and measure student achievement against common core standards, including those that are typically hard to measure, designed to ensure that all students gain the knowledge and skills needed to succeed in college and the workplace.<sup>7</sup>

Nationally, researchers have recognized that the consequences of the consortia assessments, slated for the 2014-2015 school year, will be significant.<sup>8</sup> Critics assert that components of the education system, such as the state-led and state-developed standards, have changed without proper attention to and adjustment to other aspects of the system, such as providing support to help teachers and leaders in continuous improvements.<sup>9</sup>

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<sup>1</sup> National Governor's Association Center for Best Practices and Council of Chief State School Officers, *Common Core State Standards Initiative*, <http://www.corestandards.org/>. (last visited March 15, 2013) [hereinafter *Common Core Website*]

<sup>2</sup> See <http://www.fldoe.org/bii/curriculum/sss/>. (last visited March 15, 2013)

<sup>3</sup> Florida Department of Education, *Next Generation Sunshine State Standards*, <http://www.fldoe.org/bii/curriculum/sss/> (last visited March 15, 2013).

<sup>4</sup> *Race to the Top Assessment Program*, U.S. DOE. See <http://www2.ed.gov/programs/racetothetop-assessment/index.html>.

<sup>5</sup> See <http://www2.ed.gov/programs/racetothetop-assessment/index.html>.

<sup>6</sup> The consortia's approved plans, including amendments, and budgets are available at:

<http://www2.ed.gov/programs/racetothetop-assessment/awards.html>. Each consortium received a supplemental grant award of \$15.9 million.

<sup>7</sup> See <http://www2.ed.gov/programs/racetothetop-assessment/index.html>

<sup>8</sup> National Center for Research, *CRESST Report 823: On the Road to Assessing Deeper Learning: The Status of Smarter Balanced and PARCC Assessment Consortia* (Jan. 2013), <http://www.cse.ucla.edu/products/reports.php> (March 15, 2013) at 4 and 18-19.

<sup>9</sup> *Our Responsibility, Our Promise: Transforming Education Preparation and Entry into the Profession*, Council of Chief State School Officers (CCSSO) Task Force, 2012, readable at: [http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise\\_2012.pdf](http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise_2012.pdf). The task force report was developed by current and former CCSSO task force members with input from the National Association of State Boards of Education and the National Governors Association.

In Florida, school districts are concerned about the following challenges related to the implementation of the CCSS standards:<sup>10</sup>

- Preparedness concerns regarding the pedagogical knowledge needed by teachers to effectively deliver content at the level of rigor required by the standards.
- Assessment concerns regarding how students with special needs will be assessed, how students and teachers must be prepared for the assessments, and whether data from the PARCC assessments will be available and sufficiently reliable to inform instruction.
- Technology concerns regarding capacity to facilitate teaching and learning with technology, assessing students with next-generation assessments, time required to test students, and the volume of students who will be tested at a given time. Availability of required infrastructure, devices, and professional development are critical to successful implementation of the standards.
- Timeline and alignment of reform efforts and policy expectations concerns regarding teacher evaluations based on current state assessments which are not aligned to the standards.

Based on a self-reported annual survey of public schools and school district technology needs,<sup>11</sup> the State Board of Education submitted a legislative budget request for \$441.8 million for a “K-12 Technology Modernization Initiative.”<sup>12</sup> Governor Scott’s proposed budget recommendations for FY 2013-2014 reflect a similar \$100 million technology initiative.<sup>13</sup>

Some states are handling technology needs by joining together to purchase a comprehensive set of educational-technology devices and services, in a compact that lays the foundation for cooperative efforts by state and local governments to turn the digital-procurement process to such states’ advantage.<sup>14</sup> The initial partners of the multi-state venture, known as the Multi-State Learning Technology Initiative, include Hawaii and Vermont in addition to Maine which has taken the lead. Additional states have indicated interest in joining the multi-state venture. The multi-state venture is structured to allow individual districts and other government entities, such

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<sup>10</sup> State Board of Education, *Update on Transition to Common Core Standards and Assessments* (Feb. 18, 2013), [http://www.fldoe.org/board/meetings/2013\\_02\\_18/common.pdf](http://www.fldoe.org/board/meetings/2013_02_18/common.pdf). Florida is a member of PARCC.

<sup>11</sup> The Florida Department of Education collects information from schools annually in the Florida Innovates Technology Resource Survey, which solicits responses from K-12 principals on the use of technology in their respective schools. The data collected includes the number and location of each school’s computers meeting certain specifications. However, this survey does not provide detailed information on how schools are using computers and provides limited information on the use of digital instructional materials. See *Use of Instructional Technology and Digital Instructional Materials in Fifteen Florida Schools*, OPPAGA, September 28, 2012.

<sup>12</sup> 2013-2014 SBE LBR, readable at:

<http://www.flsenate.gov/UserContent/Topics/IntensiveBudgetReview/AED/DOEAgencyLBR.pdf>. See also [http://www.fldoe.org/board/meetings/2012\\_10\\_09/lbr.pdf](http://www.fldoe.org/board/meetings/2012_10_09/lbr.pdf). (Page 7: K-12 Education Technology Modernization Initiative)

<sup>13</sup> 2013-2014 Governor’s Budget Recommendations, readable at:

<http://letsgettowork.state.fl.us/content/current/reports/Budget-Presentation-FY-14.pdf>. (Slide 28: Technology Initiative).

<sup>14</sup> Education Week, *Maine Leading Initiative for Multistate Tech Buys*,

<http://www.edweek.org/ew/articles/2013/03/13/24maine.h32.html> (last visited March 15, 2013).

as charter schools, to participate in the digital-procurement process with the approval of state procurement officials.<sup>15</sup>

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

Under the bill, the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments, including online assessments, would be load tested and independently verified as appropriate, adequate, efficient, and sustainable. The independent verification will supplement the self-reported data collected by the DOE.

Additionally, the full implementation of online (i.e., computer-based) common core assessments for all kindergarten through grade 12 public school students would be contingent upon an independent third party determination that the technology infrastructure, connectivity, and capacity of all public schools and school districts are verified as ready for successful deployment and implementation.

The Next Generation Sunshine State Standards would include common core standards in English/Language Arts and Mathematics. The bill directs the Division of Law Revision and Information to update statutes by changing the term “Sunshine State Standards” to the term “Next Generation Sunshine State Standards,” as appropriate, wherever it appears in Florida Statutes.

### **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.

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

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

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

None.

B. Amendments:

None.

By Senator Legg

17-01287D-13

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A bill to be entitled

An act relating to education; requiring that the technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, F.S., be load tested and independently verified as appropriate, adequate, efficient, and sustainable; requiring that full implementation of online common core assessments for all kindergarten through grade 12 public school students occur only after the technology infrastructure, connectivity, and capacity of all public schools and school districts have been load tested and independently verified as ready for successful deployment and implementation; amending s. 1000.21, F.S.; modifying a definition; providing that certain common core standards are part of the Next Generation Sunshine State Standards; directing the Division of Law Revision and Information to change the term "Sunshine State Standards" to "Next Generation Sunshine State Standards" wherever the term appears in Florida Statutes; providing an effective date.

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

Section 1. The technology infrastructure, connectivity, and capacity of all public schools and school districts that administer statewide standardized assessments pursuant to s. 1008.22, Florida Statutes, including online assessments, shall

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be load tested and independently verified as appropriate, adequate, efficient, and sustainable.

Section 2. Full implementation of online common core assessments for all kindergarten through grade 12 public school students shall occur only after the technology infrastructure, connectivity, and capacity of all public schools and school districts have been load tested and independently verified as ready for successful deployment and implementation.

Section 3. Subsection (7) of section 1000.21, Florida Statutes, is amended to read:

1000.21 Systemwide definitions.—As used in the Florida K-20 Education Code:

(7) ~~"Sunshine State Standards" or the "Next Generation Sunshine State Standards"~~ means the state's public K-12 curricular standards, including common core standards in English/Language Arts and Mathematics, adopted under s. 1003.41. ~~The term includes the Sunshine State Standards that are in place for a subject until the standards for that subject are replaced under s. 1003.41 by the Next Generation Sunshine State Standards.~~

Section 4. The Division of Law Revision and Information shall change "Sunshine State Standards" to "Next Generation Sunshine State Standards" wherever it appears in Florida Statutes.

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

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Proposed Committee Substitute by the Committee on Education

A bill to be entitled

An act relating to education instructional personnel and school administrators; amending s. 1004.04, F.S.; revising legislative intent; revising the requirements of State Board of Education rule for uniform core curricula for state-approved teacher preparation programs; revising the process for initial approval of state-approved teacher preparation programs; revising the requirements for continued approval of state-approved teacher preparation programs; requiring the State Board of Education to adopt rules for continued approval of teacher preparation programs; requiring the Commissioner of Education to determine the continued approval of each program; providing requirements for a report that certain public and private institutions prepare regarding their teacher preparation programs; requiring the Department of Education to report to the Governor, the Legislature, the State Board of Education, the Board of Governors, the Commissioner of Education, each Florida postsecondary teacher preparation program, each district school superintendent, and the public the results of each approved program's annual progress and the current approval status of each program; revising the requirements for preservice field experience; amending s. 1004.85, F.S.; revising the definition of the term "educator preparation institute"; authorizing a qualified private provider to seek approval to offer



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a competency-based certification program; revising the criteria for approval of preparation programs; requiring the department to approve a certification program under certain circumstances; revising the requirements for program participants; revising the criteria for continued approval of programs; revising the requirements for personnel that participate in field experiences; amending s. 1012.32, F.S.; conforming cross-references and conforming provisions to changes made by the act; amending s. 1012.55, F.S.; requiring the State Board of Education to adopt rules that allow an individual who meets specified criteria to be eligible for a temporary certificate in education leadership; amending s. 1012.56, F.S.; authorizing the State Board of Education to adopt rules that allow for the acceptance of college course credits recommended by the American Council for Education; authorizing a school district to provide a professional development certification program; specifying the components of the program; revising requirements for demonstrating mastery of professional education competence; requiring the Commissioner of Education to determine the continued approval of the programs; requiring the Department of Education to provide a review procedure for an applicant who fails a certification examination; requiring the applicant to bear the actual cost in order for the department to provide an examination review; amending s. 1012.585, F.S.; conforming a cross-reference; amending s.



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58 1012.71, F.S.; renaming the Florida Teachers Lead  
59 Program as the Florida Teachers Classroom Supply  
60 Assistance Program; providing that the calculation of  
61 funds for each teacher includes local contributions;  
62 requiring that a teacher's proportionate share of  
63 funds be provided by any means determined appropriate,  
64 including a debit card; providing requirements for the  
65 debit card; authorizing the Department of Education  
66 and the district school boards to enter into public-  
67 private partnerships; deleting provisions relating to  
68 a pilot program established for the 2009-2010 fiscal  
69 year; amending s.1012.98, F.S.; authorizing rather  
70 than requiring each school principal to establish and  
71 maintain an individual professional development plan  
72 for each instructional employee assigned to the school  
73 as a seamless component to the school improvement  
74 plans; providing an effective date.

75  
76 Be It Enacted by the Legislature of the State of Florida:

77  
78 Section 1. Section 1004.04, Florida Statutes, is amended to  
79 read:

80 1004.04 Public accountability and state approval for  
81 teacher preparation programs.-

82 (1) INTENT.-

83 (a) The Legislature recognizes that effective ~~skilled~~  
84 teachers make an important contribution to a system that allows  
85 students to obtain a high-quality education.

86 (b) The intent of the Legislature is to require the State



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87 Board of Education to ~~maintain~~ attain a system for development  
88 and approval of teacher preparation programs ~~which that~~ allows  
89 postsecondary teacher preparation institutions to employ varied  
90 and innovative teacher preparation techniques while being held  
91 accountable for producing program completers ~~graduates~~ with the  
92 competencies and skills necessary to achieve the state education  
93 goals; help all students in the state's diverse student  
94 population, ~~including students who have substandard reading and~~  
95 ~~computational skills and students with limited English~~  
96 ~~proficiency~~, meet high standards for academic achievement;  
97 maintain safe, secure classroom learning environments; and  
98 sustain the state system of school improvement and education  
99 accountability established pursuant to ss. 1000.03(5) and  
100 1008.345.

101 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.-

102 (a) The State Board of Education shall adopt rules pursuant  
103 to ss. 120.536(1) and 120.54 ~~which that~~ establish uniform core  
104 curricula for each state-approved teacher preparation program.

105 (b) The rules to establish uniform core curricula for each  
106 state-approved teacher preparation program must include, but are  
107 not limited to, the following:

108 1. The Florida Educator Accomplished Practices.

109 2. The state-adopted content standards. ~~a State Board of~~  
110 ~~Education identified foundation in~~

111 3. Scientifically researched reading instruction.  
112 ~~knowledge based reading~~

113 4. Content literacy and mathematics practices.

114 ~~computational skills acquisition; classroom management;~~

115 5. Strategies appropriate for the instruction of English



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116 language learners.

117 6. Strategies appropriate for the instruction of students  
118 with disabilities.

119 7. School safety; professional ethics; educational law;  
120 human development and learning; and understanding of the  
121 Sunshine State Standards content measured by state achievement  
122 tests, reading and interpretation of data, and use of data to  
123 improve student achievement.

124 (c) Each candidate must receive instruction and be assessed  
125 on the uniform core curricula in the candidate's area or areas  
126 of program concentration during course work and field  
127 experiences. These rules shall not require an additional period  
128 of time to degree but may be phased in to enable teacher  
129 preparation programs to supplant courses, including pedagogy  
130 courses, not required by law or State Board of Education rule  
131 with the courses identified pursuant to paragraph (b).

132 (d) Before program completion, each candidate must  
133 demonstrate his or her ability to positively impact student  
134 learning growth in the candidate's area or areas of program  
135 concentration during a prekindergarten through grade 12 field  
136 experience and must pass each portion of the Florida Teacher  
137 Certification Examination required for a professional  
138 certificate in the area or areas of program concentration.

139 ~~(3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.—A system~~  
140 ~~developed by the Department of Education in collaboration with~~  
141 ~~postsecondary educational institutions shall assist departments~~  
142 ~~and colleges of education in the restructuring of their programs~~  
143 ~~in accordance with this section to meet the need for producing~~  
144 ~~quality teachers now and in the future.~~



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154 ~~(a) The system must be designed to assist teacher educators~~  
155 ~~in conceptualizing, developing, implementing, and evaluating~~  
156 ~~programs that meet state adopted standards. These standards~~  
157 ~~shall emphasize quality indicators drawn from research,~~  
158 ~~professional literature, recognized guidelines, Florida~~  
159 ~~essential teaching competencies and educator-accomplished~~  
160 ~~practices, effective classroom practices, and the outcomes of~~  
161 ~~the state system of school improvement and education~~  
162 ~~accountability, as well as performance measures.~~

163 ~~(b) Departments and colleges of education shall emphasize~~  
164 ~~the state system of school improvement and education~~  
165 ~~accountability concepts and standards, including Sunshine State~~  
166 ~~Standards.~~

167 ~~(c) State approved teacher preparation programs must~~  
168 ~~incorporate:~~

169 ~~1. Appropriate English for Speakers of Other Languages~~  
170 ~~instruction so that program graduates will have completed the~~  
171 ~~requirements for teaching limited English proficient students in~~  
172 ~~Florida public schools.~~

173 ~~2. Scientifically researched, knowledge-based reading~~  
174 ~~literacy and computational skills instruction so that program~~  
175 ~~graduates will be able to provide the necessary academic~~  
176 ~~foundations for their students at whatever grade levels they~~  
177 ~~choose to teach.~~

178 ~~(3)(4) INITIAL STATE PROGRAM APPROVAL.—~~

179 (a) A program approval process based on standards adopted  
180 pursuant to this subsection and subsection subsections (2) and  
181 ~~(3)~~ must be established for postsecondary teacher preparation  
182 programs, phased in according to timelines determined by the  
183



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174 ~~Department of Education, and fully implemented for all teacher~~  
175 ~~preparation programs in the state.~~ Each program shall be  
176 approved by the department, consistent with the intent set forth  
177 in subsection (1) and based primarily upon evidence of the  
178 institution's and the program's capacity to meet the  
179 requirements for continued approval as provided in subsection  
180 (4) and by the rules of the State Board of Education  
181 significant, objective, and quantifiable graduate performance  
182 measures.

183 (b) Each teacher preparation program approved by the  
184 Department of Education, as provided for by this section, shall  
185 require students to meet, at a minimum, the following as  
186 prerequisites for admission into the program:

187 1. Have a grade point average of at least 2.5 on a 4.0  
188 scale for the general education component of undergraduate  
189 studies or have completed the requirements for a baccalaureate  
190 degree with a minimum grade point average of 2.5 on a 4.0 scale  
191 from any college or university accredited by a regional  
192 accrediting association as defined by State Board of Education  
193 rule or any college or university otherwise approved pursuant to  
194 State Board of Education rule.

195 2. Demonstrate mastery of general knowledge sufficient for  
196 entry into the program, including the ability to read, write,  
197 and perform in mathematics compute, by passing the General  
198 Knowledge Test of the Florida Teacher Certification Examination  
199 or, for a graduate level program, obtain a baccalaureate degree  
200 from an institution that is accredited or approved, the College  
201 Level Academic Skills Test, a corresponding component of the  
202 National Teachers Examination series, or a similar test pursuant



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203 to the rules of the State Board of Education.

204  
205 Each teacher preparation program may waive these admissions  
206 requirements for up to 10 percent of the students admitted.  
207 Programs shall implement strategies to ensure that students  
208 admitted under a waiver receive assistance to demonstrate  
209 competencies to successfully meet requirements for certification  
210 and shall annually report to the Department of Education the  
211 status of each candidate admitted under such a waiver.

212 (c) Each teacher preparation program approved by the  
213 Department of Education, as provided for by this section, shall  
214 provide a certification ombudsman to facilitate the process and  
215 procedures required for graduates to obtain educator  
216 professional or temporary certification pursuant to s. 1012.56.

217 ~~(4)(5) CONTINUED PROGRAM APPROVAL. Notwithstanding~~  
218 ~~subsection (4), failure by a public or nonpublic teacher~~  
219 ~~preparation program to meet the criteria for continued program~~  
220 ~~approval shall result in loss of program approval. The~~  
221 ~~Department of Education, in collaboration with the departments~~  
222 ~~and colleges of education, shall develop procedures for~~  
223 ~~continued program approval that document the continuous~~  
224 ~~improvement of program processes and graduates' performance.~~

225 ~~(a)~~ Continued approval of a specific teacher preparation  
226 program shall be based upon evidence that the program continues  
227 to implement the requirements for initial approval and upon  
228 significant, objective, and quantifiable measures of the program  
229 and the performance of the program completers.

230 (a) The criteria for continued approval must include each  
231 of the following:



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232 1. Documentation from the program that each program  
233 candidate met the admission requirements provided in subsection  
234 (3).  
235 2. Documentation from the program that the program and each  
236 program completer have met the requirements provided in  
237 subsection (2).  
238 3. Evidence of performance in each of the following areas:  
239 a. Placement rate of program completers into instructional  
240 positions in Florida public schools.  
241 b. Rate of retention for employed program completers in  
242 instructional positions in Florida public schools.  
243 c. Performance of students in prekindergarten through grade  
244 12 who are assigned to in-field program completers on statewide  
245 assessments using the results of the student learning growth  
246 formula adopted under s. 1012.34.  
247 d. Performance of students in prekindergarten through grade  
248 12 who are assigned to in-field program completers aggregated by  
249 student subgroup, as defined in the federal Elementary and  
250 Secondary Education Act (ESEA), 20 U.S.C. s.  
251 6311(b)(2)(C)(v)(II), as a measure of how well the program  
252 prepares teachers to work with a diverse population of students  
253 in a variety of settings in Florida public schools.  
254 e. Results of a program completer's annual performance  
255 evaluation pursuant to s. 1012.34.  
256 f. Production of program completers in statewide critical  
257 teacher shortage areas as identified in s. 1012.07 programs at  
258 each public and nonpublic postsecondary educational institution  
259 within the state is contingent upon the passing of the written  
260 examination required by s. 1012.56 by at least 90 percent of the



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261 ~~graduates of the program who take the examination. The~~  
262 ~~Department of Education shall annually provide an analysis of~~  
263 ~~the performance of the graduates of such institution with~~  
264 ~~respect to the competencies assessed by the examination required~~  
265 ~~by s. 1012.56.~~  
266 (b) The State Board of Education shall adopt rules for  
267 continued approval of teacher preparation programs which include  
268 the program review process, the continued approval timelines,  
269 and the performance level targets for each of the continued  
270 approval criteria in paragraph (a). Additional criteria for  
271 continued program approval for public institutions may be  
272 approved by the State Board of Education. Such criteria may  
273 include a must emphasize instruction in classroom management and  
274 must provide for the evaluation of the teacher candidates'  
275 performance in this area. The criteria shall also require  
276 instruction in working with underachieving students. Program  
277 evaluation procedures must include, but are not limited to,  
278 program completer's graduates' satisfaction with instruction and  
279 an employer's satisfaction with, and the program's  
280 responsiveness to, local school districts. The Commissioner of  
281 Education shall determine the continued approval of each program  
282 based on the data collected pursuant to this section and the  
283 rules of the State Board of Education. Additional criteria for  
284 continued program approval for nonpublic institutions shall be  
285 developed in the same manner as for public institutions;  
286 however, such criteria must be based upon significant,  
287 objective, and quantifiable graduate performance measures.  
288 Responsibility for collecting data on outcome measures through  
289 survey instruments and other appropriate means shall be shared



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290 ~~by the postsecondary educational institutions and the Department~~  
291 ~~of Education. By January 1 of each year, the Department of~~  
292 ~~Education shall report this information for each postsecondary~~  
293 ~~educational institution that has state-approved programs of~~  
294 ~~teacher education to the Governor, the State Board of Education,~~  
295 ~~the Board of Governors, the Commissioner of Education, the~~  
296 ~~President of the Senate, the Speaker of the House of~~  
297 ~~Representatives, all Florida postsecondary teacher preparation~~  
298 ~~programs, and interested members of the public. This report must~~  
299 ~~analyze the data and make recommendations for improving teacher~~  
300 ~~preparation programs in the state.~~

301 (c) Each program must prepare and submit to the Department  
302 of Education Continued approval for a teacher preparation  
303 program is contingent upon the results of periodic reviews, on a  
304 schedule established by the State Board of Education, of the  
305 program conducted by the postsecondary educational institution,  
306 using procedures and criteria outlined in an institutional  
307 program evaluation plan approved by the Department of Education.  
308 Each institutional program evaluation This plan must incorporate  
309 the criteria established in paragraphs (a) and (b) and may  
310 include additional data chosen by the program. The plan must  
311 provide information on how the institution addresses continuous  
312 program improvement and must include provisions for involving  
313 primary stakeholders, such as program completers graduates,  
314 public district school personnel, classroom teachers,  
315 principals, community agencies, and business representatives in  
316 the evaluation process. Upon request by an institution, the  
317 department shall provide assistance in developing, enhancing, or  
318 reviewing the institutional program evaluation plan and training



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319 ~~evaluation team members.~~

320 (d) ~~Continued approval for a teacher preparation program is~~  
321 ~~contingent upon standards being in place that are designed to~~  
322 ~~adequately prepare elementary, middle, and high school teachers~~  
323 ~~to instruct their students in reading and higher-level~~  
324 ~~mathematics concepts and in the use of technology at the~~  
325 ~~appropriate grade level.~~

326 (e) ~~Continued approval of teacher preparation programs is~~  
327 ~~contingent upon compliance with the student admission~~  
328 ~~requirements of subsection (4) and upon the receipt of at least~~  
329 ~~a satisfactory rating from public schools and private schools~~  
330 ~~that employ graduates of the program. Each teacher preparation~~  
331 ~~program must shall guarantee the high quality of its program~~  
332 ~~completers graduates during the first 2 years immediately~~  
333 ~~following completion of graduation from the program or following~~  
334 ~~initial certification, whichever occurs first. Any program~~  
335 ~~completer who is employed in a Florida public school during this~~  
336 ~~2-year period and who earns an evaluation result of developing~~  
337 ~~or unsatisfactory on the school district's evaluation system~~  
338 ~~implemented under s. 1012.34 educator in a Florida school who~~  
339 ~~fails to demonstrate the essential skills specified in~~  
340 ~~subparagraphs 1.-5. shall be provided additional training by the~~  
341 ~~teacher preparation program at no expense to the educator or the~~  
342 ~~employer if requested by the employing school district or~~  
343 ~~charter school. Such training must consist of an individualized~~  
344 ~~plan agreed upon by the school district and the postsecondary~~  
345 ~~educational institution which that includes specific learning~~  
346 ~~outcomes. The postsecondary educational institution assumes no~~  
347 ~~responsibility for the educator's employment contract with the~~



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348 employer. ~~Employer satisfaction shall be determined by an~~  
349 ~~annually administered survey instrument approved by the~~  
350 ~~Department of Education that, at a minimum, must include~~  
351 ~~employer satisfaction of the graduates' ability to do the~~  
352 ~~following:~~

- 353 ~~1. Write and speak in a logical and understandable style~~  
354 ~~with appropriate grammar.~~
- 355 ~~2. Recognize signs of students' difficulty with the reading~~  
356 ~~and computational process and apply appropriate measures to~~  
357 ~~improve students' reading and computational performance.~~
- 358 ~~3. Use and integrate appropriate technology in teaching and~~  
359 ~~learning processes.~~
- 360 ~~4. Demonstrate knowledge and understanding of Sunshine~~  
361 ~~State Standards.~~
- 362 ~~5. Maintain an orderly and disciplined classroom conducive~~  
363 ~~to student learning.~~

364 (e) (f)1. Each Florida public and private institution that  
365 offers a state-approved teacher preparation program must  
366 annually report information regarding its approved these  
367 programs to the state and the general public. The report to the  
368 state must include a list of candidates who are admitted to, who  
369 are enrolled in, or who complete a teacher preparation program;  
370 additional evidence necessary to document requirements for  
371 continued approval; and data necessary to complete applicable  
372 federal reporting requirements. The state reporting requirements  
373 must minimize a program's reporting burden whenever possible  
374 without compromising data quality. The report to the general  
375 public must include, at a minimum, the annual progress data  
376 reported by the state under this paragraph, and may include



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377 ~~other information chosen by the institution or program This~~  
378 ~~information shall be reported in a uniform and comprehensible~~  
379 ~~manner that is consistent with definitions and methods approved~~  
380 ~~by the Commissioner of the National Center for Educational~~  
381 ~~Statistics and that is approved by the State Board of Education.~~

382 ~~This information must include, at a minimum:~~  
383 ~~a. The percent of graduates obtaining full-time teaching~~  
384 ~~employment within the first year of graduation.~~  
385 ~~b. The average length of stay of graduates in their full-~~  
386 ~~time teaching positions.~~

387 ~~c. Satisfaction ratings required in paragraph (e).~~  
388 ~~2. Each public and private institution offering training~~  
389 ~~for school readiness related professions, including training in~~  
390 ~~the fields of child care and early childhood education, whether~~  
391 ~~offering career credit, associate in applied science degree~~  
392 ~~programs, associate in science degree programs, or associate in~~  
393 ~~arts degree programs, shall annually report information~~  
394 ~~regarding these programs to the state and the general public in~~  
395 ~~a uniform and comprehensible manner that conforms with~~  
396 ~~definitions and methods approved by the State Board of~~  
397 ~~Education. This information must include, at a minimum:~~

- 398 ~~a. Average length of stay of graduates in their positions.~~
- 399 ~~b. Satisfaction ratings of graduates' employers.~~

400  
401 ~~This information shall be reported through publications,~~  
402 ~~including college and university catalogs and promotional~~  
403 ~~materials sent to potential applicants, secondary school~~  
404 ~~guidance counselors, and prospective employers of the~~  
405 ~~institution's program graduates.~~



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406 (f) By January 1 of each year, the Department of Education  
407 shall report the results of each approved program's annual  
408 progress on the performance measures in paragraph (a) as well as  
409 the current approval status of each program to:

- 410 1. The Governor.
- 411 2. The President of the Senate.
- 412 3. The Speaker of the House of Representatives.
- 413 4. The State Board of Education.
- 414 5. The Board of Governors.
- 415 6. The Commissioner of Education.
- 416 7. Each Florida postsecondary teacher preparation program.
- 417 8. Each district school superintendent.
- 418 9. The public.

419  
420 This report may include the results of other continued approval  
421 requirements provided by State Board of Education rule and  
422 recommendations for improving teacher preparation programs in  
423 the state.

424 (5)(6) PRESERVICE FIELD EXPERIENCE.—All postsecondary  
425 instructors, school district personnel and instructional  
426 personnel, and school sites preparing instructional personnel  
427 through preservice field experience courses and internships  
428 shall meet special requirements. District school boards may are  
429 authorized to pay student teachers during their internships.

430 (a) All instructors in postsecondary teacher preparation  
431 programs who instruct or supervise ~~preservice~~ field experience  
432 courses or internships in which candidates demonstrate an impact  
433 on student learning growth must shall have each at least one of  
434 the following: specialized training in clinical supervision; a



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435 valid professional teaching certificate pursuant to ss. 1012.56  
436 and 1012.585; ~~and or~~ at least 3 years of successful teaching  
437 experience in prekindergarten through grade 12.

438 (b) All school district personnel and instructional  
439 personnel who supervise or direct teacher preparation students  
440 during field experience courses or internships in which  
441 candidates demonstrate an impact on student learning growth must  
442 have evidence of "clinical educator" training, a valid  
443 professional certificate issued pursuant to s. 1012.56, and at  
444 least 3 years of teaching experience in prekindergarten through  
445 grade 12 and must have earned an effective or highly effective  
446 rating on the prior year's performance evaluation under s.  
447 1012.34 or be a peer evaluator under the district's evaluation  
448 system approved under s. 1012.34 ~~successfully demonstrate~~  
449 effective classroom management strategies that consistently  
450 result in improved student performance. The State Board of  
451 Education shall approve the training requirements.

452 (c) Preservice field experience ~~programs~~ must include  
453 candidate practice ~~provide specific guidance~~ and demonstration  
454 of the uniform core curricula specific to the candidates' area  
455 or areas of program concentration with a diverse population of  
456 students in a variety of settings ~~effective classroom management~~  
457 strategies, ~~strategies for incorporating technology into~~  
458 classroom instruction, ~~strategies for incorporating~~  
459 scientifically researched, knowledge-based reading literacy and  
460 computational skills acquisition into classroom instruction, and  
461 ways to link instructional plans to the Sunshine State  
462 Standards, as appropriate. The length of structured field  
463 experiences may be extended to ensure that candidates achieve



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464 the competencies needed to meet certification requirements.  
465 (d) Postsecondary teacher preparation programs in  
466 cooperation with district school boards and approved private  
467 school associations shall select the school sites for preservice  
468 field experience activities based upon the qualifications of the  
469 supervising personnel as described in this subsection and the  
470 needs of the candidates. These sites must represent the full  
471 spectrum of school communities, including, but not limited to,  
472 schools located in urban settings. In order to be selected,  
473 school sites must demonstrate commitment to the education of  
474 public school students and to the preparation of future  
475 teachers.  
476 ~~(7) STANDARDS OF EXCELLENCE. The State Board of Education~~  
477 ~~shall approve standards of excellence for teacher preparation.~~  
478 ~~These standards must exceed the requirements for program~~  
479 ~~approval pursuant to subsection (4) and must incorporate state~~  
480 ~~and national recommendations for exemplary teacher preparation~~  
481 ~~programs.~~  
482 ~~(8) NATIONAL BOARD STANDARDS. The State Board of Education~~  
483 ~~shall review standards and recommendations developed by the~~  
484 ~~National Board for Professional Teaching Standards and may~~  
485 ~~incorporate those parts deemed appropriate into criteria for~~  
486 ~~continued state program approval, standards of excellence, and~~  
487 ~~requirements for inservice education.~~  
488 ~~(9) FLORIDA COLLEGE SYSTEM INSTITUTIONS. To the extent~~  
489 ~~practical, postsecondary educational institutions offering~~  
490 ~~teacher preparation programs shall establish articulation~~  
491 ~~agreements on a core of liberal arts courses and introductory~~  
492 ~~professional courses with field experience components which~~



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493 ~~shall be offered at Florida College System institutions.~~  
494 ~~(10) SHORT-TERM EXPERIENCES AS TEACHER ASSISTANTS.~~  
495 ~~Postsecondary institutions offering teacher preparation programs~~  
496 ~~and Florida College System institutions, in collaboration with~~  
497 ~~school districts, may develop and implement a program to provide~~  
498 ~~short-term experiences as teacher assistants prior to beginning~~  
499 ~~a teacher preparation program or alternative certification~~  
500 ~~program. The program shall serve individuals with baccalaureate~~  
501 ~~degrees who are interested in the teaching profession. This~~  
502 ~~experience may be accepted for use in teacher preparation~~  
503 ~~programs and competency based alternative certification~~  
504 ~~programs, where applicable.~~  
505 ~~(6)(11) RULES.~~The State Board of Education shall adopt  
506 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
507 implement this section.  
508 Section 2. Section 1004.85, Florida Statutes, is amended to  
509 read:  
510 1004.85 Postsecondary educator preparation institutes.-  
511 (1) As used in this section, the term "educator preparation  
512 institute" means an institute created by a postsecondary  
513 institution or a qualified private provider and approved by the  
514 Department of Education.  
515 (2) (a) Postsecondary institutions that are accredited or  
516 approved as described in State Board of Education rule may seek  
517 approval from the Department of Education to create educator  
518 preparation institutes for the purpose of providing any or all  
519 of the following:  
520 1.~~(a)~~ Professional development instruction to assist  
521 teachers in improving classroom instruction and in meeting



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522 certification or recertification requirements.

523 ~~2.(b)~~ Instruction to assist potential and existing  
524 substitute teachers in performing their duties.

525 ~~3.(c)~~ Instruction to assist paraprofessionals in meeting  
526 education and training requirements.

527 ~~4.(d)~~ Instruction for baccalaureate degree holders to  
528 become certified teachers as provided in this section in order  
529 to increase routes to the classroom for mid-career professionals  
530 who hold a baccalaureate degree and college graduates who were  
531 not education majors.

532 (b) A private provider that has a proven history of  
533 delivering high-quality teacher preparation, which is based on  
534 evidence provided from other state recipients of its services  
535 and data showing the successful performance of its completers  
536 based on student achievement, may seek approval to offer a  
537 competency-based certification program under subsection (3).

538 (3) Educator preparation institutes approved pursuant to  
539 this section may offer competency-based ~~alternative~~  
540 certification programs specifically designed for noneducation  
541 major baccalaureate degree holders to enable program  
542 participants to meet the educator certification requirements of  
543 s. 1012.56. ~~Such programs shall be competency-based educator~~  
544 ~~certification preparation programs that prepare educators~~  
545 ~~through an alternative route.~~ An educator preparation institute  
546 choosing to offer a competency-based ~~an alternative~~  
547 certification program pursuant to the provisions of this section  
548 must implement a program previously approved by the Department  
549 of Education for this purpose or a program developed by the  
550 institute and approved by the department for this purpose.



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551 Approved programs shall be available for use by other approved  
552 educator preparation institutes.

553 (a) Within 90 days after receipt of a request for approval,  
554 the Department of Education shall approve a preparation ~~an~~  
555 ~~alternative certification~~ program pursuant to the requirements  
556 of this subsection or issue a statement of the deficiencies in  
557 the request for approval. The department shall approve a an  
558 ~~alternative~~ certification program if the institute provides  
559 sufficient evidence of the institute's capacity to implement a  
560 competency-based program that includes each of the following:

561 1.a. Participant instruction and assessment in the Florida  
562 Educator Accomplished Practices.

563 b. The state-adopted student content standards.

564 c. Scientifically researched reading instruction.

565 d. Content literacy and mathematical practices.

566 e. Strategies appropriate for instruction of English  
567 language learners.

568 f. Strategies appropriate for instruction of students with  
569 disabilities.

570 g. School safety.

571 2. An educational plan for each participant to meet  
572 certification requirements and demonstrate his or her ability to  
573 teach the subject area for which the participant is seeking  
574 certification, which is based on an assessment of his or her  
575 competency in the areas listed in subparagraph 1 ~~Instruction~~  
576 ~~must be provided in professional knowledge and subject matter~~  
577 ~~content that includes educator accomplished practices and~~  
578 ~~competencies specified in State Board of Education rule and~~  
579 ~~meets subject matter content requirements, professional~~



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580 ~~competency testing requirements, and competencies associated~~  
581 ~~with teaching scientifically based reading instruction and~~  
582 ~~strategies that research has shown to be successful in improving~~  
583 ~~reading among low-performing readers.~~

584 3.2- Field experiences appropriate to the certification  
585 subject area specified in the educational plan with a diverse  
586 population of students in a variety of settings under the  
587 program must provide field experience with supervision of from  
588 qualified educators.

589 4.3. The program must provide A certification ombudsman to  
590 facilitate the process and procedures required for participants  
591 who complete the program to meet any requirements related to the  
592 background screening pursuant to s. 1012.32 and educator  
593 professional or temporary certification pursuant to s. 1012.56.

594 (b) Each program participant must:

595 1. Meet certification requirements pursuant to s.  
596 1012.56(1) by obtaining a statement of status of eligibility in  
597 the certification subject area of the educational plan and meet  
598 the requirements of s. 1012.56(2) (a)-(f).

599 2. Participate in coursework and field experiences that are  
600 experience that is appropriate to his or her educational plan  
601 prepared under paragraph (a).

602 3. Before completion of the program, fully demonstrate his  
603 or her ability to teach the subject area for which he or she is  
604 seeking certification by documenting a positive impact on  
605 student learning growth in a prekindergarten through grade 12  
606 setting and achieving demonstrate mastery of professional  
607 preparation and education competence by achievement of a passing  
608 score on the professional education competency examination, the



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609 basic skills examination, and the subject area examination for  
610 the subject area certification which is required by state board  
611 rule prior to completion of the program.

612 (c) Upon completion of all requirements for a an  
613 alternative certification program approved pursuant to this  
614 subsection, a participant shall receive a credential from the  
615 sponsoring institution signifying that the participant has  
616 completed a state-approved competency-based certification  
617 program in the certification subject area specified in the  
618 educational plan satisfaction of the requirements of s.  
619 1012.56(6) relating to mastery of professional preparation and  
620 education competence. A participant is shall be eligible for  
621 educator certification through the Department of Education upon  
622 satisfaction of all requirements for certification set forth in  
623 s. 1012.56(2), including demonstration of mastery of general  
624 knowledge, subject area knowledge, and professional preparation  
625 and education competence, through testing or other statutorily  
626 authorized means.

627 ~~(d) If an institution offers an alternative certification~~  
628 ~~program approved pursuant to this subsection, such program may~~  
629 ~~be used by the school district or districts served by that~~  
630 ~~institution in addition to the alternative certification program~~  
631 ~~as required in s. 1012.56(8).~~

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

635 (a) Documentation from the program that each program  
636 completer has met the requirements of paragraphs (3) (a)-(c);

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



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638 1. Placement rate of program completers into instructional  
639 positions in Florida public schools.  
640 2. Rate of retention for employed program completers in  
641 instructional positions in Florida public schools.  
642 3. Performance of students in prekindergarten through grade  
643 12 who are assigned to in-field program completers on statewide  
644 assessments using the results of the student learning growth  
645 formula adopted under s. 1012.34.  
646 4. Performance of students in prekindergarten through grade  
647 12 who are assigned to in-field program completers aggregated by  
648 student subgroups, as defined in the federal Elementary and  
649 Secondary Education Act (ESEA), 20 U.S.C. s.  
650 6311(b)(2)(C)(v)(II), as a measure of how well the program  
651 prepares teachers to work with a diverse population of students  
652 in a variety of settings in Florida public schools.  
653 5. Results of a program completer's annual performance  
654 evaluation pursuant to s. 1012.34.  
655 6. Production of program completers in statewide critical  
656 teacher shortage areas as identified in s. 1012.07.  
657 ~~(5)(4)~~ Each institute approved pursuant to this section  
658 shall submit to the Department of Education annual performance  
659 evaluations that measure the effectiveness of the programs,  
660 including the pass rates of participants on all examinations  
661 required for teacher certification, employment rates,  
662 longitudinal retention rates, and employer satisfaction surveys.  
663 The employer satisfaction surveys must be designed to measure  
664 the sufficient preparation of the educator to enter the  
665 classroom. These evaluations shall be used by the Department of  
666 Education for purposes of continued approval of an educator



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667 preparation institute's ~~alternative~~ certification program.  
668 ~~(6)(5)~~ Instructors and supervisors of field experiences in  
669 which participants demonstrate an impact on student learning  
670 growth for a ~~an alternative~~ certification program approved  
671 pursuant to this section must meet the same qualifications as  
672 those required in s. 1004.04(5) possess a master's degree in  
673 education or a master's degree in an appropriate related field  
674 and document teaching experience.  
675 ~~(7)(6)~~ Educator preparation institutes approved pursuant to  
676 this section and providing approved instructional programs for  
677 any of the purposes in subsection (2) are eligible for funding  
678 from federal and state funds, as appropriated by the  
679 Legislature.  
680 ~~(8)(7)~~ The State Board of Education may adopt rules  
681 pursuant to ss. 120.536(1) and 120.54 to implement the  
682 provisions of this section, including performance targets for  
683 the measures used for continued program approval described in  
684 subsection (4).  
685 Section 3. Paragraph (d) of subsection (2) of section  
686 1012.32, Florida Statutes, is amended to read:  
687 1012.32 Qualifications of personnel.—  
688 (2)  
689 (d) Student teachers ~~and~~ persons participating in a field  
690 experience pursuant to s. 1004.04(5) ~~s. 1004.04(6)~~ or s.  
691 1004.85, ~~and persons participating in a short-term experience as~~  
692 ~~a teacher assistant pursuant to s. 1004.04(10)~~ in any district  
693 school system, lab school, or charter school must, upon  
694 engagement to provide services, undergo background screening as  
695 required under s. 1012.56.



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696  
697 Fingerprints shall be submitted to the Department of Law  
698 Enforcement for statewide criminal and juvenile records checks  
699 and to the Federal Bureau of Investigation for federal criminal  
700 records checks. A person subject to this subsection who is found  
701 ineligible for employment under s. 1012.315, or otherwise found  
702 through background screening to have been convicted of any crime  
703 involving moral turpitude as defined by rule of the State Board  
704 of Education, shall not be employed, engaged to provide  
705 services, or serve in any position that requires direct contact  
706 with students. Probationary persons subject to this subsection  
707 terminated because of their criminal record have the right to  
708 appeal such decisions. The cost of the background screening may  
709 be borne by the district school board, the charter school, the  
710 employee, the contractor, or a person subject to this  
711 subsection.

712 Section 4. Subsection (1) of section 1012.55, Florida  
713 Statutes, is amended to read:

714 1012.55 Positions for which certificates required.—

715 (1) (a) The State Board of Education shall classify school  
716 services, designate the certification subject areas, establish  
717 competencies, including the use of technology to enhance student  
718 learning, and certification requirements for all school-based  
719 personnel, and adopt rules in accordance with which the  
720 professional, temporary, and part-time certificates shall be  
721 issued by the Department of Education to applicants who meet the  
722 standards prescribed by such rules for their class of service.

723 (b) Each person employed or occupying a position as school  
724 supervisor, school principal, teacher, library media specialist,



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725 school counselor, athletic coach, or other position in which the  
726 employee serves in an instructional capacity, in any public  
727 school of any district of this state shall hold the certificate  
728 required by law and by rules of the State Board of Education in  
729 fulfilling the requirements of the law for the type of service  
730 rendered. Such positions include personnel providing direct  
731 instruction to students through a virtual environment or through  
732 a blended virtual and physical environment.

733 (c) The Department of Education shall identify appropriate  
734 educator certification for the instruction of specified courses  
735 in an annual publication of a directory of course code numbers  
736 for all programs and courses that are funded through the Florida  
737 Education Finance Program. However, the state board shall adopt  
738 rules authorizing district school boards to employ selected  
739 noncertificated personnel to provide instructional services in  
740 the individuals' fields of specialty or to assist instructional  
741 staff members as education paraprofessionals.

742 (d) The State Board of Education shall adopt rules pursuant  
743 to ss. 120.536(1) and 120.54 to allow an individual who meets  
744 the following criteria to be eligible for a temporary  
745 certificate in educational leadership under s. 1012.56(7):

746 1. Earning a passing score on the Florida Educational  
747 Leadership Examination;

748 2. Documenting 3 years of successful experience in a  
749 management or leadership position; and

750 3. Documenting receipt of a bachelor's degree or higher  
751 from an accredited institution of higher learning or from a  
752 nonaccredited institution of higher learning that the Department  
753 of Education has identified as having a quality program that



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754 results in a bachelor's degree, or higher.

755 Section 5. Paragraph (c) of subsection (2), subsection (8),  
756 and paragraph (d) of subsection (9) of section 1012.56, Florida  
757 Statutes, are amended to read:

758 1012.56 Educator certification requirements.—

759 (2) ELIGIBILITY CRITERIA.—To be eligible to seek  
760 certification, a person must:

761 (c) Document receipt of a bachelor's or higher degree from  
762 an accredited institution of higher learning, or a nonaccredited  
763 institution of higher learning that the Department of Education  
764 has identified as having a quality program resulting in a  
765 bachelor's degree, or higher. Each applicant seeking initial  
766 certification must have attained at least a 2.5 overall grade  
767 point average on a 4.0 scale in the applicant's major field of  
768 study. The applicant may document the required education by  
769 submitting official transcripts from institutions of higher  
770 education or by authorizing the direct submission of such  
771 official transcripts through established electronic network  
772 systems. The bachelor's or higher degree may not be required in  
773 areas approved in rule by the State Board of Education as  
774 nondegreed areas. The State Board of Education may adopt rules  
775 that, for purposes of demonstrating completion of specific  
776 certification requirements, allow for the acceptance of college  
777 course credits recommended by the American Council for Education  
778 (ACE), as posted on an official ACE transcript.

779 (8) PROFESSIONAL DEVELOPMENT PREPARATION ALTERNATIVE  
780 CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

781 (a) The Department of Education shall develop and each  
782 school district may ~~must~~ provide a cohesive competency-based



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783 professional development preparation alternative certification  
784 program by which members of a school district's instructional  
785 staff may satisfy the mastery of professional preparation and  
786 education competence requirements specified in this subsection  
787 and rules of the State Board of Education. Participants must  
788 hold a state-issued temporary certificate. A school district  
789 that implements the program shall provide a competency-based  
790 alternative certification preparation program developed by the  
791 Department of Education or developed by the district and  
792 approved by the Department of Education. The program shall  
793 include the following components:

794 1. A minimum period of initial preparation before ~~prior to~~  
795 assuming duties as the teacher of record.

796 2. An option for collaboration between school districts and  
797 other supporting agencies or educational entities for  
798 implementation.

799 3. Experienced peer mentors. Each individual selected by  
800 the district as a peer mentor must hold a valid professional  
801 certificate issued pursuant to s. 1012.56, must have earned at  
802 least 3 years of teaching experience in prekindergarten through  
803 grade 12, and must have earned an effective or highly effective  
804 rating on the prior year's performance evaluation under s.  
805 1012.34 or be a peer evaluator under the district's evaluation  
806 system approved under s. 1012.34.

807 4. An assessment of teaching performance aligned to the  
808 district's system for personnel evaluation under s. 1012.34  
809 which ~~that~~ provides for:

810 a. An initial evaluation of each educator's competencies to  
811 determine an appropriate individualized professional development



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- 812 plan.
- 813 b. A summative evaluation ~~postevaluation~~ to assure
- 814 successful completion of the program.
- 815 5. Professional education preparation content knowledge
- 816 that includes, but is not limited to, the following:
- 817 a. The state-adopted student content standards, including
- 818 content literacy and mathematical practices, for each subject
- 819 identified on the temporary certificate Requirements specified
- 820 in state board rule for professional preparation.
- 821 b. The educator-accomplished practices approved by the
- 822 state board.
- 823 c. A variety of data indicators for monitoring student
- 824 progress.
- 825 d. Methodologies for teaching students with disabilities,
- 826 including technology-based methodologies, for teaching subject
- 827 content that supports the Sunshine State Standards for students.
- 828 e. Methodologies for teaching English language learners
- 829 appropriate for each subject area identified on the temporary
- 830 certificate Techniques for effective classroom management.
- 831 f. Techniques and strategies for operationalizing the role
- 832 of the teacher in assuring a safe learning environment for
- 833 students.
- 834 ~~g. Methodologies for assuring the ability of all students~~
- 835 ~~to read, write, and compute.~~
- 836 6. Required achievement of passing scores on the subject
- 837 area and professional education competency examination required
- 838 by State Board of Education rule. Mastery of general knowledge
- 839 must be demonstrated as described in subsection (3).
- 840 (b) 1. Each school district must and a state supported



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- 841 public school or a private school may develop and maintain a
- 842 system by which members of the instructional staff may
- 843 demonstrate mastery of professional education competence as
- 844 required by law. Each program must be based on classroom
- 845 application of the Florida Educator Accomplished Practices and
- 846 instructional performance and, for public schools, must be
- 847 aligned with the district's evaluation system approved under s.
- 848 1012.34 must include a performance evaluation plan for
- 849 documenting the demonstration of required professional education
- 850 competence.
- 851 2. The Commissioner of Education shall determine the
- 852 continued approval of programs implemented under this paragraph,
- 853 based upon the department's review of performance data. The
- 854 department shall review the performance data as a part of the
- 855 periodic review of each school district's professional
- 856 development system required under s. 1012.98.
- 857 (c) The Commissioner of Education shall determine the
- 858 continued approval of programs implemented under paragraph (a)
- 859 based upon the department's periodic review of the following:
- 860 1. Evidence that the requirements in paragraph (a) are
- 861 consistently met; and
- 862 2. Evidence of performance in each of the following areas:
- 863 a. Rate of retention for employed program completers in
- 864 instructional positions in Florida public schools.
- 865 b. Performance of students in prekindergarten through grade
- 866 12 who are assigned to in-field program completers on statewide
- 867 assessments using the results of the student learning growth
- 868 formula adopted under s. 1012.34.
- 869 c. Performance of students in prekindergarten through grade



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870 12 who are assigned to in-field program completers aggregated by  
871 student subgroups, as defined in the federal Elementary and  
872 Secondary Education Act (ESEA), 20 U.S.C. s.  
873 6311(b)(2)(C)(v)(II), as a measure of how well the program  
874 prepares teachers to work with a variety of students in Florida  
875 public schools.

876 d. Results of a program completer's annual performance  
877 evaluation pursuant to s. 1012.34.

878 e. Production of program completers in statewide critical  
879 teacher shortage areas as defined in s. 1012.07.

880 (9) EXAMINATIONS.—

881 (d) The department shall provide procedures for an  
882 applicant who fails an examination developed by the department  
883 or by an entity under contract with the department to review his  
884 or her examination questions and his or her incorrectly answered  
885 responses to the questions. The applicant bears the actual cost  
886 for the department to provide an examination review pursuant to  
887 this subsection. Notwithstanding any other provisions of law,  
888 only an applicant who fails an examination within a score range  
889 established by rule of the State Board of Education is entitled  
890 to an examination review under this paragraph or to challenge  
891 the validity of the examination ~~If an applicant takes an~~  
892 ~~examination developed by this state and does not achieve the~~  
893 ~~score necessary for certification, the applicant may review his~~  
894 ~~or her completed examination and bring to the attention of the~~  
895 ~~department any errors that would result in a passing score.~~

896 Section 6. Paragraph (a) of subsection (3) of section  
897 1012.585, Florida Statutes, is amended to read:

898 1012.585 Process for renewal of professional certificates.—



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899 (3) For the renewal of a professional certificate, the  
900 following requirements must be met:

901 (a) The applicant must earn a minimum of 6 college credits  
902 or 120 inservice points or a combination thereof. For each area  
903 of specialization to be retained on a certificate, the applicant  
904 must earn at least 3 of the required credit hours or equivalent  
905 inservice points in the specialization area. Education in  
906 "clinical educator" training pursuant to s. 1004.04(5)(b) ~~or~~  
907 ~~1004.04(6)(b)~~ and credits or points that provide training in the  
908 area of scientifically researched, knowledge-based reading  
909 literacy and computational skills acquisition, exceptional  
910 student education, normal child development, and the disorders  
911 of development may be applied toward any specialization area.  
912 Credits or points that provide training in the areas of drug  
913 abuse, child abuse and neglect, strategies in teaching students  
914 having limited proficiency in English, or dropout prevention, or  
915 training in areas identified in the educational goals and  
916 performance standards adopted pursuant to ss. 1000.03(5) and  
917 1008.345 may be applied toward any specialization area. Credits  
918 or points earned through approved summer institutes may be  
919 applied toward the fulfillment of these requirements. Inservice  
920 points may also be earned by participation in professional  
921 growth components approved by the State Board of Education and  
922 specified pursuant to s. 1012.98 in the district's approved  
923 master plan for inservice educational training, including, but  
924 not limited to, serving as a trainer in an approved teacher  
925 training activity, serving on an instructional materials  
926 committee or a state board or commission that deals with  
927 educational issues, or serving on an advisory council created



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928 pursuant to s. 1001.452.

929 Section 7. Section 1012.71, Florida Statutes, is amended to  
930 read:

931 1012.71 The Florida Teachers Classroom Supply Assistance  
932 ~~Lead~~ Program.—

933 (1) For purposes of the Florida Teachers Classroom Supply  
934 Assistance ~~Lead~~ Program, the term “classroom teacher” means a  
935 certified teacher employed by a public school district or a  
936 public charter school in that district on or before September 1  
937 of each year whose full-time or job-share responsibility is the  
938 classroom instruction of students in prekindergarten through  
939 grade 12, including full-time media specialists and guidance  
940 counselors serving students in prekindergarten through grade 12,  
941 who are funded through the Florida Education Finance Program. A  
942 “job-share” classroom teacher is one of two teachers whose  
943 combined full-time equivalent employment for the same teaching  
944 assignment equals one full-time classroom teacher.

945 (2) The Legislature, in the General Appropriations Act,  
946 shall determine funding for the Florida Teachers Classroom  
947 Supply Assistance ~~Lead~~ Program. The funds appropriated are for  
948 classroom teachers to purchase, on behalf of the school district  
949 or charter school, classroom materials and supplies for the  
950 public school students assigned to them and may not be used to  
951 purchase equipment. The funds appropriated shall be used to  
952 supplement the materials and supplies otherwise available to  
953 classroom teachers. From the funds appropriated for the Florida  
954 Teachers Classroom Supply Assistance ~~Lead~~ Program, the  
955 Commissioner of Education shall calculate an amount for each  
956 school district based upon each school district’s proportionate



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957 share of the state’s total unweighted FTE student enrollment and  
958 shall disburse the funds to the school districts by July 15.

959 (3) From the funds allocated to each school district and  
960 any funds received from local contributions for the Florida  
961 Teachers Classroom Supply Assistance ~~Lead~~ Program, the district  
962 school board shall calculate an identical amount for each  
963 classroom teacher, which is that teacher’s proportionate share  
964 of the total amount allocated to the district from state funds  
965 and funds received from local contributions. A job-share  
966 classroom teacher may receive a prorated share of the amount  
967 provided to a full-time classroom teacher. The district school  
968 board and each charter school board shall provide each classroom  
969 teacher with his or her total proportionate share by September  
970 30 of each year by any means determined appropriate by the  
971 district school board or charter school board, including, but  
972 not limited to, direct deposit, check, debit card, or purchasing  
973 card, ~~notwithstanding any law to the contrary~~. If a debit card  
974 is used, an identifier must be placed on the front of the debit  
975 card which clearly indicates that the card has been issued for  
976 the Florida Teachers Classroom Supply Assistance Program.  
977 Expenditures under the program are not subject to state or local  
978 competitive bidding requirements. Funds received by a classroom  
979 teacher do not affect wages, hours, or terms and conditions of  
980 employment and, therefore, are not subject to collective  
981 bargaining. Any classroom teacher may decline receipt of or  
982 return the funds without explanation or cause. ~~This subsection~~  
983 ~~shall apply retroactively to July 1, 2007.~~

984 (4) Each classroom teacher must sign a statement  
985 acknowledging receipt of the funds, keep receipts for no less



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986 than 4 years to show that funds expended meet the requirements  
987 of this section, and return any unused funds to the district  
988 school board at the end of the regular school year. Any unused  
989 funds that are returned to the district school board shall be  
990 deposited into the school advisory council account of the school  
991 at which the classroom teacher returning the funds was employed  
992 when that teacher received the funds or deposited into the  
993 Florida Teachers Classroom Supply Assistance ~~Lead~~ Program  
994 account of the school district in which a charter school is  
995 sponsored, as applicable.

996 (5) The statement must be signed and dated by each  
997 classroom teacher before receipt of the Florida Teachers  
998 Classroom Supply Assistance ~~Lead~~ Program funds and shall include  
999 the wording: "I, ...(name of teacher)..., am employed by the  
1000 ...County District School Board or by the ...Charter School as  
1001 a full-time classroom teacher. I acknowledge that Florida  
1002 Teachers Classroom Supply Assistance ~~Lead~~ Program funds are  
1003 appropriated by the Legislature for the sole purpose of  
1004 purchasing classroom materials and supplies to be used in the  
1005 instruction of students assigned to me. In accepting custody of  
1006 these funds, I agree to keep the receipts for all expenditures  
1007 for no less than 4 years. I understand that if I do not keep the  
1008 receipts, it will be my personal responsibility to pay any  
1009 federal taxes due on these funds. I also agree to return any  
1010 unexpended funds to the district school board at the end of the  
1011 regular school year for deposit into the school advisory council  
1012 account of the school where I was employed at the time I  
1013 received the funds or for deposit into the Florida Teachers  
1014 Classroom Supply Assistance ~~Lead~~ Program account of the school



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1015 district in which the charter school is sponsored, as  
1016 applicable."

1017 (6) The Department of Education and district school boards  
1018 may, and are encouraged to, enter into public-private  
1019 partnerships in order to increase the total amount of Florida  
1020 Teachers Classroom Supply Assistance Programs funds available to  
1021 classroom teachers ~~For the 2009-2010 fiscal year, the Department~~  
1022 ~~of Education is authorized to conduct a pilot program to~~  
1023 ~~determine the feasibility of managing the Florida Teachers Lead~~  
1024 ~~Program through a centralized electronic system. The pilot~~  
1025 ~~program must:~~

1026 ~~(a) Be established through a competitive procurement~~  
1027 ~~process;~~

1028 ~~(b) Provide the capability for participating teachers to~~  
1029 ~~purchase from online sources;~~

1030 ~~(c) Provide the capability for participating teachers to~~  
1031 ~~purchase from local vendors by means other than online~~  
1032 ~~purchasing;~~

1033 ~~(d) Generally comply with the provisions of this section;~~

1034 ~~(e) Be subject to annual auditing requirements to ensure~~  
1035 ~~accountability for funds received and disbursed; and~~

1036 ~~(f) Provide for all unused funds to be returned to the~~  
1037 ~~state at the close of each fiscal year.~~

1038  
1039 ~~Any participation in this pilot program by school districts and~~  
1040 ~~individual teachers must be on a voluntary basis. The department~~  
1041 ~~may limit the number of participating districts to the number it~~  
1042 ~~deems feasible to adequately measure the viability of the pilot~~  
1043 ~~program. The department is not required to implement this pilot~~



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1044 ~~program if it determines that the number of school districts~~  
1045 ~~willing to participate is insufficient to adequately measure the~~  
1046 ~~viability of the pilot program.~~

1047 Section 8. Paragraph (b) of subsection (4) of section  
1048 1012.98, Florida Statutes, is amended to read:

1049 1012.98 School Community Professional Development Act.—

1050 (4) The Department of Education, school districts, schools,  
1051 Florida College System institutions, and state universities  
1052 share the responsibilities described in this section. These  
1053 responsibilities include the following:

1054 (b) Each school district shall develop a professional  
1055 development system as specified in subsection (3). The system  
1056 shall be developed in consultation with teachers, teacher-  
1057 educators of Florida College System institutions and state  
1058 universities, business and community representatives, and local  
1059 education foundations, consortia, and professional  
1060 organizations. The professional development system must:

1061 1. Be approved by the department. All substantial revisions  
1062 to the system shall be submitted to the department for review  
1063 for continued approval.

1064 2. Be based on analyses of student achievement data and  
1065 instructional strategies and methods that support rigorous,  
1066 relevant, and challenging curricula for all students. Schools  
1067 and districts, in developing and refining the professional  
1068 development system, shall also review and monitor school  
1069 discipline data; school environment surveys; assessments of  
1070 parental satisfaction; performance appraisal data of teachers,  
1071 managers, and administrative personnel; and other performance  
1072 indicators to identify school and student needs that can be met



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1073 by improved professional performance.

1074 3. Provide inservice activities coupled with followup  
1075 support appropriate to accomplish district-level and school-  
1076 level improvement goals and standards. The inservice activities  
1077 for instructional personnel shall focus on analysis of student  
1078 achievement data, ongoing formal and informal assessments of  
1079 student achievement, identification and use of enhanced and  
1080 differentiated instructional strategies that emphasize rigor,  
1081 relevance, and reading in the content areas, enhancement of  
1082 subject content expertise, integrated use of classroom  
1083 technology that enhances teaching and learning, classroom  
1084 management, parent involvement, and school safety.

1085 4. Include a master plan for inservice activities, pursuant  
1086 to rules of the State Board of Education, for all district  
1087 employees from all fund sources. The master plan shall be  
1088 updated annually by September 1, must be based on input from  
1089 teachers and district and school instructional leaders, and must  
1090 use the latest available student achievement data and research  
1091 to enhance rigor and relevance in the classroom. Each district  
1092 inservice plan must be aligned to and support the school-based  
1093 inservice plans and school improvement plans pursuant to s.  
1094 1001.42(18). District plans must be approved by the district  
1095 school board annually in order to ensure compliance with  
1096 subsection (1) and to allow for dissemination of research-based  
1097 best practices to other districts. District school boards must  
1098 submit verification of their approval to the Commissioner of  
1099 Education no later than October 1, annually.

1100 ~~5. Require~~ Each school principal ~~may~~ ~~to~~ establish and  
1101 maintain an individual professional development plan for each



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1102 instructional employee assigned to the school as a seamless  
1103 component to the school improvement plans developed pursuant to  
1104 s. 1001.42(18). The individual professional development plan  
1105 must~~+~~  
1106 ~~a-~~ be related to specific performance data for the students  
1107 to whom the teacher is assigned,~~+~~  
1108 ~~b-~~ define the inservice objectives and specific measurable  
1109 improvements expected in student performance as a result of the  
1110 inservice activity, ~~and-~~  
1111 ~~e-~~ include an evaluation component that determines the  
1112 effectiveness of the professional development plan.  
1113 ~~5.6-~~ Include inservice activities for school administrative  
1114 personnel that address updated skills necessary for  
1115 instructional leadership and effective school management  
1116 pursuant to s. 1012.986.  
1117 ~~6.7-~~ Provide for systematic consultation with regional and  
1118 state personnel designated to provide technical assistance and  
1119 evaluation of local professional development programs.  
1120 ~~7.8-~~ Provide for delivery of professional development by  
1121 distance learning and other technology-based delivery systems to  
1122 reach more educators at lower costs.  
1123 ~~8.9-~~ Provide for the continuous evaluation of the quality  
1124 and effectiveness of professional development programs in order  
1125 to eliminate ineffective programs and strategies and to expand  
1126 effective ones. Evaluations must consider the impact of such  
1127 activities on the performance of participating educators and  
1128 their students' achievement and behavior.  
1129 Section 9. This act shall take effect July 1, 2013.

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

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

Prepared By: The Professional Staff of the Committee on Education

BILL: CS/SB 1664

INTRODUCER: Committee on Education and Senator Legg

SUBJECT: Education Instructional Personnel and School Administrators

DATE: March 19, 2013      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	Klebacha	ED	<b>Fav/CS</b>
2.	_____	_____	AED	_____
3.	_____	_____	AP	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |                                         |
|------------------------------|-------------------------------------|-----------------------------------------|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

CS/SB 1664 revises the requirements for state approved educator preparation programs, educator and principal certification, and the Florida Teachers Lead Program. Specifically, the bill makes the following changes:

**State-Approved Educator Preparation Program**

- Provides a new framework for the approval of teacher preparation programs that is based on performance outcome metrics and holds all preparation programs accountable.
- Maintains three distinct program types that offer high quality options for those who enter the teaching profession.
- Streamlines the core curriculum so that it is more focused and relevant and allows for deeper preparation in standards-based instruction.
- Requires candidates to demonstrate that they have a positive impact on student learning growth in field experiences before completing a program.

**Professional Certification**

- Requires the State Board of Education to adopt rules to allow an individual to be eligible for a temporary certificate if he or she passes the Florida Educational Leadership

- Examination, holds a bachelor's degree or higher, and provides evidence of successful management or leadership experience.
- Allows the State Board of Education to adopt rules to provide for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an official ACE transcript.

### **Florida Teachers Lead Program**

- Changes the name of the program to the Florida Teachers Classroom Supply Assistance Program.
- Requires that local contributions be added to the funds allocated by the state when calculating each teacher's proportionate share.

### **Professional Development System**

The bill allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school.

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

This bill substantially amends sections 1004.04, 1004.85, 1012.32, 1012.55, 1012.56, 1012.585, 1012.71, and 1012.98 of the Florida Statutes.

## **II. Present Situation:**

### **Educator Preparation Reform**

Educator and principal preparation programs are undergoing an unprecedented degree of scrutiny and challenge. As states implement rigorous common core standards and other college and career ready standards for in-depth student achievement and growth, concerns have been raised that the current policies and practices for educators entering the profession are not sufficient to respond to this challenge.<sup>1</sup> Critics assert that components of the education system have changed without proper attention to and adjustments to other aspects of the system, namely the support to help teachers and leaders in continuous improvement.<sup>2</sup>

Some suggest that the existing federal reporting and accountability program requirements are not meaningful, in part because the data collected is not based on significant metrics.<sup>3</sup> The need for robust data to inform the public, including prospective candidates and employers, about the effectiveness of programs has been underscored.<sup>4</sup>

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<sup>1</sup> *Our Responsibility, Our Promise: Transforming Education Preparation and Entry into the Profession*, Council of Chief State School Officers (CCSSO) Task Force, 2012, readable at: [http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise\\_2012.pdf](http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise_2012.pdf). The task force report was developed by current and former CCSSO task force members with input from the National Association of State Boards of Education and the National Governors Association.

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

<sup>3</sup> *Our Future, Our Teachers*, U.S. Department of Education, September 2011, readable at: <http://www.ed.gov/sites/default/files/our-future-our-teachers.pdf>.

<sup>4</sup> The National Council on Teacher Quality (NCTQ) recently reported on each state's programs and noted that states are not doing enough to ensure that teachers are prepared to be effective in the classroom. The NCTQ reviewed state policy for program admissions, clinical experiences, accountability, and the specific preparation of elementary, middle, and high school teachers, with a special emphasis on exceptional student education teachers. The NCTQ cited Florida as one of four states

One of the key policy levers for states is the program approval process, particularly the reauthorization process.<sup>5</sup> Program approval decisions should hinge on findings that are evidence-based, educationally significant, and clearly related to quality-oriented standards.<sup>6</sup> Educator preparation must shift away from a norm which emphasizes academic preparation and coursework loosely linked to school-based experiences to programs that are fully grounded in clinical practice and interwoven with academic content and professional courses.<sup>7</sup> Citing the National Research Council report, *Preparing Teachers: Building Evidence for Sound Policy*, the Blue Ribbon Panel on Clinical Preparation and Partnerships for Improved Student Learning notes that clinical preparation (or field experience) is one of three aspects of teacher preparation that are likely to have the highest potential for a positive effect on student outcomes, along with content knowledge and the quality of teacher candidates.<sup>8</sup> Additionally, the importance of qualified clinical educators, coaches, and mentors and diverse clinical settings is being emphasized.<sup>9</sup>

### **Florida-Approved Educator Preparation Programs**

The State Board of Education is required to maintain a system for the development and approval of teacher preparation programs that allows postsecondary teacher preparation institutions to employ a variety of innovative teacher preparation practices while being held accountable for producing graduates with the competencies and skills necessary to achieve the state's education goals.<sup>10</sup>

Florida provides several pathways to meet professional teacher certification requirements, including traditional teacher preparation programs provided by universities and colleges for individuals seeking a degree.<sup>11</sup> The Educator Preparation Institutes (EPI) and school district alternative certification programs provide individuals who already have baccalaureate degrees with professional training on the competencies needed for professional certification.<sup>12</sup>

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that earned the highest ratings in the nation for shaping the quality of programs, including holding programs accountable for results. See *2012 State Teacher Policy Yearbook: Improving Teacher Preparation National Summary*, National Council on Teacher Quality, 2012, readable at:

[http://www.nctq.org/stpy11/reports/stpy12\\_national\\_report.pdf](http://www.nctq.org/stpy11/reports/stpy12_national_report.pdf). Additionally, the NCTQ Teacher Prep Review is a rating of the nation's teacher training programs that will be published each year by U.S. News and World Report. See *You Have a Right to Know*, National Council on Teacher Quality, 2012, readable at: <http://www.nctq.org/righttoknow/>.

<sup>5</sup> *Our Responsibility, Our Promise: Transforming Education Preparation and Entry into the Profession*, Council of Chief State School Officers (CCSSO) Task Force, 2012.

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

<sup>7</sup> *Transforming Teacher Education Through Clinical Practice: A National Strategy to Prepare Effective Teachers*, Blue Ribbon Panel on Clinical Preparation and Partnerships for Improved Student Learning, commissioned by the National Council for Accreditation of Teacher Education, November 2010, readable at: [http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise\\_2012.pdf](http://ccsso.org/Documents/2012/Our%20Responsibility%20Our%20Promise_2012.pdf).

<sup>8</sup> *Transforming Teacher Education Through Clinical Practice: A National Strategy to Prepare Effective Teachers*, Blue Ribbon Panel on Clinical Preparation and Partnerships for Improved Student Learning. See also National Research Council, April 29, 2010, readable at: <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=12882>.

<sup>9</sup> *Id.* See also *Our Responsibility, Our Promise: Transforming Education Preparation and Entry into the Profession*.

<sup>10</sup> s. 1004.04, F.S.

<sup>11</sup> *Id.*

<sup>12</sup> ss. 1004.85 and 1012.56(8), F.S. Individuals can also qualify for a teaching certificate without participating in a formal teacher preparation program by documenting that they have met all requirements for a professional certificate.

The DOE reviews and approves educator preparation programs offered by Florida's public and private colleges and universities.<sup>13</sup> There are currently 506 approved traditional teacher preparation programs in Florida, each of which is approved for a specific area of certification, such as Elementary Education Grades K-6 or Mathematics Grades 6-12. These programs are located at 47 institutions, including 12 public universities, 11 Florida College System (FCS) institutions, and 24 private institutions.<sup>14</sup> Candidates must demonstrate all requirements for a Florida professional educator's certificate prior to the completion of the program.

There are currently 28 active EPI programs in 22 FCS institutions and 6 public universities.<sup>15</sup> These institutes serve individuals who already earned at least a bachelor's degree in a field other than education and are interested in being classroom teachers and receiving professional certification. Candidates must demonstrate ability to teach the subject area for which they seek certification and demonstrate mastery of professional preparation and education competence by passing the professional education competency examination prior to completion of the program.<sup>16</sup> Instructors for these programs must hold a master's degree in education or in an appropriate related field and document teaching experience.<sup>17</sup> Programs must also provide field experience with supervision from qualified educators.<sup>18</sup>

School districts are required to offer competency-based alternative certification programs, using either the DOE model or a district-developed model that is approved by the department.<sup>19</sup> To complete the program and qualify for a professional certificate, participants must pass the professional education portion of the Florida Teacher Certification Examination (FTCE).<sup>20</sup> There are 72 approved district alternative certificate programs in Florida, including 37 that are currently active.<sup>21</sup>

#### *Initial Program Approval*

The criteria differ for initial approval of the traditional, EPI, and district programs. For initial approval, a traditional program must verify that each candidate for admission meets the required grade point average of 2.5 or higher for the general education component of undergraduate studies or completes the requirements for a bachelor's degree with a minimum grade point average of 2.5 and passes the general knowledge portion of the FTCE, College Level Academic Skills Test, a corresponding component of the National Teacher's Examination series, or a

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<sup>13</sup> s. 1004.04, F.S., Rules 6A-4.003 and 6A-5.066, F.A.C. Programs are approved for seven years.

<sup>14</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013. On file with the Senate Education Committee.

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

<sup>16</sup> s. 1004.85(3)(b)3., F.S.

<sup>17</sup> s. 1004.04(5), F.S.

<sup>18</sup> s. 1004.85(3)(a)2., F.S.

<sup>19</sup> s. 1012.56(8)(a), F.S.

<sup>20</sup> The FTCE is composed of the professional education, general knowledge, and subject area exams. See <http://www.fl.nesinc.com/tests.asp> (last visited March 5, 2013).

<sup>21</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013. On file with the Senate Education Committee.

similar test.<sup>22</sup> Additionally, an institution with an approved program must provide a uniform core curriculum.<sup>23</sup>

Initial approval of an EPI and district program requires that there is an assessment system and instructional support for teachers to demonstrate specific competencies.<sup>24</sup> An EPI institution must also meet institutional and faculty requirements.<sup>25</sup>

#### *Continued Approval*

The criteria also differ for the continued approval of these programs. At least 90% of a traditional program's graduates who take the required certification examination must pass the exam, for the program to receive continued approval.<sup>26</sup> The program must also have standards that are designed to adequately prepare elementary, middle, and high school teachers to instruct their students in reading and higher level mathematics concepts and the use of technology at the appropriate grade level.<sup>27</sup> Additionally, the program is subject to periodic reviews and must: comply with student admissions requirements; receive satisfactory employer ratings for program graduates; and meet additional criteria approved by the State Board of Education.<sup>28</sup>

By contrast, continued approval for an EPI program is contingent upon annual performance evaluations of program effectiveness, which include pass rates on all portions of the FCTE, employment rates, longitudinal retention rates, and employer satisfaction surveys.<sup>29</sup> There are no statutory criteria for continued approval of district programs.<sup>30</sup>

#### *Clinical Practice*

The law provides special requirements for peer mentors and postsecondary instructors and school district personnel who instruct and supervise students during their clinical experiences.<sup>31</sup> The NCTQ's report cited Florida as one of three states that have policies requiring evidence of effectiveness for teachers who mentor and support a candidate.<sup>32</sup>

#### **Professional Certification**

There are two types of state educator certificates: the temporary certificate and the professional certificate.<sup>33</sup> The temporary certificate is valid for three years and is nonrenewable. A professional certificate is valid for five years, is renewable, and required for teachers who wish to continue teaching in public classrooms. Certification requirements for school-based

<sup>22</sup> s. 1004.04(4)(b), F.S. The program is authorized to waive these admissions requirements for up to ten percent of the students admitted, but must implement strategies to ensure that students receive assistance to meet competencies required for certification.

<sup>23</sup> s. 1004.04(2), F.S., and Rule 6A-5.066, F.A.C.

<sup>24</sup> Rule 6A-5.066, F.A.C.

<sup>25</sup> *Id.*

<sup>26</sup> s. 1004.04(5), F.S.

<sup>27</sup> *Id.*

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

<sup>29</sup> s. 1004.85(4), F.S.

<sup>30</sup> Rule 6A-5.066(2)(b)4., F.A.C., provides that the DOE must periodically review these programs.

<sup>31</sup> ss. 1004.04(6), 1004.85(3)(a)2., and 1012.56(8)(a)3., F.S.

<sup>32</sup> *2012 State Teacher Policy Yearbook: Improving Teacher Preparation National Summary*, National Council on Teacher Quality, 2012.

<sup>33</sup> s. 1012.56, F.S. Districts issue certificates to adjunct teachers, pursuant to s. 1012.57(1), F.S.

administrators are specified by law and State Board of Education rule.<sup>34</sup> The requirements for renewing a certificate, including professional development, are specified in law.<sup>35</sup>

Current law provides that an applicant for certification who fails to earn a passing score may review his or her exam and notify the DOE of any errors that may result in a passing score.<sup>36</sup> An individual who takes the FTCE may request a score verification session to review his or her incorrect responses to test items.<sup>37</sup>

### **Other Provisions**

#### *Florida Teachers Lead Program*

The program was created to provide each classroom teacher with funds to be expended at the discretion of the teacher to assist teaching and learning in the classroom.<sup>38</sup> Eligible teachers are all certified teachers employed by the district or a charter school 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. This includes full-time media specialists and guidance counselors who serve students in prekindergarten through grade 12 and who are funded in the Florida Education Finance Program (FEFP).<sup>39</sup>

Funding for the program is determined by the Legislature in the General Appropriations Act.<sup>40</sup> Funds may be used to purchase classroom materials and supplies used in the instruction of students assigned to the teacher; however, they may not be used to purchase equipment. The Commissioner of Education must calculate each school district's share of the funds based on the school district's share of the total K-12 unweighted full-time equivalent (FTE) student enrollment.<sup>41</sup> Each district school board must calculate an identical amount for each eligible classroom teacher. A job-share classroom teacher may receive a prorated share of the amount provided to a full-time classroom teacher.<sup>42</sup> A district school board and a charter school board must disburse the funds no later than September 30 of each year directly to each teacher.<sup>43</sup> Each board determines how the funds may be disbursed (e.g., direct deposit, check, debit card, or purchasing card).

Classroom teachers must sign a statement acknowledging receipt of the funds, keep receipts for no less than four years to show that funds expended met the statutory requirements, and return any unused funds to the board at the end of the regular school year.<sup>44</sup>

<sup>34</sup> Section 1012.55(1), F.S., requires the SBE to designate the certification requirements for all school-based personnel. These requirements are specified in SBE rule and the DOE Course Code Directory and Instructional Personnel Assignments 2012-2013, adopted by reference in Rule 6A-1.09441, F.A.C. See <http://www.flrules.org/Gateway/reference.asp?No=Ref-01551> (last visited March 19, 2013).

<sup>35</sup> s. 1012.585, F.S.

<sup>36</sup> s. 1012.56(9)(d), F.S.

<sup>37</sup> Rule 6A-4.0021(11), F.A.C.

<sup>38</sup> See s. 18, ch. 97-384, L.O.F., codified at s. 231.67, F.S., and redesignated in 2002 by s. 749, ch. 2002-387, L.O.F., as s. 1012.71, F.S.

<sup>39</sup> s. 1012.71(1), F.S.

<sup>40</sup> s. 1012.71(2), F.S.

<sup>41</sup> *Id.*

<sup>42</sup> s. 1012.71(3), F.S.

<sup>43</sup> s. 1012.71(3), F.S.

<sup>44</sup> s. 1012.71(4), F.S.

The program was appropriated \$31.9 million for Fiscal Year 2012-2013 in the FEFP, providing approximately \$180 per classroom teacher.<sup>45</sup>

*American Council on Education (ACE)*

The ACE provides transcripts that convert military experience and training into college credit equivalents. Currently, credit shown on an ACE transcript cannot be applied to meet certification requirements, because only college course credits shown on an official transcript from an accredited institution of higher learning may be used for certification purposes.<sup>46</sup>

*Professional Development System*

Current law requires the DOE, public postsecondary institutions, school districts, public schools, state education foundations, consortia, and professional organizations to work towards establishing a coordinated system of professional development.<sup>47</sup> Each district's professional development system must require each school principal to establish and maintain a professional development plan for each employee assigned to the school.<sup>48</sup>

### III. Effect of Proposed Changes:

#### State-Approved Educator Preparation Programs

As a part of Florida's Race to The Top application, the DOE established the Teacher and Leader Preparation Implementation Committee to provide recommendations to the department for developing and implementing performance standards and targets for continued approval of state-approved teacher and school leadership preparation programs.<sup>49</sup>

Over the past year, the committee reviewed data to determine how the current state-approved teacher preparation continued approval standards could be changed from programs implementing processes to ensure continuous program improvement to incorporating actual program performance into an accountability system for program approval.<sup>50</sup> The committee recommended specific metrics for continued approval of these programs, including placement rate data, retention rate data, student performance by subgroups, and critical teacher shortage.<sup>51</sup> The

<sup>45</sup> General Appropriations Act for 2012-2013, Specific Appropriations 6 and 84, ch. 2012-118, L.O.F.

<sup>46</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013. On file with the Senate Education Committee.

<sup>47</sup> s. 1012.98(4), F.S.

<sup>48</sup> s. 1012.98(4)(b)5., F.S.

<sup>49</sup> The committee is comprised of teachers and school leaders from postsecondary institutions and school districts, district administrators, superintendents, and school board members. See [www.fldoe.org/committees/ppt/teacherleaderprep.ppt](http://www.fldoe.org/committees/ppt/teacherleaderprep.ppt) and <http://www.fldoe.org/committees/tlp.asp> (last visited March 3, 2013). Rule 6A-5.081, F.A.C., provides for the DOE's authority to approve school leadership preparation programs. The DOE has requested that the board of the Florida Association of Professors of Educational Leadership (FAPEL) provide input regarding recommendations for an accountability model for school leadership preparation programs. Correspondence from the FAPEL board to the committee, January 10, 2013. See <http://www.fldoe.org/committees/pdf/Feb13ppMemo.pdf> (last visited March 3, 2013).

<sup>50</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013. On file with the Senate Education Committee.

<sup>51</sup> *Summary of Recommendations*, September 12, 2012. See <http://www.fldoe.org/committees/pdf/sorec.pdf> (last visited March 8, 2013). The recommendations also include changes to the admissions and field experience requirements and the uniform core curriculum.

committee recommendations for continued approval accountability and many that are related to the uniform core curriculum are included in the bill.

*Traditional programs*

The bill requires each state-approved teacher preparation program to include in its uniform core curricula: Florida Educator Accomplished Practices, state-adopted student content standards, reading instruction, content literacy and mathematical practices, strategies for the instruction of English language learners and students with disabilities, and school safety. Institutions would be required to annually report to the DOE the status of each candidate who was admitted into the program under a waiver of admission requirements. The bill also:

- Requires each candidate to:
  - Be instructed and assessed on the uniform core curriculum in his or her program concentration.
  - Demonstrate his or her ability to positively impact student learning growth during a field experience prior to program completion.
  - Demonstrate sufficient mastery of general knowledge as a prerequisite for admission into the undergraduate program, and a baccalaureate degree from an accredited institution for admission into graduate level programs.
  - Requires passage of all portions of the Florida Teacher Certification examination prior to program completion.
- For clinical instructors and sites:
  - Specifies the qualifications for instructors in postsecondary teacher preparation programs who instruct or supervise field experience courses or internships in which candidates demonstrate an impact on student learning growth.
  - Specifies the qualifications for district and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships.
  - Requires that the candidate's pre-service field experiences include a diverse population of students in a variety of settings.
  - Requires the selection of school sites for pre-service field experiences to be based on the qualifications of supervisory personnel and the needs of candidates.
- For each program, the bill:
  - Requires each institutional program evaluation plan to include how the institution addresses continuous program improvement.
  - Revises the current requirement that each teacher preparation program provide additional training to a graduate who is employed in a Florida public school. For a graduate who receives a rating of "developing" or "unsatisfactory" on his or her performance evaluation two years immediately following completion of the program or initial certification, his or her teacher preparation program would be required to provide additional training by the program at no expense to the educator or employer.
  - Requires that the continued approval of a program is contingent upon specific performance measures for programs and program completers.
  - Requires institutions and their programs to provide evidence of their capacity to meet requirements for continued approval.

The bill also authorizes the Commissioner of Education to determine continued approval of programs based upon data collected and rules of the State Board of Education.

*Educator Preparation Institutes*

The bill provides criteria for the DOE to approve an institute's competency-based certification program. An educational plan would be required for each participant to meet certification requirements and demonstrate his or her ability to teach the subject area for which the participant is seeking certification. The bill requires students to have field experiences with a diverse population of students in a variety of settings. Additionally, the bill specifies the evidence that program participants must provide prior to completing the program.

Personnel who instruct or supervise field experiences would be required to meet additional qualifications.

The Commissioner of Education would determine continued program approval of each competency-based certification program. Qualified private providers would be permitted to offer competency-based certification programs. Currently, only postsecondary institutions are authorized to offer these programs.<sup>52</sup>

*District Programs*

The bill allows rather than requires each school district to provide a competency-based professional development certification program. The bill authorizes the Commissioner of Education to determine continued approval of each district's program based upon specified performance measures for programs, as well as program completers.

The bill specifies the professional content knowledge for each participant and requires passing scores on subject area and professional education competency examinations as well as mastery of general knowledge. Under existing law, participants currently must only pass the professional education competency exam.

Currently, there are no statutory requirements for peer mentors. Under the bill, a peer mentor must hold a valid educator certificate, provide evidence of proven effectiveness, have at least three years of teaching experience, or be a peer evaluator under a district's evaluation system.

**Other***Certification Requirements*

The State Board of Education must adopt rules to allow for a new pathway for an individual to be eligible for a temporary school administrator certificate. If an individual passes the Florida Educational Leadership Examination, holds a bachelor's degree or higher, and provides evidence of successful management or leadership experience, he or she is eligible for the temporary certificate.

The State Board may adopt rules to provide for the acceptance of college course credits recommended by the American Council for Education (ACE) to satisfy specific certification requirements shown on an official ACE transcript. The DOE does not currently provide for the acceptance of ACE recommendations.

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<sup>52</sup>s. 1004.85(1), F.S.

*Examination Review*

Under the bill, the DOE would revise the current procedures for reviewing examination questions incorrectly answered by an applicant who fails the Florida teacher certification examination. Examination reviews and challenges to the validity of an examination would be based on a range of scores set by State Board of Education rule. According to the DOE, score verification was originally established in a hardcopy environment prior to 2009 when the tests were only administered six times per year and sessions were held in Tallahassee four times a year.<sup>53</sup>

*Florida Teachers Lead Program*

The bill maintains the authority for the program with the following revisions:

- Renames the Florida Teachers Lead Program as the Florida Teachers Classroom Supply Assistance Program.
- Encourages the DOE and school boards to enter into public private partnerships to increase the amount of funds available to classroom teachers.
- Requires that, if a debit card is used, an identifier of the program must appear on the front of the card.
- Repeals the pilot program that was authorized for the 2009-2010 fiscal year.

*Professional Development*

The bill allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school.

**Other Potential Implications:**

The provisions of the bill could increase accountability for preparing educators to be effective in the classroom and successful in contributing to the academic growth of their students.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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<sup>53</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013, on file with the Senate Education Committee.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill provides that an applicant for an examination review is responsible for the actual costs. According to the DOE, the current applicant fee of \$25 does not adequately cover the costs associated with administering the score verification system.<sup>54</sup>

**C. Government Sector Impact:**

The DOE notes that school district expenditures to implement the new requirements for district competency-based programs would be absorbed within existing resources. Similarly, the DOE notes that any costs associated with implementing the new framework for the approval of programs would also be absorbed within existing resources.<sup>55</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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

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

**CS by Committee on Education on March 18, 2013:**

The committee substitute:

- Allows rather than requires each school principal to establish and maintain a professional development plan for each employee assigned to the school.
- For the Florida Teachers Classroom Supply Assistance Program:
  - Restores current law regarding the means by which a district disburses funds to a classroom teacher for classroom materials and supplies.
  - Encourages the DOE and school boards to enter into public private partnerships to increase the amount of funds available to classroom teachers.
  - Requires that, if a debit card is used, an identifier of the program must appear on the front of the card.

<sup>54</sup> *Id.*

<sup>55</sup> Florida Department of Education, Legislative Bill Analysis, February 18, 2013, on file with the Senate Education Committee.

B. Amendments:

None.

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

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By Senator Legg

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1 A bill to be entitled  
 2 An act relating to education instructional personnel  
 3 and school administrators; amending s. 1004.04, F.S.;  
 4 revising legislative intent; revising the requirements  
 5 for State Board of Education rules for uniform core  
 6 curricula for state-approved teacher preparation  
 7 programs; revising the process for initial approval of  
 8 state-approved teacher preparation programs; revising  
 9 the requirements for continued approval of state-  
 10 approved teacher preparation programs; requiring the  
 11 State Board of Education to adopt rules for continued  
 12 approval of teacher preparation programs; requiring  
 13 the Commissioner of Education to determine the  
 14 continued approval of each program; providing  
 15 requirements for a report that certain public and  
 16 private institutions prepare regarding their teacher  
 17 preparation programs; requiring the Department of  
 18 Education to report to the Governor, the Legislature,  
 19 the State Board of Education, the Board of Governors,  
 20 the Commissioner of Education, each Florida  
 21 postsecondary teacher preparation program, each  
 22 district school superintendent, and the public the  
 23 results of each approved program's annual progress and  
 24 the current approval status of each program; revising  
 25 the requirements for preservice field experience;  
 26 amending s. 1004.85, F.S.; revising the definition of  
 27 the term "educator preparation institute"; authorizing  
 28 a qualified private provider to seek approval to offer  
 29 a competency-based certification program; revising the

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30 criteria for approval of preparation programs;  
 31 requiring the department to approve a certification  
 32 program under certain circumstances; revising the  
 33 requirements for program participants; revising the  
 34 criteria for continued approval of programs; revising  
 35 the requirements for personnel that participate in  
 36 field experiences; amending s. 1012.32, F.S.;  
 37 conforming cross-references and conforming provisions  
 38 to changes made by the act; amending s. 1012.55, F.S.;  
 39 requiring the State Board of Education to adopt rules  
 40 that allow an individual who meets specified criteria  
 41 to be eligible for a temporary certificate in  
 42 education leadership; requiring a district that  
 43 employs the individual in a school leadership position  
 44 to provide a training program; amending s. 1012.56,  
 45 F.S.; authorizing the State Board of Education to  
 46 adopt rules that allow for the acceptance of college  
 47 course credits recommended by the American Council for  
 48 Education; authorizing a school district to provide a  
 49 professional development certification program;  
 50 specifying the components of the program; revising  
 51 requirements for demonstrating mastery of professional  
 52 education competence; requiring the Commissioner of  
 53 Education to determine the continued approval of the  
 54 programs; requiring the Department of Education to  
 55 provide a review procedure for an applicant who fails  
 56 a certification examination; amending s. 1012.585,  
 57 F.S.; conforming a cross-reference; amending s.  
 58 1012.71, F.S.; renaming the Florida Teachers Lead

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59 Program as the Florida Teachers Classroom Supply  
60 Assistance Program; providing that the calculation of  
61 funds for each teacher includes local contributions;  
62 requiring that a teacher's proportionate share of  
63 funds be provided by a debit card; authorizing the  
64 Department of Education to enter into public-private  
65 partnerships; authorizing school districts to enter  
66 into public-private partnerships; deleting provisions  
67 relating to a pilot program established for the 2009-  
68 2010 fiscal year; providing an effective date.

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

71  
72 Section 1. Section 1004.04, Florida Statutes, is amended to  
73 read:

74 1004.04 Public accountability and state approval for  
75 teacher preparation programs.—

76 (1) INTENT.—

77 (a) The Legislature recognizes that effective ~~skilled~~  
78 teachers make an important contribution to a system that allows  
79 students to obtain a high-quality education.

80 (b) The intent of the Legislature is to require the State  
81 Board of Education to maintain ~~attain~~ a system for development  
82 and approval of teacher preparation programs which ~~that~~ allows  
83 postsecondary teacher preparation institutions to employ varied  
84 and innovative teacher preparation techniques while being held  
85 accountable for producing program completers ~~graduates~~ with the  
86 competencies and skills necessary to achieve the state education  
87 goals; help all students in the state's diverse student

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88 population, ~~including students who have substandard reading and~~  
89 ~~computational skills and students with limited English~~  
90 ~~proficiency~~, meet high standards for academic achievement;  
91 maintain safe, secure classroom learning environments; and  
92 sustain the state system of school improvement and education  
93 accountability established pursuant to ss. 1000.03(5) and  
94 1008.345.

95 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

96 (a) The State Board of Education shall adopt rules pursuant  
97 to ss. 120.536(1) and 120.54 which ~~that~~ establish uniform core  
98 curricula for each state-approved teacher preparation program.

99 (b) The rules to establish uniform core curricula for each  
100 state-approved teacher preparation program must include, but are  
101 not limited to, the following:

102 1. The Florida Educator Accomplished Practices.

103 2. The state-adopted content standards. ~~a State Board of~~  
104 ~~Education identified foundation in~~

105 3. Scientifically researched reading instruction. ~~7~~  
106 ~~knowledge based reading~~

107 4. Content literacy and mathematics practices.

108 ~~computational skills acquisition, classroom management,~~

109 5. Strategies appropriate for the instruction of English  
110 language learners.

111 6. Strategies appropriate for the instruction of students  
112 with disabilities.

113 7. School safety, ~~professional ethics, educational law,~~  
114 ~~human development and learning, and understanding of the~~  
115 ~~Sunshine State Standards content measured by state achievement~~  
116 ~~tests, reading and interpretation of data, and use of data to~~

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117 ~~improve student achievement.~~

118 (c) Each candidate must receive instruction and be assessed  
 119 on the uniform core curricula in the candidate's area or areas  
 120 of program concentration during course work and field  
 121 experiences. These rules shall not require an additional period  
 122 of time to degree but may be phased in to enable teacher  
 123 preparation programs to supplant courses, including pedagogy  
 124 courses, not required by law or State Board of Education rule  
 125 with the courses identified pursuant to paragraph (b).

126 (d) Before program completion, each candidate must  
 127 demonstrate his or her ability to positively impact student  
 128 learning growth in the candidate's area or areas of program  
 129 concentration during a prekindergarten through grade 12 field  
 130 experience and must pass each portion of the Florida Teacher  
 131 Certification Examination required for a professional  
 132 certificate in the area or areas of program concentration.

133 ~~(3) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS. A system~~  
 134 ~~developed by the Department of Education in collaboration with~~  
 135 ~~postsecondary educational institutions shall assist departments~~  
 136 ~~and colleges of education in the restructuring of their programs~~  
 137 ~~in accordance with this section to meet the need for producing~~  
 138 ~~quality teachers now and in the future.~~

139 ~~(a) The system must be designed to assist teacher educators~~  
 140 ~~in conceptualizing, developing, implementing, and evaluating~~  
 141 ~~programs that meet state adopted standards. These standards~~  
 142 ~~shall emphasize quality indicators drawn from research,~~  
 143 ~~professional literature, recognized guidelines, Florida~~  
 144 ~~essential teaching competencies and educator accomplished~~  
 145 ~~practices, effective classroom practices, and the outcomes of~~

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146 ~~the state system of school improvement and education~~  
 147 ~~accountability, as well as performance measures.~~

148 ~~(b) Departments and colleges of education shall emphasize~~  
 149 ~~the state system of school improvement and education~~  
 150 ~~accountability concepts and standards, including Sunshine State~~  
 151 ~~Standards.~~

152 ~~(c) State approved teacher preparation programs must~~  
 153 ~~incorporate:~~

154 1. Appropriate English for Speakers of Other Languages  
 155 instruction so that program graduates will have completed the  
 156 requirements for teaching limited English proficient students in  
 157 Florida public schools.

158 2. Scientifically researched, knowledge based reading  
 159 literacy and computational skills instruction so that program  
 160 graduates will be able to provide the necessary academic  
 161 foundations for their students at whatever grade levels they  
 162 choose to teach.

163 ~~(3)(4) INITIAL STATE PROGRAM APPROVAL.-~~

164 (a) A program approval process based on standards adopted  
 165 pursuant to this subsection and subsection ~~subsections (2) and~~  
 166 ~~(3)~~ must be established for postsecondary teacher preparation  
 167 programs, ~~phased in according to timelines determined by the~~  
 168 ~~Department of Education, and fully implemented for all teacher~~  
 169 ~~preparation programs in the state.~~ Each program shall be  
 170 approved by the department, consistent with the intent set forth  
 171 in subsection (1) and based primarily upon evidence of the  
 172 institution's and the program's capacity to meet the  
 173 requirements for continued approval as provided in subsection  
 174 (4) and by the rules of the State Board of Education

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175 ~~significant, objective, and quantifiable graduate performance~~  
176 ~~measures.~~

177 (b) Each teacher preparation program approved by the  
178 Department of Education, as provided for by this section, shall  
179 require students to meet, at a minimum, the following as  
180 prerequisites for admission into the program:

181 1. Have a grade point average of at least 2.5 on a 4.0  
182 scale for the general education component of undergraduate  
183 studies or have completed the requirements for a baccalaureate  
184 degree with a minimum grade point average of 2.5 on a 4.0 scale  
185 from any college or university accredited by a regional  
186 accrediting association as defined by State Board of Education  
187 rule or any college or university otherwise approved pursuant to  
188 State Board of Education rule.

189 2. Demonstrate mastery of general knowledge sufficient for  
190 entry into the program, including the ability to read, write,  
191 and perform in mathematics ~~compute~~, by passing the General  
192 Knowledge Test of the Florida Teacher Certification Examination  
193 or, for a graduate level program, obtain a baccalaureate degree  
194 from an institution that is accredited or approved, the College  
195 Level Academic Skills Test, a corresponding component of the  
196 National Teachers Examination series, or a similar test pursuant  
197 to the rules of the State Board of Education.

198 Each teacher preparation program may waive these admissions  
199 requirements for up to 10 percent of the students admitted.  
200 Programs shall implement strategies to ensure that students  
201 admitted under a waiver receive assistance to demonstrate  
202 competencies to successfully meet requirements for certification  
203

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204 and shall annually report to the Department of Education the  
205 status of each candidate admitted under such a waiver.

206 (c) Each teacher preparation program approved by the  
207 Department of Education, as provided for by this section, shall  
208 provide a certification ombudsman to facilitate the process and  
209 procedures required for graduates to obtain educator  
210 professional or temporary certification pursuant to s. 1012.56.

211 ~~(4)(5) CONTINUED PROGRAM APPROVAL. Notwithstanding~~  
212 ~~subsection (4), failure by a public or nonpublic teacher~~  
213 ~~preparation program to meet the criteria for continued program~~  
214 ~~approval shall result in loss of program approval. The~~  
215 ~~Department of Education, in collaboration with the departments~~  
216 ~~and colleges of education, shall develop procedures for~~  
217 ~~continued program approval that document the continuous~~  
218 ~~improvement of program processes and graduates' performance.~~

219 ~~(a)~~ Continued approval of a specific teacher preparation  
220 program shall be based upon evidence that the program continues  
221 to implement the requirements for initial approval and upon  
222 significant, objective, and quantifiable measures of the program  
223 and the performance of the program completers.

224 (a) The criteria for continued approval must include each  
225 of the following:

226 1. Documentation from the program that each program  
227 candidate met the admission requirements provided in subsection  
228 (3).

229 2. Documentation from the program that the program and each  
230 program completer have met the requirements provided in  
231 subsection (2).

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

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- 233 a. Placement rate of program completers into instructional  
 234 positions in Florida public schools.
- 235 b. Rate of retention for employed program completers in  
 236 instructional positions in Florida public schools.
- 237 c. Performance of students in prekindergarten through grade  
 238 12 who are assigned to in-field program completers on statewide  
 239 assessments using the results of the student learning growth  
 240 formula adopted under s. 1012.34.
- 241 d. Performance of students in prekindergarten through grade  
 242 12 who are assigned to in-field program completers aggregated by  
 243 student subgroup, as defined in the federal Elementary and  
 244 Secondary Education Act (ESEA), 20 U.S.C. s.  
 245 6311(b)(2)(C)(v)(II), as a measure of how well the program  
 246 prepares teachers to work with a diverse population of students  
 247 in a variety of settings in Florida public schools.
- 248 e. Results of a program completer's annual performance  
 249 evaluation pursuant to s. 1012.34.
- 250 f. Production of program completers in statewide critical  
 251 teacher shortage areas as identified in s. 1012.07. ~~programs at~~  
 252 ~~each public and nonpublic postsecondary educational institution~~  
 253 ~~within the state is contingent upon the passing of the written~~  
 254 ~~examination required by s. 1012.56 by at least 90 percent of the~~  
 255 ~~graduates of the program who take the examination. The~~  
 256 ~~Department of Education shall annually provide an analysis of~~  
 257 ~~the performance of the graduates of such institution with~~  
 258 ~~respect to the competencies assessed by the examination required~~  
 259 ~~by s. 1012.56.~~
- 260 (b) The State Board of Education shall adopt rules for  
 261 continued approval of teacher preparation programs which include

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- 262 the program review process, the continued approval timelines,  
 263 and the performance level targets for each of the continued  
 264 approval criteria in paragraph (a). Additional criteria ~~for~~  
 265 ~~continued program approval for public institutions~~ may be  
 266 approved by the State Board of Education. Such criteria may  
 267 include a ~~must~~ emphasize instruction in classroom management and  
 268 ~~must provide for the evaluation of the teacher candidates'~~  
 269 ~~performance in this area. The criteria shall also require~~  
 270 ~~instruction in working with underachieving students. Program~~  
 271 ~~evaluation procedures must include, but are not limited to,~~  
 272 program completer's ~~graduates'~~ satisfaction with instruction and  
 273 an employer's satisfaction with, and the program's  
 274 responsiveness to, local school districts. The Commissioner of  
 275 Education shall determine the continued approval of each program  
 276 based on the data collected pursuant to this section and the  
 277 rules of the State Board of Education ~~Additional criteria for~~  
 278 ~~continued program approval for nonpublic institutions shall be~~  
 279 ~~developed in the same manner as for public institutions,~~  
 280 ~~however, such criteria must be based upon significant,~~  
 281 ~~objective, and quantifiable graduate performance measures.~~  
 282 ~~Responsibility for collecting data on outcome measures through~~  
 283 ~~survey instruments and other appropriate means shall be shared~~  
 284 ~~by the postsecondary educational institutions and the Department~~  
 285 ~~of Education. By January 1 of each year, the Department of~~  
 286 ~~Education shall report this information for each postsecondary~~  
 287 ~~educational institution that has state approved programs of~~  
 288 ~~teacher education to the Governor, the State Board of Education,~~  
 289 ~~the Board of Governors, the Commissioner of Education, the~~  
 290 ~~President of the Senate, the Speaker of the House of~~

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291 ~~Representatives, all Florida postsecondary teacher preparation~~  
 292 ~~programs, and interested members of the public. This report must~~  
 293 ~~analyze the data and make recommendations for improving teacher~~  
 294 ~~preparation programs in the state.~~

295 (c) Each program must prepare and submit to the Department  
 296 of Education Continued approval for a teacher preparation  
 297 program is contingent upon the results of periodic reviews, on a  
 298 schedule established by the State Board of Education, of the  
 299 program conducted by the postsecondary educational institution,  
 300 using procedures and criteria outlined in an institutional  
 301 program evaluation plan approved by the Department of Education.  
 302 Each institutional program evaluation This plan must incorporate  
 303 the criteria established in paragraphs (a) and (b) and may  
 304 include additional data chosen by the program. The plan must  
 305 provide information on how the institution addresses continuous  
 306 program improvement and must include provisions for involving  
 307 primary stakeholders, such as program completers graduates,  
 308 public district school personnel, classroom teachers,  
 309 principals, community agencies, and business representatives in  
 310 the evaluation process. Upon request by an institution, the  
 311 department shall provide assistance in developing, enhancing, or  
 312 reviewing the institutional program evaluation plan and training  
 313 evaluation team members.

314 (d) ~~Continued approval for a teacher preparation program is~~  
 315 ~~contingent upon standards being in place that are designed to~~  
 316 ~~adequately prepare elementary, middle, and high school teachers~~  
 317 ~~to instruct their students in reading and higher level~~  
 318 ~~mathematics concepts and in the use of technology at the~~  
 319 ~~appropriate grade level.~~

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320 ~~(c) Continued approval of teacher preparation programs is~~  
 321 ~~contingent upon compliance with the student admission~~  
 322 ~~requirements of subsection (4) and upon the receipt of at least~~  
 323 ~~a satisfactory rating from public schools and private schools~~  
 324 ~~that employ graduates of the program. Each teacher preparation~~  
 325 ~~program must shall guarantee the high quality of its program~~  
 326 ~~completers graduates during the first 2 years immediately~~  
 327 ~~following completion of graduation from the program or following~~  
 328 ~~initial certification, whichever occurs first. Any program~~  
 329 ~~completer who is employed in a Florida public school during this~~  
 330 ~~2-year period and who earns an evaluation result of developing~~  
 331 ~~or unsatisfactory on the school district's evaluation system~~  
 332 ~~implemented under s. 1012.34 educator in a Florida school who~~  
 333 ~~fails to demonstrate the essential skills specified in~~  
 334 ~~subparagraphs 1.5. shall be provided additional training by the~~  
 335 ~~teacher preparation program at no expense to the educator or the~~  
 336 ~~employer, if requested by the employing school district or~~  
 337 ~~charter school. Such training must consist of an individualized~~  
 338 ~~plan agreed upon by the school district and the postsecondary~~  
 339 ~~educational institution which that includes specific learning~~  
 340 ~~outcomes. The postsecondary educational institution assumes no~~  
 341 ~~responsibility for the educator's employment contract with the~~  
 342 ~~employer. Employer satisfaction shall be determined by an~~  
 343 ~~annually administered survey instrument approved by the~~  
 344 ~~Department of Education that, at a minimum, must include~~  
 345 ~~employer satisfaction of the graduates' ability to do the~~  
 346 ~~following:~~

347 1. Write and speak in a logical and understandable style  
 348 with appropriate grammar.

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349 ~~2. Recognize signs of students' difficulty with the reading~~  
 350 ~~and computational process and apply appropriate measures to~~  
 351 ~~improve students' reading and computational performance.~~

352 ~~3. Use and integrate appropriate technology in teaching and~~  
 353 ~~learning processes.~~

354 ~~4. Demonstrate knowledge and understanding of Sunshine~~  
 355 ~~State Standards.~~

356 ~~5. Maintain an orderly and disciplined classroom conducive~~  
 357 ~~to student learning.~~

358 (e)(f)1. Each Florida public and private institution that  
 359 offers a state-approved teacher preparation program must  
 360 annually report information regarding its approved these  
 361 programs to the state and the general public. The report to the  
 362 state must include a list of candidates who are admitted to, who  
 363 are enrolled in, or who complete a teacher preparation program;  
 364 additional evidence necessary to document requirements for  
 365 continued approval; and data necessary to complete applicable  
 366 federal reporting requirements. The state reporting requirements  
 367 must minimize a program's reporting burden whenever possible  
 368 without compromising data quality. The report to the general  
 369 public must include, at a minimum, the annual progress data  
 370 reported by the state under this paragraph, and may include  
 371 other information chosen by the institution or program This  
 372 information shall be reported in a uniform and comprehensible  
 373 manner that is consistent with definitions and methods approved  
 374 by the Commissioner of the National Center for Educational  
 375 Statistics and that is approved by the State Board of Education.  
 376 This information must include, at a minimum:

377 a. The percent of graduates obtaining full-time teaching

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378 ~~employment within the first year of graduation.~~

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

381 ~~c. Satisfaction ratings required in paragraph (c).~~

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

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

393 ~~b. Satisfaction ratings of graduates' employers.~~

394 ~~This information shall be reported through publications,~~  
 395 ~~including college and university catalogs and promotional~~  
 396 ~~materials sent to potential applicants, secondary school~~  
 397 ~~guidance counselors, and prospective employers of the~~  
 398 ~~institution's program graduates.~~

400 (f) By January 1 of each year, the Department of Education  
 401 shall report the results of each approved program's annual  
 402 progress on the performance measures in paragraph (a) as well as  
 403 the current approval status of each program to:

404 1. The Governor.

405 2. The President of the Senate.

406 3. The Speaker of the House of Representatives.

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- 407 4. The State Board of Education.  
 408 5. The Board of Governors.  
 409 6. The Commissioner of Education.  
 410 7. Each Florida postsecondary teacher preparation program.  
 411 8. Each district school superintendent.  
 412 9. The public.  
 413

414 This report may include the results of other continued approval  
 415 requirements provided by the State Board of Education rules and  
 416 recommendations for improving teacher preparation programs in  
 417 the state.

418 (5) ~~(6)~~ PRESERVICE FIELD EXPERIENCE.—All postsecondary  
 419 instructors, school district personnel and instructional  
 420 personnel, and school sites preparing instructional personnel  
 421 through preservice field experience courses and internships  
 422 shall meet special requirements. District school boards may are  
 423 authorized to pay student teachers during their internships.

424 (a) All instructors in postsecondary teacher preparation  
 425 programs who instruct or supervise ~~preservice~~ field experience  
 426 courses or internships in which candidates demonstrate an impact  
 427 on student learning growth must ~~shall~~ have each at least one of  
 428 the following: specialized training in clinical supervision; a  
 429 valid professional teaching certificate pursuant to ss. 1012.56  
 430 and 1012.585; and ~~or~~ at least 3 years of successful teaching  
 431 experience in prekindergarten through grade 12.

432 (b) All school district personnel and instructional  
 433 personnel who supervise or direct teacher preparation students  
 434 during field experience courses or internships in which  
 435 candidates demonstrate an impact on student learning growth must

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436 have evidence of "clinical educator" training, a valid  
 437 professional certificate issued pursuant to s. 1012.56, and at  
 438 least 3 years of teaching experience in prekindergarten through  
 439 grade 12 and must have earned an effective or highly effective  
 440 rating on the prior year's performance evaluation under s.  
 441 1012.34 or be a peer evaluator under the district's evaluation  
 442 system approved under s. 1012.34 ~~successfully demonstrate~~  
 443 effective classroom management strategies that consistently  
 444 result in improved student performance. The State Board of  
 445 Education shall approve the training requirements.

446 (c) Preservice field experience ~~programs~~ must include  
 447 candidate practice ~~provide specific guidance~~ and demonstration  
 448 of the uniform core curricula specific to the candidates' area  
 449 or areas of program concentration with a diverse population of  
 450 students in a variety of settings ~~effective classroom management~~  
 451 strategies, strategies for incorporating technology into  
 452 classroom instruction, strategies for incorporating  
 453 scientifically researched, knowledge based reading literacy and  
 454 computational skills acquisition into classroom instruction, and  
 455 ways to link instructional plans to the Sunshine State  
 456 Standards, as appropriate. The length of structured field  
 457 experiences may be extended to ensure that candidates achieve  
 458 the competencies needed to meet certification requirements.

459 (d) Postsecondary teacher preparation programs in  
 460 cooperation with district school boards and approved private  
 461 school associations shall select the school sites for preservice  
 462 field experience activities based upon the qualifications of the  
 463 supervising personnel as described in this subsection and the  
 464 needs of the candidates. These sites must represent the full

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465 spectrum of school communities, including, but not limited to,  
466 schools located in urban settings. In order to be selected,  
467 school sites must demonstrate commitment to the education of  
468 public school students and to the preparation of future  
469 teachers.

470 ~~(7) STANDARDS OF EXCELLENCE. The State Board of Education~~  
471 ~~shall approve standards of excellence for teacher preparation.~~  
472 ~~These standards must exceed the requirements for program~~  
473 ~~approval pursuant to subsection (4) and must incorporate state~~  
474 ~~and national recommendations for exemplary teacher preparation~~  
475 ~~programs.~~

476 ~~(8) NATIONAL BOARD STANDARDS. The State Board of Education~~  
477 ~~shall review standards and recommendations developed by the~~  
478 ~~National Board for Professional Teaching Standards and may~~  
479 ~~incorporate those parts deemed appropriate into criteria for~~  
480 ~~continued state program approval, standards of excellence, and~~  
481 ~~requirements for inservice education.~~

482 ~~(9) FLORIDA COLLEGE SYSTEM INSTITUTIONS. To the extent~~  
483 ~~practical, postsecondary educational institutions offering~~  
484 ~~teacher preparation programs shall establish articulation~~  
485 ~~agreements on a core of liberal arts courses and introductory~~  
486 ~~professional courses with field experience components which~~  
487 ~~shall be offered at Florida College System institutions.~~

488 ~~(10) SHORT TERM EXPERIENCES AS TEACHER ASSISTANTS.~~  
489 ~~Postsecondary institutions offering teacher preparation programs~~  
490 ~~and Florida College System institutions, in collaboration with~~  
491 ~~school districts, may develop and implement a program to provide~~  
492 ~~short term experiences as teacher assistants prior to beginning~~  
493 ~~a teacher preparation program or alternative certification~~

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494 ~~program. The program shall serve individuals with baccalaureate~~  
495 ~~degrees who are interested in the teaching profession. This~~  
496 ~~experience may be accepted for use in teacher preparation~~  
497 ~~programs and competency based alternative certification~~  
498 ~~programs, where applicable.~~

499 ~~(6)(11)~~ RULES.—The State Board of Education shall adopt  
500 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
501 implement this section.

502 Section 2. Section 1004.85, Florida Statutes, is amended to  
503 read:

504 1004.85 Postsecondary educator preparation institutes.—

505 (1) As used in this section, the term "educator preparation  
506 institute" means an institute created by a postsecondary  
507 institution or a qualified private provider and approved by the  
508 Department of Education.

509 (2) (a) Postsecondary institutions that are accredited or  
510 approved as described in the State Board of Education rule may  
511 seek approval from the Department of Education to create  
512 educator preparation institutes for the purpose of providing any  
513 or all of the following:

514 1.(a) Professional development instruction to assist  
515 teachers in improving classroom instruction and in meeting  
516 certification or recertification requirements.

517 2.(b) Instruction to assist potential and existing  
518 substitute teachers in performing their duties.

519 3.(c) Instruction to assist paraprofessionals in meeting  
520 education and training requirements.

521 4.(d) Instruction for baccalaureate degree holders to  
522 become certified teachers as provided in this section in order

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 523 to increase routes to the classroom for mid-career professionals  
 524 who hold a baccalaureate degree and college graduates who were  
 525 not education majors.

526 (b) A private provider that has a proven history of  
 527 delivering high-quality teacher preparation, which is based on  
 528 evidence provided from other state recipients of its services  
 529 and data showing the successful performance of its completers  
 530 based on student achievement, may seek approval to offer a  
 531 competency-based certification program under subsection (3).

532 (3) Educator preparation institutes approved pursuant to  
 533 this section may offer competency-based ~~alternative~~  
 534 certification programs specifically designed for noneducation  
 535 major baccalaureate degree holders to enable program  
 536 participants to meet the educator certification requirements of  
 537 s. 1012.56. ~~Such programs shall be competency-based educator~~  
 538 ~~certification preparation programs that prepare educators~~  
 539 ~~through an alternative route.~~ An educator preparation institute  
 540 choosing to offer a competency-based ~~an alternative~~  
 541 certification program pursuant to the provisions of this section  
 542 must implement a program previously approved by the Department  
 543 of Education for this purpose or a program developed by the  
 544 institute and approved by the department for this purpose.  
 545 Approved programs shall be available for use by other approved  
 546 educator preparation institutes.

547 (a) Within 90 days after receipt of a request for approval,  
 548 the Department of Education shall approve a preparation ~~an~~  
 549 ~~alternative certification~~ program pursuant to the requirements  
 550 of this subsection or issue a statement of the deficiencies in  
 551 the request for approval. The department shall approve a ~~an~~

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 552 ~~alternative~~ certification program if the institute provides  
 553 ~~sufficient~~ evidence of the institute's capacity to implement a  
 554 competency-based program that includes each of the following:  
 555 1.a. Participant instruction and assessment in the Florida  
 556 Educator Accomplished Practices.  
 557 b. The state-adopted student content standards.  
 558 c. Scientifically researched reading instruction.  
 559 d. Content literacy and mathematical practices.  
 560 e. Strategies appropriate for instruction of English  
 561 language learners.  
 562 f. Strategies appropriate for instruction of students with  
 563 disabilities.  
 564 g. School safety.  
 565 2. An educational plan for each participant to meet  
 566 certification requirements and demonstrate his or her ability to  
 567 teach the subject area for which the participant is seeking  
 568 certification, which is based on an assessment of his or her  
 569 competency in the areas listed in subparagraph 1 ~~Instruction~~  
 570 ~~must be provided in professional knowledge and subject matter~~  
 571 ~~content that includes educator accomplished practices and~~  
 572 ~~competencies specified in State Board of Education rule and~~  
 573 ~~meets subject matter content requirements, professional~~  
 574 ~~competency testing requirements, and competencies associated~~  
 575 ~~with teaching scientifically based reading instruction and~~  
 576 ~~strategies that research has shown to be successful in improving~~  
 577 ~~reading among low performing readers.~~  
 578 ~~3.2-~~ Field experiences appropriate to the certification  
 579 subject area specified in the educational plan with a diverse  
 580 population of students in a variety of settings under the

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581 ~~program must provide field experience with supervision of from~~  
582 ~~qualified educators.~~

583 ~~4.3. The program must provide~~ A certification ombudsman to  
584 facilitate the process and procedures required for participants  
585 who complete the program to meet any requirements related to the  
586 background screening pursuant to s. 1012.32 and educator  
587 professional or temporary certification pursuant to s. 1012.56.

588 (b) Each program participant must:

589 1. Meet certification requirements pursuant to s.  
590 1012.56(1) by obtaining a statement of status of eligibility in  
591 the certification subject area of the educational plan and meet  
592 the requirements of s. 1012.56(2) (a)-(f).

593 2. Participate in coursework and field experiences that are  
594 experience that is appropriate to his or her educational plan  
595 prepared under paragraph (a).

596 3. Before completion of the program, fully demonstrate his  
597 or her ability to teach the subject area for which he or she is  
598 seeking certification by documenting a positive impact on  
599 student learning growth in a prekindergarten through grade 12  
600 setting and achieving demonstrate mastery of professional  
601 preparation and education competence by achievement of a passing  
602 score on the professional education competency examination, the  
603 basic skills examination, and the subject area examination for  
604 the subject area certification which is required by state board  
605 rule ~~prior to completion of the program.~~

606 (c) Upon completion of all requirements for a an  
607 ~~alternative~~ certification program approved pursuant to this  
608 subsection, a participant shall receive a credential from the  
609 sponsoring institution signifying that the participant has

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610 completed a state-approved competency-based certification  
611 program in the certification subject area specified in the  
612 educational plan ~~satisfaction of the requirements of s.~~  
613 ~~1012.56(6) relating to mastery of professional preparation and~~  
614 ~~education competence.~~ A participant ~~is shall be~~ eligible for  
615 educator certification through the Department of Education upon  
616 satisfaction of all requirements for certification set forth in  
617 s. 1012.56(2), ~~including demonstration of mastery of general~~  
618 ~~knowledge, subject area knowledge, and professional preparation~~  
619 ~~and education competence, through testing or other statutorily~~  
620 ~~authorized means.~~

621 ~~(d) If an institution offers an alternative certification~~  
622 ~~program approved pursuant to this subsection, such program may~~  
623 ~~be used by the school district or districts served by that~~  
624 ~~institution in addition to the alternative certification program~~  
625 ~~as required in s. 1012.56(8).~~

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

629 (a) Documentation from the program that each program  
630 completer has met the requirements of paragraphs (3) (a)-(c);

631 (b) Evidence of performance in each of the following areas:  
632 1. Placement rate of program completers into instructional  
633 positions in Florida public schools.

634 2. Rate of retention for employed program completers in  
635 instructional positions in Florida public schools.

636 3. Performance of students in prekindergarten through grade  
637 12 who are assigned to in-field program completers on statewide  
638 assessments using the results of the student learning growth

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639 formula adopted under s. 1012.34.

640 4. Performance of students in prekindergarten through grade  
 641 12 who are assigned to in-field program completers aggregated by  
 642 student subgroups, as defined in the federal Elementary and  
 643 Secondary Education Act (ESEA), 20 U.S.C. s.  
 644 6311(b) (2) (C) (v) (II), as a measure of how well the program  
 645 prepares teachers to work with a diverse population of students  
 646 in a variety of settings in Florida public schools.

647 5. Results of a program completer's annual performance  
 648 evaluation pursuant to s. 1012.34.

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

651 ~~(5)(4)~~ Each institute approved pursuant to this section  
 652 shall submit to the Department of Education annual performance  
 653 evaluations that measure the effectiveness of the programs,  
 654 including the pass rates of participants on all examinations  
 655 required for teacher certification, employment rates,  
 656 longitudinal retention rates, and employer satisfaction surveys.  
 657 The employer satisfaction surveys must be designed to measure  
 658 the sufficient preparation of the educator to enter the  
 659 classroom. These evaluations shall be used by the Department of  
 660 Education for purposes of continued approval of an educator  
 661 preparation institute's ~~alternative~~ certification program.

662 ~~(6)(5)~~ Instructors and supervisors of field experiences in  
 663 which participants demonstrate an impact on student learning  
 664 growth for a ~~an alternative~~ certification program approved  
 665 pursuant to this section must meet the same qualifications as  
 666 those required in s. 1004.04(5) ~~possess a master's degree in~~  
 667 education or a master's degree in an appropriate related field

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668 ~~and document teaching experience.~~

669 ~~(7)(6)~~ Educator preparation institutes approved pursuant to  
 670 this section and providing approved instructional programs for  
 671 any of the purposes in subsection (2) are eligible for funding  
 672 from federal and state funds, as appropriated by the  
 673 Legislature.

674 ~~(8)(7)~~ The State Board of Education may adopt rules  
 675 pursuant to ss. 120.536(1) and 120.54 to implement the  
 676 provisions of this section, including performance targets for  
 677 the measures used for continued program approval described in  
 678 subsection (4).

679 Section 3. Paragraph (d) of subsection (2) of section  
 680 1012.32, Florida Statutes, is amended to read:

681 1012.32 Qualifications of personnel.—

682 (2)

683 (d) Student teachers ~~and~~ persons participating in a field  
 684 experience pursuant to s. 1004.04(5) ~~e. 1004.04(6)~~ or s.  
 685 1004.85, ~~and persons participating in a short term experience as~~  
 686 ~~a teacher assistant pursuant to s. 1004.04(10)~~ in any district  
 687 school system, lab school, or charter school must, upon  
 688 engagement to provide services, undergo background screening as  
 689 required under s. 1012.56.

690 Fingerprints shall be submitted to the Department of Law  
 691 Enforcement for statewide criminal and juvenile records checks  
 692 and to the Federal Bureau of Investigation for federal criminal  
 693 records checks. A person subject to this subsection who is found  
 694 ineligible for employment under s. 1012.315, or otherwise found  
 695 through background screening to have been convicted of any crime  
 696

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 697 involving moral turpitude as defined by rule of the State Board  
 698 of Education, shall not be employed, engaged to provide  
 699 services, or serve in any position that requires direct contact  
 700 with students. Probationary persons subject to this subsection  
 701 terminated because of their criminal record have the right to  
 702 appeal such decisions. The cost of the background screening may  
 703 be borne by the district school board, the charter school, the  
 704 employee, the contractor, or a person subject to this  
 705 subsection.

Section 4. Subsection (1) of section 1012.55, Florida  
 Statutes, is amended to read:

1012.55 Positions for which certificates required.—

(1) (a) The State Board of Education shall classify school  
 services, designate the certification subject areas, establish  
 competencies, including the use of technology to enhance student  
 learning, and certification requirements for all school-based  
 personnel, and adopt rules in accordance with which the  
 professional, temporary, and part-time certificates shall be  
 issued by the Department of Education to applicants who meet the  
 standards prescribed by such rules for their class of service.

(b) Each person employed or occupying a position as school  
 supervisor, school principal, teacher, library media specialist,  
 school counselor, athletic coach, or other position in which the  
 employee serves in an instructional capacity, in any public  
 school of any district of this state shall hold the certificate  
 required by law and by rules of the State Board of Education in  
 fulfilling the requirements of the law for the type of service  
 rendered. Such positions include personnel providing direct  
 instruction to students through a virtual environment or through

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 726 a blended virtual and physical environment.

(c) The Department of Education shall identify appropriate  
 educator certification for the instruction of specified courses  
 in an annual publication of a directory of course code numbers  
 for all programs and courses that are funded through the Florida  
 Education Finance Program. However, the state board shall adopt  
 rules authorizing district school boards to employ selected  
 noncertificated personnel to provide instructional services in  
 the individuals' fields of specialty or to assist instructional  
 staff members as education paraprofessionals.

(d) The State Board of Education shall adopt rules pursuant  
 to ss. 120.536(1) and 120.54 to allow an individual who meets  
 the following criteria to be eligible for a temporary  
 certificate in educational leadership under s. 1012.56(7):

1. Earning a passing score on the Florida Educational  
 Leadership Examination;

2. Documenting 3 years of successful experience in a  
 management or leadership position; and

3. Documenting receipt of a bachelor's degree or higher  
 from an accredited institution of higher learning or from a  
 nonaccredited institution of higher learning that the Department  
 of Education has identified as having a quality program that  
 results in a bachelor's degree, or higher.

Section 5. Paragraph (c) of subsection (2), subsection (8),  
 and paragraph (d) of subsection (9) of section 1012.56, Florida  
 Statutes, are amended to read:

1012.56 Educator certification requirements.—

(2) ELIGIBILITY CRITERIA.—To be eligible to seek  
 certification, a person must:

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755 (c) Document receipt of a bachelor's or higher degree from  
 756 an accredited institution of higher learning, or a nonaccredited  
 757 institution of higher learning that the Department of Education  
 758 has identified as having a quality program resulting in a  
 759 bachelor's degree, or higher. Each applicant seeking initial  
 760 certification must have attained at least a 2.5 overall grade  
 761 point average on a 4.0 scale in the applicant's major field of  
 762 study. The applicant may document the required education by  
 763 submitting official transcripts from institutions of higher  
 764 education or by authorizing the direct submission of such  
 765 official transcripts through established electronic network  
 766 systems. The bachelor's or higher degree may not be required in  
 767 areas approved in rule by the State Board of Education as  
 768 nondegreed areas. The State Board of Education may adopt rules  
 769 that, for purposes of demonstrating completion of specific  
 770 certification requirements, allow for the acceptance of college  
 771 course credits recommended by the American Council for Education  
 772 (ACE), as posted on an official ACE transcript.

773 (8) PROFESSIONAL DEVELOPMENT ~~PREPARATION ALTERNATIVE~~  
 774 CERTIFICATION AND EDUCATION COMPETENCY PROGRAM.—

775 (a) The Department of Education shall develop and each  
 776 school district ~~may~~ ~~must~~ provide a cohesive competency-based  
 777 professional ~~development preparation alternative~~ certification  
 778 program by which members of a school district's instructional  
 779 staff may satisfy the mastery of professional preparation and  
 780 education competence requirements specified in this subsection  
 781 and rules of the State Board of Education. Participants must  
 782 hold a state-issued temporary certificate. A school district  
 783 that implements the program shall provide a competency-based

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784 ~~alternative certification preparation~~ program developed by the  
 785 Department of Education or developed by the district and  
 786 approved by the Department of Education. The program shall  
 787 include the following components:

- 788 1. A minimum period of initial preparation before ~~prior to~~  
 789 assuming duties as the teacher of record.
- 790 2. An option for collaboration between school districts and  
 791 other supporting agencies or educational entities for  
 792 implementation.
- 793 3. Experienced peer mentors. Each individual selected by  
 794 the district as a peer mentor must hold a valid professional  
 795 certificate issued pursuant to s. 1012.56, must have earned at  
 796 least 3 years of teaching experience in prekindergarten through  
 797 grade 12, and must have earned an effective or highly effective  
 798 rating on the prior year's performance evaluation under s.  
 799 1012.34 or be a peer evaluator under the district's evaluation  
 800 system approved under s. 1012.34.
- 801 4. An assessment of teaching performance aligned to the  
 802 district's system for personnel evaluation under s. 1012.34  
 803 which ~~that~~ provides for:
  - 804 a. An initial evaluation of each educator's competencies to  
 805 determine an appropriate individualized professional development  
 806 plan.
  - 807 b. A summative evaluation ~~postevaluation~~ to assure  
 808 successful completion of the program.
  - 809 5. Professional education preparation content knowledge  
 810 that includes, but is not limited to, the following:
    - 811 a. The state-adopted student content standards, including  
 812 content literacy and mathematical practices, for each subject

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813 ~~identified on the temporary certificate Requirements specified~~  
 814 ~~in state board rule for professional preparation.~~

815 b. The educator-accomplished practices approved by the  
 816 state board.

817 c. A variety of data indicators for monitoring student  
 818 progress.

819 d. Methodologies for teaching students with disabilities,  
 820 ~~including technology based methodologies, for teaching subject~~  
 821 ~~content that supports the Sunshine State Standards for students.~~

822 e. Methodologies for teaching English language learners  
 823 appropriate for each subject area identified on the temporary  
 824 certificate Techniques for effective classroom management.

825 f. Techniques and strategies for operationalizing the role  
 826 of the teacher in assuring a safe learning environment for  
 827 students.

828 ~~g. Methodologies for assuring the ability of all students~~  
 829 ~~to read, write, and compute.~~

830 6. Required achievement of passing scores on the subject  
 831 area and professional education competency examination required  
 832 by the State Board of Education rule. Mastery of general  
 833 knowledge must be demonstrated as described in subsection (3).

834 (b) 1. Each school district must and a state supported  
 835 public school or a private school may develop and maintain a  
 836 system by which members of the instructional staff may  
 837 demonstrate mastery of professional education competence as  
 838 required by law. Each program must be based on classroom  
 839 application of the Florida Educator Accomplished Practices and  
 840 instructional performance and, for public schools, must be  
 841 aligned with the district's evaluation system approved under s.

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842 ~~1012.34 must include a performance evaluation plan for~~  
 843 ~~documenting the demonstration of required professional education~~  
 844 ~~competence.~~

845 2. The Commissioner of Education shall determine the  
 846 continued approval of programs implemented under this paragraph,  
 847 based upon the department's review of performance data. The  
 848 department shall review the performance data as a part of the  
 849 periodic review of each school district's professional  
 850 development system required under s. 1012.98.

851 (c) The Commissioner of Education shall determine the  
 852 continued approval of programs implemented under paragraph (a)  
 853 based upon the department's periodic review of the following:

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

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

857 a. Rate of retention for employed program completers in  
 858 instructional positions in Florida public schools.

859 b. Performance of students in prekindergarten through grade  
 860 12 who are assigned to in-field program completers on statewide  
 861 assessments using the results of the student learning growth  
 862 formula adopted under s. 1012.34.

863 c. Performance of students in prekindergarten through grade  
 864 12 who are assigned to in-field program completers aggregated by  
 865 student subgroups, as defined in the federal Elementary and  
 866 Secondary Education Act (ESEA), 20 U.S.C. s.  
 867 6311(b) (2) (C) (v) (II), as a measure of how well the program  
 868 prepares teachers to work with a variety of students in Florida  
 869 public schools.

870 d. Results of a program completer's annual performance

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871 evaluation pursuant to s. 1012.34.

872 e. Production of program completers in statewide critical  
873 teacher shortage areas as defined in s. 1012.07.

874 (9) EXAMINATIONS.—

875 (d) The department shall provide procedures for an  
876 applicant who fails an examination developed by the department  
877 or by an entity under contract with the department to review his  
878 or her examination questions and his or her incorrectly answered  
879 responses to the questions. The applicant bears the actual cost  
880 for the department to provide an examination review pursuant to  
881 this subsection. Notwithstanding any other provisions of law,  
882 only an applicant who fails an examination within a score range  
883 established by rule of the State Board of Education is entitled  
884 to an examination review under this paragraph or to challenge  
885 the validity of the examination ~~If an applicant takes an~~  
886 ~~examination developed by this state and does not achieve the~~  
887 ~~score necessary for certification, the applicant may review his~~  
888 ~~or her completed examination and bring to the attention of the~~  
889 ~~department any errors that would result in a passing score.~~

890 Section 6. Paragraph (a) of subsection (3) of section  
891 1012.585, Florida Statutes, is amended to read:

892 1012.585 Process for renewal of professional certificates.—

893 (3) For the renewal of a professional certificate, the  
894 following requirements must be met:

895 (a) The applicant must earn a minimum of 6 college credits  
896 or 120 inservice points or a combination thereof. For each area  
897 of specialization to be retained on a certificate, the applicant  
898 must earn at least 3 of the required credit hours or equivalent  
899 inservice points in the specialization area. Education in

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20131664\_\_

900 "clinical educator" training pursuant to s. 1004.04(5)(b) ~~or~~  
901 ~~1004.04(6)(b)~~ and credits or points that provide training in the  
902 area of scientifically researched, knowledge-based reading  
903 literacy and computational skills acquisition, exceptional  
904 student education, normal child development, and the disorders  
905 of development may be applied toward any specialization area.  
906 Credits or points that provide training in the areas of drug  
907 abuse, child abuse and neglect, strategies in teaching students  
908 having limited proficiency in English, or dropout prevention, or  
909 training in areas identified in the educational goals and  
910 performance standards adopted pursuant to ss. 1000.03(5) and  
911 1008.345 may be applied toward any specialization area. Credits  
912 or points earned through approved summer institutes may be  
913 applied toward the fulfillment of these requirements. Inservice  
914 points may also be earned by participation in professional  
915 growth components approved by the State Board of Education and  
916 specified pursuant to s. 1012.98 in the district's approved  
917 master plan for inservice educational training, including, but  
918 not limited to, serving as a trainer in an approved teacher  
919 training activity, serving on an instructional materials  
920 committee or a state board or commission that deals with  
921 educational issues, or serving on an advisory council created  
922 pursuant to s. 1001.452.

923 Section 7. Section 1012.71, Florida Statutes, is amended to  
924 read:

925 1012.71 The Florida Teachers Classroom Supply Assistance  
926 ~~Lead~~ Program.—

927 (1) For purposes of the Florida Teachers Classroom Supply  
928 Assistance ~~Lead~~ Program, the term "classroom teacher" means a

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 929 certified teacher employed by a public school district or a  
 930 public charter school in that district on or before September 1  
 931 of each year whose full-time or job-share responsibility is the  
 932 classroom instruction of students in prekindergarten through  
 933 grade 12, including full-time media specialists and guidance  
 934 counselors serving students in prekindergarten through grade 12,  
 935 who are funded through the Florida Education Finance Program. A  
 936 "job-share" classroom teacher is one of two teachers whose  
 937 combined full-time equivalent employment for the same teaching  
 938 assignment equals one full-time classroom teacher.

(2) The Legislature, in the General Appropriations Act,  
 939 shall determine funding for the Florida Teachers Classroom  
 940 Supply Assistance ~~Lead~~ Program. The funds appropriated are for  
 941 classroom teachers to purchase, on behalf of the school district  
 942 or charter school, classroom materials and supplies for the  
 943 public school students assigned to them and may not be used to  
 944 purchase equipment. The funds appropriated shall be used to  
 945 supplement the materials and supplies otherwise available to  
 946 classroom teachers. From the funds appropriated for the Florida  
 947 Teachers Classroom Supply Assistance ~~Lead~~ Program, the  
 948 Commissioner of Education shall calculate an amount for each  
 949 school district based upon each school district's proportionate  
 950 share of the state's total unweighted FTE student enrollment and  
 951 shall disburse the funds to the school districts by July 15.

(3) From the funds allocated to each school district and  
 952 any local contributions received for the Florida Teachers  
 953 Classroom Supply Assistance ~~Lead~~ Program, the district school  
 954 board shall calculate an identical amount for each classroom  
 955 teacher, which is that teacher's proportionate share of the  
 956

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 958 total amount allocated to the district from the state and any  
 959 local contributions. A job-share classroom teacher may receive a  
 960 prorated share of the amount provided to a full-time classroom  
 961 teacher. The district school board and each charter school board  
 962 shall provide each classroom teacher with his or her total  
 963 proportionate share by September 30 of each year through a debit  
 964 card by any means determined appropriate by the district school  
 965 ~~board or charter school board, including, but not limited to,~~  
 966 ~~direct deposit, check, debit card, or purchasing card,~~  
 967 ~~notwithstanding any law to the contrary. The debit card must~~  
 968 include an identifier placed on the front of the card which  
 969 clearly indicates that the card has been issued for the Florida  
 970 Teachers Classroom Supply Assistance Program. Expenditures under  
 971 the program are not subject to state or local competitive  
 972 bidding requirements. Funds received by a classroom teacher do  
 973 not affect wages, hours, or terms and conditions of employment  
 974 and, therefore, are not subject to collective bargaining. Any  
 975 classroom teacher may decline receipt of or return the funds  
 976 without explanation or cause. ~~This subsection shall apply~~  
 977 ~~retroactively to July 1, 2007.~~

(4) Each classroom teacher must sign a statement  
 978 acknowledging receipt of the funds, keep receipts for no less  
 979 than 4 years to show that funds expended meet the requirements  
 980 of this section, and return any unused funds to the district  
 981 school board at the end of the regular school year. Any unused  
 982 funds that are returned to the district school board shall be  
 983 deposited into the school advisory council account of the school  
 984 at which the classroom teacher returning the funds was employed  
 985 when that teacher received the funds or deposited into the  
 986

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987 Florida Teachers Classroom Supply Assistance ~~Lead~~ Program  
 988 account of the school district in which a charter school is  
 989 sponsored, as applicable.

990 (5) The statement must be signed and dated by each  
 991 classroom teacher before receipt of the Florida Teachers  
 992 Classroom Supply Assistance ~~Lead~~ Program funds and shall include  
 993 the wording: "I, ...(name of teacher)..., am employed by the  
 994 ...County District School Board or by the ...Charter School as  
 995 a full-time classroom teacher. I acknowledge that Florida  
 996 Teachers Classroom Supply Assistance ~~Lead~~ Program funds are  
 997 appropriated by the Legislature for the sole purpose of  
 998 purchasing classroom materials and supplies to be used in the  
 999 instruction of students assigned to me. In accepting custody of  
 1000 these funds, I agree to keep the receipts for all expenditures  
 1001 for no less than 4 years. I understand that if I do not keep the  
 1002 receipts, it will be my personal responsibility to pay any  
 1003 federal taxes due on these funds. I also agree to return any  
 1004 unexpended funds to the district school board at the end of the  
 1005 regular school year for deposit into the school advisory council  
 1006 account of the school where I was employed at the time I  
 1007 received the funds or for deposit into the Florida Teachers  
 1008 Classroom Supply Assistance ~~Lead~~ Program account of the school  
 1009 district in which the charter school is sponsored, as  
 1010 applicable."

1011 (6) The Department of Education may enter into public-  
 1012 private partnerships in order to increase the capacity of the  
 1013 funds provided to school teachers. A district school board may  
 1014 enter into public-private partnerships ~~For the 2009-2010 fiscal~~  
 1015 ~~year, the Department of Education is authorized to conduct a~~

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1016 ~~pilot program to determine the feasibility of managing the~~  
 1017 ~~Florida Teachers Lead Program through a centralized electronic~~  
 1018 ~~system. The pilot program must:~~

- 1019 ~~(a) Be established through a competitive procurement~~  
 1020 ~~process;~~  
 1021 ~~(b) Provide the capability for participating teachers to~~  
 1022 ~~purchase from online sources;~~  
 1023 ~~(c) Provide the capability for participating teachers to~~  
 1024 ~~purchase from local vendors by means other than online~~  
 1025 ~~purchasing;~~  
 1026 ~~(d) Generally comply with the provisions of this section;~~  
 1027 ~~(e) Be subject to annual auditing requirements to ensure~~  
 1028 ~~accountability for funds received and disbursed; and~~  
 1029 ~~(f) Provide for all unused funds to be returned to the~~  
 1030 ~~state at the close of each fiscal year.~~

1031  
 1032 ~~Any participation in this pilot program by school districts and~~  
 1033 ~~individual teachers must be on a voluntary basis. The department~~  
 1034 ~~may limit the number of participating districts to the number it~~  
 1035 ~~deems feasible to adequately measure the viability of the pilot~~  
 1036 ~~program. The department is not required to implement this pilot~~  
 1037 ~~program if it determines that the number of school districts~~  
 1038 ~~willing to participate is insufficient to adequately measure the~~  
 1039 ~~viability of the pilot program.~~

1040 Section 8. This act shall take effect July 1, 2013.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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



3/18  
Meeting Date

Topic Ed Instructional Personnel Bill Number 51664  
(if applicable)

Name Adam Giery (Gear-e') Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Dir of Education, Talent + Quality of Life Policies

Address 136 South Bronough Phone \_\_\_\_\_  
Street

Tallahassee FL E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information

Representing FL Chamber of Commerce

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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

3/18/13

Meeting Date

Topic Teacher Prep + Acct. Bill Number 1664  
(if applicable)

Name Kathy Hebda Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Deputy Chancellor Ed Quality

Address 325 W. Gaines St. Phone 850-245-0891  
Street

Tallahassee, FL 32393 E-mail Kathy.Hebda@fldoe.org  
City State Zip

Speaking:  For  Against  Information

Representing DOE

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

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

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THE FLORIDA SENATE

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3/18/13  
Meeting Date

Topic CHARTER Sch Bill Number general  
(if applicable)

Name Chuck Shaw Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title Palm Bch Co School Bd Chairman

Address 2252 Soundings Ct Phone 561-439-6460  
Street

Greenwood FL E-mail \_\_\_\_\_  
City State Zip

Speaking:  For  Against  Information  
Representing PBC School Bd

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

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

This form is part of the public record for this meeting. S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3-18-13

Meeting Date

Topic CHARTER SCHOOL BILLS

Bill Number SB 1282/1396  
*(if applicable)*

Name NIKKI LOWREY

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

Job Title STATE DIRECTOR

Address 1705 CHOCTAW TRL  
*Street*

Phone 850.251.0009

MAITLAND FL 32751  
*City State Zip*

E-mail nlowrey@students  
first.org

Speaking:  For  Against  Information

Representing STUDENTS FIRST

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/13

Meeting Date

Topic School District Flexibility - wqivers

Bill Number 1232  
*(if applicable)*

Name Dr. Kamela Patton

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

Job Title Superintendent

Address Collier County Public Schools  
5775 Ocala Trail  
*Street*

Phone (239) 377-0211

Naples FL 34109  
*City State Zip*

E-mail patton@collierschools.com

Speaking:  For  Against  Information

Representing Collier School 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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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

March 18 13  
Meeting Date

Topic Workshop on Public Charter Schools

Bill Number SB 1282  
(if applicable)

Name Chris Moya

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

Job Title Lobbyist Charter schools USA

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

Phone 850-681-6692

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

E-mail ChrisMoya@TheMoyaGroup.com

Speaking:  For  Against  Information

Representing Charter schools USA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3/18/13

Meeting Date

Topic Carter School

Bill Number 1396/1282  
*(if applicable)*

Name Nicole Houston

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

Job Title English Teacher

Address 1767 Hermitage Blvd Apt #9311

Phone (850) 566-2314

Street

Tallahassee FL 32308

City

State

Zip

E-mail msnicolehouston@gmail.com

Speaking:  For  Against  Information

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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S-001 (10/20/11)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3-18-13

Meeting Date

Topic Charter Schools -

Bill Number WORKSHOP  
Charter School Bills  
*(if applicable)*

Name Slade Geiger

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

Job Title Billing Supervisor

Address 688 Riggins Rd

Phone 443-0947

Street

Jalalasssee

City

FL

State

32308

Zip

E-mail \_\_\_\_\_

Speaking:  For  Against  Information

Representing ~~you~~: 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 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/18/13

Meeting Date

Topic Charter Schools

Bill Number 1396/1282  
*(if applicable)*

Name Tallie L. Grainer III

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

Job Title Lead Teacher

Address 12029 Cedar Bluff

Phone 850-567-5574

Street

Tallahassee FL 32312

City

State

Zip

E-mail tgainer4@gmail.com

Speaking:  For  Against  Information

Representing Charter Schools

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE

APPEARANCE RECORD

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3/18/13

Meeting Date

Topic Charter Schools

Bill Number Workshop (if applicable)

Name Mike Kooi

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

Job Title Director School Choice

Address 325 W. Gaines St.

Phone 851-245-9633

Street

Tallahassee FL 32399

City

State

Zip

E-mail Mike.Kooi@fldoe.org

Speaking:  For  Against  Information

Representing DOE

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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

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THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/18/2013

Meeting Date

Topic CHARTER SCHOOLS

Bill Number 1396 + 1282  
*(if applicable)*

Name JIM HORNE

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

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

Address PO Box 8339

Phone 904-759-4596

*Street*  
FLEMING ISLAND FL 32006  
*City State Zip*

E-mail JIM@strategospublicaffairs.com

Speaking:  For  Against  Information

Representing FL CHARTER SCH ALLIANCE, AIF, CSUSA

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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.**

By Senator Simmons

10-01072A-13

2013744

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; revising the requirements of charter  
 4 school applications regarding the submission of  
 5 detailed financial information and annual employee  
 6 compensation; requiring a charter school application  
 7 to demonstrate that the applicant is financially  
 8 capable and qualified to open, operate, and maintain a  
 9 high-quality charter school; revising the requirements  
 10 of a charter to include a requirement that the charter  
 11 school comply with applicable law, its  
 12 representations, and agreements provided in the  
 13 application for the charter school; requiring a  
 14 charter to set forth a program of reporting by the  
 15 charter school and review by the sponsor of the  
 16 financial operations of the charter school; requiring  
 17 the term of a charter to provide for cancellation of  
 18 the charter under certain circumstances; revising the  
 19 grounds in which a sponsor may choose not to renew or  
 20 terminate a charter; defining the term "welfare" as it  
 21 relates to the termination of a charter; authorizing a  
 22 governing board of a charter school, with the consent  
 23 of the sponsor, to choose a corrective action if the  
 24 charter school receives certain failing grades;  
 25 providing that a charter school system is designated  
 26 as a local educational agency solely for the purpose  
 27 of receiving federal funds in the same manner as if  
 28 the charter school system were a school district if  
 29 the charter school system meets certain requirements;

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30 providing an effective date.

31

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

33

34 Section 1. Paragraphs (a) and (b) of subsection (6),  
 35 paragraph (a) of subsection (7), paragraphs (a) and (d) of  
 36 subsection (8), paragraph (n) of subsection (9), and subsection  
 37 (25) of section 1002.33, Florida Statutes, are amended to read:  
 38 1002.33 Charter schools.—

39

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

41

(a) A person or entity wishing to open a charter school  
 42 shall prepare and submit an application on a model application  
 43 form prepared by the Department of Education which:

44

1. Demonstrates how the school will use the guiding  
 45 principles and meet the statutorily defined purpose of a charter  
 46 school.

47

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

50

3. Contains goals and objectives for improving student  
 51 learning and measuring that improvement. These goals and  
 52 objectives must indicate how much academic improvement students  
 53 are expected to show each year, how success will be evaluated,  
 54 and the specific results to be attained through instruction.

55

4. Describes the reading curriculum and differentiated  
 56 strategies that will be used for students reading at grade level  
 57 or higher and a separate curriculum and strategies for students  
 58 who are reading below grade level. A sponsor shall deny a

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 59 charter if the school does not propose a reading curriculum that  
 60 is consistent with effective teaching strategies that are  
 61 grounded in scientifically based reading research.

62 5. Contains an annual financial plan for each year  
 63 requested by the charter for operation of the school for up to 5  
 64 years and provides detailed financial information evidencing  
 65 that the applicant is financially qualified and capable of  
 66 opening, operating, and maintaining a high-quality charter  
 67 school in accordance with the applicant's plan and applicable  
 68 law. This plan must contain anticipated fund balances based on  
 69 revenue projections, a spending plan based on projected revenues  
 70 and expenses, including annual compensation to all employees,  
 71 and a description of controls that will safeguard finances and  
 72 projected enrollment trends.

73 6. Documents that the applicant has participated in the  
 74 training required in subparagraph (f)2. A sponsor may require an  
 75 applicant to provide additional information as an addendum to  
 76 the charter school application described in this paragraph.

77 7. For the establishment of a virtual charter school,  
 78 documents that the applicant has contracted with a provider of  
 79 virtual instruction services pursuant to s. 1002.45(1)(d).

80 (b) A sponsor shall receive and review all applications for  
 81 a charter school using an evaluation instrument developed by the  
 82 Department of Education and in compliance with this section. A  
 83 sponsor shall receive and consider charter school applications  
 84 received on or before August 1 of each calendar year for charter  
 85 schools to be opened at the beginning of the school district's  
 86 next school year, or to be opened at a time agreed to by the  
 87 applicant and the sponsor. A sponsor may receive applications

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 88 later than this date if it chooses. A sponsor may not charge an  
 89 applicant for a charter any fee for the processing or  
 90 consideration of an application, and a sponsor may not base its  
 91 consideration or approval of an application upon the promise of  
 92 future payment of any kind. Before approving or denying any  
 93 application, the sponsor shall allow the applicant, upon receipt  
 94 of written notification, at least 7 calendar days to make  
 95 technical or nonsubstantive corrections and clarifications,  
 96 including, but not limited to, corrections of grammatical,  
 97 typographical, and like errors or missing signatures, if such  
 98 errors are identified by the sponsor as cause to deny the  
 99 application.

100 1. In order to facilitate an accurate budget projection  
 101 process, a sponsor shall be held harmless for FTE students who  
 102 are not included in the FTE projection due to approval of  
 103 charter school applications after the FTE projection deadline.  
 104 In a further effort to facilitate an accurate budget projection,  
 105 within 15 calendar days after receipt of a charter school  
 106 application, a sponsor shall report to the Department of  
 107 Education the name of the applicant entity, the proposed charter  
 108 school location, and its projected FTE.

109 2. In order to ensure fiscal responsibility, an application  
 110 for a charter school shall include a full accounting of expected  
 111 assets, a projection of expected sources and amounts of income,  
 112 including income derived from projected student enrollments and  
 113 from community support, and an expense projection that includes  
 114 full accounting of the costs of operation, including start-up  
 115 costs. The application must evidence that the applicant is  
 116 financially capable and qualified to open, operate, and maintain

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 117 a high-quality charter school in accordance with the applicant's  
 118 plan and applicable law.

119 3.a. A sponsor shall by a majority vote approve or deny an  
 120 application no later than 60 calendar days after the application  
 121 is received, unless the sponsor and the applicant mutually agree  
 122 in writing to temporarily postpone the vote to a specific date,  
 123 at which time the sponsor shall by a majority vote approve or  
 124 deny the application. If the sponsor fails to act on the  
 125 application, an applicant may appeal to the State Board of  
 126 Education as provided in paragraph (c). If an application is  
 127 denied, the sponsor shall, within 10 calendar days after such  
 128 denial, articulate in writing the specific reasons, based upon  
 129 good cause, supporting its denial of the charter application and  
 130 shall provide the letter of denial and supporting documentation  
 131 to the applicant and to the Department of Education.

132 b. An application submitted by a high-performing charter  
 133 school identified pursuant to s. 1002.331 may be denied by the  
 134 sponsor only if the sponsor demonstrates by clear and convincing  
 135 evidence that:

136 (I) The application does not materially comply with the  
 137 requirements in paragraph (a);

138 (II) The charter school proposed in the application does  
 139 not materially comply with the requirements in paragraphs  
 140 (9) (a)-(f);

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

144 (IV) The applicant has made a material misrepresentation or  
 145 false statement or concealed an essential or material fact

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 146 during the application process; or

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

150  
 151 Material noncompliance is a failure to follow requirements or a  
 152 violation of prohibitions applicable to charter school  
 153 applications, which failure is quantitatively or qualitatively  
 154 significant either individually or when aggregated with other  
 155 noncompliance. An applicant is considered to be replicating a  
 156 high-performing charter school if the proposed school is  
 157 substantially similar to at least one of the applicant's high-  
 158 performing charter schools and the organization or individuals  
 159 involved in the establishment and operation of the proposed  
 160 school are significantly involved in the operation of replicated  
 161 schools.

162 c. If the sponsor denies an application submitted by a  
 163 high-performing charter school, the sponsor must, within 10  
 164 calendar days after such denial, state in writing the specific  
 165 reasons, based upon the criteria in sub-subparagraph b.,  
 166 supporting its denial of the application and must provide the  
 167 letter of denial and supporting documentation to the applicant  
 168 and to the Department of Education. The applicant may appeal the  
 169 sponsor's denial of the application directly to the State Board  
 170 of Education pursuant to sub-subparagraph (c)3.b.

171 4. For budget projection purposes, the sponsor shall report  
 172 to the Department of Education the approval or denial of a  
 173 charter application within 10 calendar days after such approval  
 174 or denial. In the event of approval, the report to the

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2013744

175 Department of Education shall include the final projected FTE  
176 for the approved charter school.

177 5. Upon approval of a charter application, the initial  
178 startup shall commence with the beginning of the public school  
179 calendar for the district in which the charter is granted unless  
180 the sponsor allows a waiver of this subparagraph for good cause.

181 (7) CHARTER.—The major issues involving the operation of a  
182 charter school shall be considered in advance and written into  
183 the charter. The charter shall be signed by the governing board  
184 of the charter school and the sponsor, following a public  
185 hearing to ensure community input.

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

188 1. The school's mission, the students to be served, ~~and~~ the  
189 ages and grades to be included, and the requirement that the  
190 charter school comply with applicable law, its representations,  
191 and agreements that are outlined in its application that was  
192 approved by the sponsor.

193 2. The focus of the curriculum, the instructional methods  
194 to be used, any distinctive instructional techniques to be  
195 employed, and identification and acquisition of appropriate  
196 technologies needed to improve educational and administrative  
197 performance which include a means for promoting safe, ethical,  
198 and appropriate uses of technology which comply with legal and  
199 professional standards.

200 a. The charter shall ensure that reading is a primary focus  
201 of the curriculum and that resources are provided to identify  
202 and provide specialized instruction for students who are reading  
203 below grade level. The curriculum and instructional strategies

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204 for reading must be consistent with the Sunshine State Standards  
205 and grounded in scientifically based reading research.

206 b. In order to provide students with access to diverse  
207 instructional delivery models, to facilitate the integration of  
208 technology within traditional classroom instruction, and to  
209 provide students with the skills they need to compete in the  
210 21st century economy, the Legislature encourages instructional  
211 methods for blended learning courses consisting of both  
212 traditional classroom and online instructional techniques.  
213 Charter schools may implement blended learning courses which  
214 combine traditional classroom instruction and virtual  
215 instruction. Students in a blended learning course must be full-  
216 time students of the charter school and receive the online  
217 instruction in a classroom setting at the charter school.  
218 Instructional personnel certified pursuant to s. 1012.55 who  
219 provide virtual instruction for blended learning courses may be  
220 employees of the charter school or may be under contract to  
221 provide instructional services to charter school students. At a  
222 minimum, such instructional personnel must hold an active state  
223 or school district adjunct certification under s. 1012.57 for  
224 the subject area of the blended learning course. The funding and  
225 performance accountability requirements for blended learning  
226 courses are the same as those for traditional courses.

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

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

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233 b. How these baseline rates will be compared to rates of  
234 academic progress achieved by these same students while  
235 attending the charter school.

236 c. To the extent possible, how these rates of progress will  
237 be evaluated and compared with rates of progress of other  
238 closely comparable student populations.

239  
240 The district school board is required to provide academic  
241 student performance data to charter schools for each of their  
242 students coming from the district school system, as well as  
243 rates of academic progress of comparable student populations in  
244 the district school system.

245 4. The methods used to identify the educational strengths  
246 and needs of students and how well educational goals and  
247 performance standards are met by students attending the charter  
248 school. The methods shall provide a means for the charter school  
249 to ensure accountability to its constituents by analyzing  
250 student performance data and by evaluating the effectiveness and  
251 efficiency of its major educational programs. Students in  
252 charter schools shall, at a minimum, participate in the  
253 statewide assessment program created under s. 1008.22.

254 5. In secondary charter schools, a method for determining  
255 that a student has satisfied the requirements for graduation in  
256 s. 1003.428, s. 1003.429, or s. 1003.43.

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

259 7. The admissions procedures and dismissal procedures,  
260 including the school's code of student conduct.

261 8. The ways by which the school will achieve a

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262 racial/ethnic balance reflective of the community it serves or  
263 within the racial/ethnic range of other public schools in the  
264 same school district.

265 9. The financial and administrative management of the  
266 school, including a reasonable demonstration of the professional  
267 experience or competence of those individuals or organizations  
268 applying to operate the charter school or those hired or  
269 retained to perform such professional services and the  
270 description of clearly delineated responsibilities and the  
271 policies and practices needed to effectively manage the charter  
272 school. A description of internal audit procedures and  
273 establishment of controls to ensure that financial resources are  
274 properly managed must be included. Both public sector and  
275 private sector professional experience shall be equally valid in  
276 such a consideration. The charter must set forth, at least  
277 annually, a program of continual, detailed reporting by the  
278 charter school and review by the sponsor of the financial  
279 operations of the charter school, including, specifically, the  
280 capitalization, solvency, proper financial management, and  
281 compensation paid to employees of the charter school, so as to  
282 ensure that employees are not paid unreasonable compensation.

283 10. The asset and liability projections required in the  
284 application which are incorporated into the charter and shall be  
285 compared with information provided in the annual report of the  
286 charter school.

287 11. A description of procedures that identify various risks  
288 and provide for a comprehensive approach to reduce the impact of  
289 losses; plans to ensure the safety and security of students and  
290 staff; plans to identify, minimize, and protect others from

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 291 violent or disruptive student behavior; and the manner in which  
 292 the school will be insured, including whether or not the school  
 293 will be required to have liability insurance, and, if so, the  
 294 terms and conditions thereof and the amounts of coverage.

295 12. The term of the charter which ~~must shall~~ provide for  
 296 cancellation of the charter if:

297 a. Insufficient progress has been made in attaining the  
 298 student achievement objectives of the charter and if it is not  
 299 likely that such objectives can be achieved before expiration of  
 300 the charter;

301 b. The charter school, at any time, becomes insolvent or  
 302 otherwise fails to pay its debts as they become due;

303 c. The charter school fails to provide a quality education  
 304 to its students; or

305 d. The charter school does not comply with applicable law.  
 306

307 The initial term of a charter shall be for 4 or 5 years. In  
 308 order to facilitate access to long-term financial resources for  
 309 charter school construction, charter schools that are operated  
 310 by a municipality or other public entity as provided by law are  
 311 eligible for up to a 15-year charter, subject to approval by the  
 312 district school board. A charter lab school is eligible for a  
 313 charter for a term of up to 15 years. In addition, to facilitate  
 314 access to long-term financial resources for charter school  
 315 construction, charter schools that are operated by a private,  
 316 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 317 up to a 15-year charter, subject to approval by the district  
 318 school board. Such long-term charters remain subject to annual  
 319 review and may be terminated during the term of the charter, but

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 320 only according to the provisions set forth in subsection (8).

321 13. The facilities to be used and their location.

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

325 15. The governance structure of the school, including the  
 326 status of the charter school as a public or private employer as  
 327 required in paragraph (12)(i).

328 16. A timetable for implementing the charter which  
 329 addresses the implementation of each element thereof and the  
 330 date by which the charter shall be awarded in order to meet this  
 331 timetable.

332 17. In the case of an existing public school that is being  
 333 converted to charter status, alternative arrangements for  
 334 current students who choose not to attend the charter school and  
 335 for current teachers who choose not to teach in the charter  
 336 school after conversion in accordance with the existing  
 337 collective bargaining agreement or district school board rule in  
 338 the absence of a collective bargaining agreement. However,  
 339 alternative arrangements shall not be required for current  
 340 teachers who choose not to teach in a charter lab school, except  
 341 as authorized by the employment policies of the state university  
 342 which grants the charter to the lab school.

343 18. Full disclosure of the identity of all relatives  
 344 employed by the charter school who are related to the charter  
 345 school owner, president, chairperson of the governing board of  
 346 directors, superintendent, governing board member, principal,  
 347 assistant principal, or any other person employed by the charter  
 348 school who has equivalent decisionmaking authority. For the

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 349 purpose of this subparagraph, the term "relative" means father,  
 350 mother, son, daughter, brother, sister, uncle, aunt, first  
 351 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 352 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 353 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 354 stepsister, half brother, or half sister.

355 19. Implementation of the activities authorized under s.  
 356 1002.331 by the charter school when it satisfies the eligibility  
 357 requirements for a high-performing charter school. A high-  
 358 performing charter school shall notify its sponsor in writing by  
 359 March 1 if it intends to increase enrollment or expand grade  
 360 levels the following school year. The written notice shall  
 361 specify the amount of the enrollment increase and the grade  
 362 levels that will be added, as applicable.

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

364 (a) The sponsor may choose not to renew or may terminate  
 365 the charter for any of the following grounds:

366 1. Failure to participate in the state's education  
 367 accountability system created in s. 1008.31, as required in this  
 368 section, or failure to meet the requirements for student  
 369 performance stated in the charter.

370 2. Failure to meet generally accepted standards of fiscal  
 371 management, including, but not limited to, insolvency, payment  
 372 of unreasonable compensation to employees, or unlawful diversion  
 373 of the moneys or property of the charter school to the private  
 374 benefit of an employee of the charter school.

375 3. Violation of law.

376 4. Other good cause shown.

377 5. Violation of the charter.

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 378 6. Failure to implement a corrective action provided under  
 379 sub-subparagraph (9)(n)2.a., if applicable.

380 (d) A charter may be terminated immediately if the sponsor  
 381 sets forth in writing the particular facts and circumstances  
 382 indicating that an immediate and serious danger to the health,  
 383 safety, or welfare of the charter school's students exists. The  
 384 term "welfare" includes, but is not limited to, providing a  
 385 quality education to students of the charter school. The  
 386 sponsor's determination is subject to the procedures set forth  
 387 in paragraphs (b) and (c), except that the hearing may take  
 388 place after the charter has been terminated. The sponsor shall  
 389 notify in writing the charter school's governing board, the  
 390 charter school principal, and the department if a charter is  
 391 terminated immediately. The sponsor shall clearly identify the  
 392 specific issues that resulted in the immediate termination and  
 393 provide evidence of prior notification of issues resulting in  
 394 the immediate termination when appropriate. Upon receiving  
 395 written notice from the sponsor, the charter school's governing  
 396 board has 10 calendar days to request a hearing. A requested  
 397 hearing must be expedited and the final order must be issued  
 398 within 60 days after the date of request. The sponsor shall  
 399 assume operation of the charter school throughout the pendency  
 400 of the hearing under paragraphs (b) and (c) unless the continued  
 401 operation of the charter school would materially threaten the  
 402 health, safety, or welfare of the students. Failure by the  
 403 sponsor to assume and continue operation of the charter school  
 404 shall result in the awarding of reasonable costs and attorney's  
 405 fees to the charter school if the charter school prevails on  
 406 appeal.

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407 (9) CHARTER SCHOOL REQUIREMENTS.-

408 (n)1. The director and a representative of the governing  
409 board of a charter school that has earned a grade of "D" or "F"  
410 pursuant to s. 1008.34(2) shall appear before the sponsor to  
411 present information concerning each contract component having  
412 noted deficiencies. The director and a representative of the  
413 governing board shall submit to the sponsor for approval a  
414 school improvement plan to raise student achievement. Upon  
415 approval by the sponsor, the charter school shall begin  
416 implementation of the school improvement plan. The department  
417 shall offer technical assistance and training to the charter  
418 school and its governing board and establish guidelines for  
419 developing, submitting, and approving such plans.

420 2.a. If a charter school earns three consecutive grades of  
421 "D," two consecutive grades of "D" followed by a grade of "F,"  
422 or two nonconsecutive grades of "F" within a 3-year period, the  
423 charter school governing board, with the consent of the sponsor,  
424 shall choose one of the following corrective actions:

425 (I) Contract for educational services to be provided  
426 directly to students, instructional personnel, and school  
427 administrators, as prescribed in state board rule;

428 (II) Contract with an outside entity that has a  
429 demonstrated record of effectiveness to operate the school;

430 (III) Reorganize the school under a new director or  
431 principal who is authorized to hire new staff; or

432 (IV) Voluntarily close the charter school.

433 b. The charter school must implement the corrective action  
434 in the school year following receipt of a third consecutive  
435 grade of "D," a grade of "F" following two consecutive grades of

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436 "D," or a second nonconsecutive grade of "F" within a 3-year  
437 period.

438 c. The sponsor may annually waive a corrective action if it  
439 determines that the charter school is likely to improve a letter  
440 grade if additional time is provided to implement the  
441 intervention and support strategies prescribed by the school  
442 improvement plan. Notwithstanding this sub-subparagraph, a  
443 charter school that earns a second consecutive grade of "F" is  
444 subject to subparagraph 4.

445 d. A charter school is no longer required to implement a  
446 corrective action if it improves by at least one letter grade.  
447 However, the charter school must continue to implement  
448 strategies identified in the school improvement plan. The  
449 sponsor must annually review implementation of the school  
450 improvement plan to monitor the school's continued improvement  
451 pursuant to subparagraph 5.

452 e. A charter school implementing a corrective action that  
453 does not improve by at least one letter grade after 2 full  
454 school years of implementing the corrective action must select a  
455 different corrective action. Implementation of the new  
456 corrective action must begin in the school year following the  
457 implementation period of the existing corrective action, unless  
458 the sponsor determines that the charter school is likely to  
459 improve a letter grade if additional time is provided to  
460 implement the existing corrective action. Notwithstanding this  
461 sub-subparagraph, a charter school that earns a second  
462 consecutive grade of "F" while implementing a corrective action  
463 is subject to subparagraph 4.

464 3. A charter school with a grade of "D" or "F" that

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 465 improves by at least one letter grade must continue to implement  
 466 the strategies identified in the school improvement plan. The  
 467 sponsor must annually review implementation of the school  
 468 improvement plan to monitor the school's continued improvement  
 469 pursuant to subparagraph 5.

470 4. The sponsor shall terminate a charter if the charter  
 471 school earns two consecutive grades of "F" unless:

472 a. The charter school is established to turn around the  
 473 performance of a district public school pursuant to s.  
 474 1008.33(4)(b)3. Such charter schools shall be governed by s.  
 475 1008.33;

476 b. The charter school serves a student population the  
 477 majority of which resides in a school zone served by a district  
 478 public school that earned a grade of "F" in the year before the  
 479 charter school opened and the charter school earns at least a  
 480 grade of "D" in its third year of operation. The exception  
 481 provided under this sub-subparagraph does not apply to a charter  
 482 school in its fourth year of operation and thereafter; or

483 c. The state board grants the charter school a waiver of  
 484 termination. The charter school must request the waiver within  
 485 30 days after completion of school grade appeals. The state  
 486 board may waive termination if the charter school demonstrates  
 487 that the learning gains of its students on statewide assessments  
 488 are comparable to or better than the learning gains of similarly  
 489 situated students enrolled in nearby district public schools.  
 490 The waiver is valid for 1 year and may only be granted once.  
 491 Charter schools that have been in operation for more than 5  
 492 years are not eligible for a waiver under this sub-subparagraph.

493 5. The director and a representative of the governing board

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 494 of a graded charter school that has implemented a school  
 495 improvement plan under this paragraph shall appear before the  
 496 sponsor at least once a year to present information regarding  
 497 the progress of intervention and support strategies implemented  
 498 by the school pursuant to the school improvement plan and  
 499 corrective actions, if applicable. The sponsor shall communicate  
 500 at the meeting, and in writing to the director, the services  
 501 provided to the school to help the school address its  
 502 deficiencies.

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

506 (25) LOCAL EDUCATIONAL AGENCY STATUS FOR CERTAIN CHARTER  
 507 SCHOOL SYSTEMS.—A charter school system shall be designated a  
 508 local educational agency solely for the purpose of receiving  
 509 federal funds, the same manner as if ~~though~~ the charter school  
 510 system were a school district, if the governing board of the  
 511 charter school system has adopted and filed a resolution with  
 512 its sponsoring district school board and the Department of  
 513 Education in which the governing board ~~of the charter school~~  
 514 ~~system~~ accepts ~~the~~ full responsibility for all local education  
 515 agency requirements and if the charter school system meets all  
 516 of the following:

517 (a) Includes both conversion charter schools and  
 518 nonconversion charter schools.†

519 (b) Has all schools located in the same county.†

520 (c) Has a total enrollment exceeding the total enrollment  
 521 of at least one school district in the state.†

522 (d) Has the same governing board.† ~~and~~

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523 (e) Does not contract with a for-profit service provider  
524 for management of school operations.

525

526 Such designation does not apply to other provisions of law  
527 unless specifically provided in law.

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

By Senator Thompson

12-01104-13

2013780\_\_

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; providing that contracts for charter  
 4 school employees and contracts for charter school  
 5 operations with an educational service provider or  
 6 vendor may not extend beyond the terms of the school's  
 7 charter contract; specifying that charter school  
 8 employees and service providers or vendors under  
 9 charter school operations contracts are not entitled  
 10 to compensation after the charter school's closure;  
 11 providing for applicability; providing for closure of  
 12 a charter school under certain circumstances;  
 13 providing an effective date.

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17 Section 1. Paragraph (j) is added to subsection (12) and  
 18 paragraph (d) is added to subsection (20) of section 1002.33,  
 19 Florida Statutes, to read:

20 1002.33 Charter schools.—

21 (12) EMPLOYEES OF CHARTER SCHOOLS.—

22 (j) A contract for a charter school employee may not have a  
 23 term that extends beyond the term of the school's charter  
 24 contract and must provide that, in the event of a charter  
 25 school's closure, the remainder of the employee contract is void  
 26 and the employee is not entitled to compensation after the date  
 27 of the school's closure. This paragraph applies to employee  
 28 contracts entered into on or after July 1, 2013. A violation of  
 29 this paragraph by a charter school is considered good cause for

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30 closure of the charter school under subsection (8).

31 (20) SERVICES.—

32 (d) A contract for operation of a charter school with an  
 33 educational service provider or vendor may not have a term that  
 34 extends beyond the term of the school's charter contract and  
 35 must provide that, in the event of a charter school's closure,  
 36 the remainder of the service provider or vendor contract is void  
 37 and the service provider or vendor is not entitled to  
 38 compensation after the date of the school's closure. This  
 39 paragraph applies to service provider or vendor contracts  
 40 entered into on or after July 1, 2013. A violation of this  
 41 paragraph by a charter school is considered good cause for  
 42 closure of the charter school under subsection (8).

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

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By Senator Thompson

12-01216-13

2013784\_\_

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; requiring the compensation and salary  
 4 schedules for charter school employees to be based on  
 5 school district schedules; providing salary  
 6 restrictions in certain instances; providing an  
 7 effective date.  
 8  
 9 Be It Enacted by the Legislature of the State of Florida:  
 10  
 11 Section 1. Paragraph (b) of subsection (16) of section  
 12 1002.33, Florida Statutes, is amended to read:  
 13 1002.33 Charter schools.—  
 14 (16) EXEMPTION FROM STATUTES.—  
 15 (b) Additionally, a charter school shall be in compliance  
 16 with the following statutes:  
 17 1. Section 286.011, relating to public meetings and  
 18 records, public inspection, and criminal and civil penalties.  
 19 2. Chapter 119, relating to public records.  
 20 3. Section 1003.03, relating to the maximum class size,  
 21 except that the calculation for compliance pursuant to s.  
 22 1003.03 shall be the average at the school level.  
 23 4. Section 1012.22(1)(c), relating to compensation and  
 24 salary schedules. The compensation and salary schedules for  
 25 instructional personnel and school administrators hired on or  
 26 after July 1, 2013, shall be based on the schedules of the  
 27 school district in which the charter school is located. If a  
 28 school district does not have compensation and salary schedules,  
 29 the salary of a charter school employee may not exceed the

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30 salary of the highest paid public school employee serving in the  
 31 same capacity in the school district in which the charter school  
 32 operates.  
 33 5. Section 1012.33(5), relating to workforce reductions.  
 34 6. Section 1012.335, relating to contracts with  
 35 instructional personnel hired on or after July 1, 2011.  
 36 7. Section 1012.34, relating to the substantive  
 37 requirements for performance evaluations for instructional  
 38 personnel and school administrators.  
 39 Section 2. This act shall take effect July 1, 2013.

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By Senator Garcia

38-00451-13

2013828\_\_

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 196.1983, F.S.; granting school district programs the  
 4 ad valorem tax exemption given to charter schools and  
 5 creating certain restrictions on such property;  
 6 requiring a landlord to certify compliance by  
 7 affidavit; restricting the use of capital outlay funds  
 8 for property improvements if the property is exempt  
 9 from ad valorem taxes; amending s. 1002.31, F.S.;  
 10 providing a calculation for compliance with class size  
 11 maximums for a public school of choice; amending s.  
 12 1002.33, F.S.; making technical and grammatical  
 13 changes; deleting a requirement that the State Board  
 14 of Education remand an application to a sponsor;  
 15 providing that the sponsor may conduct or audit a  
 16 random selection process to admit applicants;  
 17 prohibiting a charter school or charter school system  
 18 from rejecting certain types of students solely based  
 19 on a higher cost; requiring a charter school or  
 20 charter school system to enroll students in proportion  
 21 similar to the district average in order to qualify  
 22 for a designation of high-performing charter school;  
 23 providing a funding requirement for a student who  
 24 transfers between a charter school and district  
 25 school; authorizing a district school board to  
 26 negotiate an appropriate usage fee based on market  
 27 comparables for unused space; deleting a prohibition  
 28 on existing public schools that convert to charter  
 29 schools; prohibiting a charter school from selling or

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30 renting out property from a school district without  
 31 written permission of the school district; providing  
 32 that certain recommendations from the department are  
 33 not binding on a school district; restricting use of  
 34 capital outlay funds; deleting restrictions on  
 35 withheld administrative fees; clarifying that a member  
 36 of a governing board of a charter school is a public  
 37 official; amending s. 1002.332, F.S.; modifying the  
 38 definition of a high-performing charter school system  
 39 to include those offering certain services; amending  
 40 s. 1002.345, F.S.; restricting charter schools or  
 41 technical career centers having financial problems  
 42 from certain activities and requiring disclosure of  
 43 such financial problems on subsequent applications;  
 44 amending s. 1003.03, F.S.; basing the class size  
 45 maximum on the schoolwide average; deleting certain  
 46 requirements when the number of students assigned to a  
 47 class exceeds the class size maximum; creating s.  
 48 1003.622, F.S.; providing legislative intent;  
 49 recognizing high-performing school choice districts  
 50 and granting them flexibility; qualifying a high-  
 51 performing school choice district; exempting such  
 52 districts from ch. 1000-1013, F.S., subject to certain  
 53 exceptions; requiring the commissioner to verify the  
 54 status of a high-performing school choice district;  
 55 amending s. 1010.305, F.S.; extending student  
 56 enrollment auditing procedures to charter schools;  
 57 providing that a charter school may request an  
 58 expedited review by the Auditor General; amending s.

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59 1013.37, F.S.; requiring school boards to comply with  
60 the Florida Building Code for certain new projects;  
61 providing an effective date.

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Section 196.1983, Florida Statutes, is amended  
66 to read:

67 196.1983 Charter school and school district program  
68 exemption from ad valorem taxes.—Any facility, or portion  
69 thereof, used to house a school district program or charter  
70 school whose charter has been approved by the sponsor and the  
71 governing board pursuant to s. 1002.33(7) is shall be exempt  
72 from ad valorem taxes. For leasehold properties, the landlord  
73 must certify by affidavit to the district or charter school  
74 sponsor that the lease payments shall be reduced to the extent  
75 of the exemption received, that the lease payments before  
76 reduction do not exceed fair market value, and that the  
77 transaction does not involve relatives as defined in s.  
78 1002.33(7) (a)18. The owner of the property shall disclose ~~to a~~  
79 ~~charter school~~ the full amount of the benefit derived from the  
80 exemption and the method for ensuring that the district or  
81 charter school receives such benefit. The charter school shall  
82 receive the full benefit derived from the exemption through  
83 ~~either~~ an annual or monthly credit to the charter school's lease  
84 payments. For property exempt from ad valorem taxes pursuant to  
85 this section, district or public education capital outlay funds  
86 may be used for property improvements only if:

87 (1) The transaction does not, directly or indirectly,

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88 involve relatives; and

89 (2) The lease or contract makes adequate provision for  
90 crediting or reimbursing such funding when the property is no  
91 longer used for exempt purposes.

92 Section 2. Subsection (9) is added to section 1002.31,  
93 Florida Statutes, to read:

94 1002.31 Public school parental choice.—

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

99 Section 3. Paragraphs (b) through (d) of subsection (6),  
100 paragraphs (b), (e), (f), and (h) of subsection (10), paragraphs  
101 (c), (e), and (g) of subsection (18), subsection (19), paragraph  
102 (a) of subsection (20), and subsection (26) of section 1002.33,  
103 Florida Statutes, are amended, and paragraph (g) is added to  
104 subsection (17) of that section, to read:

105 1002.33 Charter schools.—

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

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

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 117 fee for the processing or consideration of an application, and a  
 118 sponsor may not base its consideration or approval of an  
 119 application upon the promise of future payment of any kind.  
 120 Before approving or denying any application, the sponsor shall  
 121 allow the applicant, upon receipt of written notification, at  
 122 least 7 calendar days to make technical or nonsubstantive  
 123 corrections and clarifications, including, but not limited to,  
 124 corrections of grammatical, typographical, and like errors or  
 125 missing signatures, if such errors are identified by the sponsor  
 126 as cause to deny the application.

127 1. In order to facilitate an accurate budget projection  
 128 process, a sponsor shall be held harmless for FTE students who  
 129 are not included in the FTE projection due to approval of  
 130 charter school applications after the FTE projection deadline.  
 131 In a further effort to facilitate an accurate budget projection,  
 132 within 15 calendar days after receipt of a charter school  
 133 application, a sponsor shall report to the department ~~of~~  
 134 ~~Education~~ the name of the applicant entity, the proposed charter  
 135 school location, and its projected FTE.

136 2. In order to ensure fiscal responsibility, an application  
 137 for a charter school shall include a full accounting of expected  
 138 assets, a projection of expected sources and amounts of income,  
 139 including income derived from projected student enrollments and  
 140 from community support, and an expense projection that includes  
 141 full accounting of the costs of operation, including start-up  
 142 costs.

143 3.a. A sponsor shall by a majority vote approve or deny an  
 144 application no later than 60 calendar days after the application  
 145 is received, unless the sponsor and the applicant mutually agree

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 146 in writing to temporarily postpone the vote to a specific date,  
 147 at which time the sponsor shall by a majority vote approve or  
 148 deny the application. If the sponsor fails to act on the  
 149 application, an applicant may appeal to the State Board of  
 150 Education as provided in paragraph (c). If an application is  
 151 denied, the sponsor shall, within 10 calendar days after such  
 152 denial, articulate in writing the specific reasons, based upon  
 153 good cause, supporting its denial of the charter application and  
 154 shall provide the letter of denial and supporting documentation  
 155 to the applicant and to the department ~~of Education~~.

156 b. An application submitted by a high-performing charter  
 157 school identified pursuant to s. 1002.331 may be denied by the  
 158 sponsor only if the sponsor demonstrates by clear and convincing  
 159 evidence that:

160 (I) The application does not materially comply with the  
 161 requirements in paragraph (a);

162 (II) The charter school proposed in the application does  
 163 not materially comply with the requirements in paragraphs  
 164 (9) (a)-(f);

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

168 (IV) The applicant has made a material misrepresentation or  
 169 false statement or concealed an essential or material fact  
 170 during the application process; or

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

174

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 175 Material noncompliance is a failure to follow requirements or a  
 176 violation of prohibitions applicable to charter school  
 177 applications, which failure is quantitatively or qualitatively  
 178 significant either individually or when aggregated with other  
 179 noncompliance. An applicant is considered to be replicating a  
 180 high-performing charter school if the proposed school is  
 181 substantially similar to at least one of the applicant's high-  
 182 performing charter schools and the organization or individuals  
 183 involved in the establishment and operation of the proposed  
 184 school are significantly involved in the operation of replicated  
 185 schools.

186 c. If the sponsor denies an application submitted by a  
 187 high-performing charter school, the sponsor must, within 10  
 188 calendar days after such denial, state in writing the specific  
 189 reasons, based upon the criteria in sub-subparagraph b.,  
 190 supporting its denial of the application and must provide the  
 191 letter of denial and supporting documentation to the applicant  
 192 and to the department of ~~Education~~. The applicant may appeal the  
 193 sponsor's denial of the application directly to the State Board  
 194 of Education pursuant to paragraph (c) ~~sub-subparagraph (c)~~3.b.

195 4. For budget projection purposes, the sponsor shall report  
 196 to the department of ~~Education~~ the approval or denial of a  
 197 charter application within 10 calendar days after such approval  
 198 or denial. In the event of approval, the report to the  
 199 department must ~~of Education shall~~ include the final projected  
 200 FTE for the approved charter school.

201 5. Upon approval of a charter application, the initial  
 202 startup must ~~shall~~ commence with the beginning of the public  
 203 school calendar for the district in which the charter is granted

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 204 unless the sponsor allows a waiver of this subparagraph for good  
 205 cause.

206 (c)~~1-~~ An applicant may appeal a ~~any~~ denial of that  
 207 applicant's application or failure to act on an application to  
 208 the State Board of Education within ~~no later than~~ 30 calendar  
 209 days after receipt of the sponsor's decision or failure to act  
 210 and shall notify the sponsor of its appeal. Any response of the  
 211 sponsor shall be submitted to the ~~State board of Education~~  
 212 within 30 calendar days after notification of the appeal. Upon  
 213 receipt of notification from the ~~State board of Education~~ that a  
 214 charter school applicant is filing an appeal, the commissioner  
 215 ~~of Education~~ shall convene a meeting of the Charter School  
 216 Appeal Commission to study the appeal and make recommendations  
 217 to the ~~State board of Education~~ regarding its pending decision  
 218 about the appeal. The commission shall forward its  
 219 recommendations ~~recommendation~~ to the ~~state board~~ at least ~~no~~  
 220 later than 7 calendar days before ~~prior to~~ the date ~~on which~~ the  
 221 appeal is to be heard.

222 1.2- The Charter School Appeal Commission may reject an  
 223 appeal submission for failure to comply with procedural rules  
 224 governing the appeals process. The rejection must ~~shall~~ describe  
 225 the submission errors. The appellant has ~~shall have~~ 15 calendar  
 226 days after notice of rejection ~~in which~~ to resubmit an appeal  
 227 that meets the requirements set forth in ~~State board of~~  
 228 ~~Education~~ rule. An appeal submitted subsequent to such rejection  
 229 is considered timely if the original appeal was filed within 30  
 230 calendar days after receipt of notice of the specific reasons  
 231 for the sponsor's denial of the charter application.

232 2.3-a- The State Board of Education shall by majority vote

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 233 accept or reject the decision of the sponsor within no later  
 234 ~~than~~ 90 calendar days after an appeal is filed in accordance  
 235 with State board of Education rule. ~~The State Board of Education~~  
 236 ~~shall remand the application to the sponsor with its written~~  
 237 ~~decision that the sponsor approve or deny the application.~~ The  
 238 sponsor shall implement the decision of the State board of  
 239 Education. Such ~~The decision of the State Board of Education is~~  
 240 not subject to ~~the provisions of the Administrative Procedure~~  
 241 ~~Act, chapter 120.~~

242 3.b. If an appeal concerns an application submitted by a  
 243 high-performing charter school identified pursuant to s.  
 244 1002.331, the State Board of Education shall determine whether  
 245 the sponsor has shown, by clear and convincing evidence, that:

246 a.(I) ~~The application does not materially comply with the~~  
 247 ~~requirements in~~ paragraph (a);

248 b.(II) ~~The charter school proposed in the application does~~  
 249 ~~not materially comply with the requirements in~~ paragraphs  
 250 (9) (a) - (f);

251 c.(III) ~~The proposed charter school's educational program~~  
 252 ~~does not substantially replicate that of the applicant or one of~~  
 253 ~~the applicant's high-performing charter schools;~~

254 d.(IV) ~~The applicant has made a material misrepresentation~~  
 255 ~~or false statement or concealed an essential or material fact~~  
 256 ~~during the application process; or~~

257 e.(V) ~~The proposed charter school's educational program and~~  
 258 ~~financial management practices do not materially comply with the~~  
 259 ~~requirements of~~ this section.

260 4. The State Board of Education shall approve or reject the  
 261 sponsor's denial of an application within no later than 90

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 262 calendar days after an appeal is filed in accordance with State  
 263 ~~board of Education~~ rule. ~~The State board of Education~~ shall  
 264 remand the application to the sponsor with its written decision  
 265 that the sponsor approve or deny the application. The sponsor  
 266 shall implement the decision of the State board of Education.  
 267 The decision of the State board of Education is not subject to  
 268 ~~the Administrative Procedure Act, chapter 120.~~

269 (d) ~~The sponsor shall act upon the decision of the State~~  
 270 ~~Board of Education within 30 calendar days after it is received.~~  
 271 The State Board of Education's decision is a final action  
 272 subject to judicial review in the district court of appeal for  
 273 30 calendar days after the order is issued.

274 (10) ELIGIBLE STUDENTS.-

275 (b) The charter school shall enroll an eligible student who  
 276 submits a timely application, unless the number of applications  
 277 exceeds the capacity of a program, class, grade level, or  
 278 building. In such case, all applicants shall have an equal  
 279 chance of being admitted through a random selection process that  
 280 is conducted or audited by the sponsor.

281 (e) A charter school may limit the enrollment process only  
 282 to target the following student populations:

283 1. Students within specific age groups or grade levels.

284 2. Students considered at risk of dropping out of school or  
 285 academic failure. Such students ~~shall~~ include exceptional  
 286 education students.

287 3. Students enrolling in a charter school-in-the-workplace  
 288 or charter school-in-a-municipality established under pursuant  
 289 ~~to~~ subsection (15).

290 4. Students residing within a reasonable distance of the

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 291 charter school, as described in paragraph (20) (c). Such students  
 292 ~~are shall be~~ subject to a random lottery that may be conducted  
 293 or audited by the sponsoring school district, and to the  
 294 racial/ethnic balance provisions described in subparagraph  
 295 (7) (a) 8. or ~~any~~ federal provisions that require a school to  
 296 achieve a racial/ethnic balance reflective of the community it  
 297 serves or within the racial/ethnic range of other public schools  
 298 in the same school district.

299 5. Students who meet reasonable academic, artistic, or  
 300 other eligibility standards established by the charter school  
 301 and included in the charter school application and charter or,  
 302 in the case of existing charter schools, standards that are  
 303 consistent with the school's mission and purpose. Such standards  
 304 must shall be in accordance with current state law and practice  
 305 in public schools, including provisions described in paragraph  
 306 (f), and may not discriminate against otherwise qualified  
 307 individuals.

308 6. Students articulating from one charter school to another  
 309 pursuant to an articulation agreement between the charter  
 310 schools that has been approved by the sponsor.

311 7. Students living in a development in which a business  
 312 entity provides the school facility and related property having  
 313 an appraised value of at least \$10 million to be used as a  
 314 charter school for the development. Students living in the  
 315 development ~~are shall be~~ entitled to 50 percent of the student  
 316 stations in the charter school. The students who are eligible  
 317 for enrollment are subject to a random lottery, the  
 318 racial/ethnic balance provisions, or ~~any~~ federal provisions, as  
 319 described in subparagraph 4. The remainder of the student

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 320 stations shall be filled in accordance with subparagraph 4.  
 321 (f) Students ~~who have with~~ disabilities, ~~and~~ students who  
 322 are served in English for Speakers of Other Languages programs,  
 323 and students who qualify for free or reduced-price school lunch  
 324 shall have an equal opportunity of being selected for enrollment  
 325 in a charter school. Notwithstanding any higher costs of serving  
 326 such students, a charter school or a charter school system shall  
 327 enroll students in a proportion similar to the district average.

328 (h) The capacity of the charter school shall be determined  
 329 annually by the governing board, in conjunction with the  
 330 sponsor, of the charter school in consideration of the factors  
 331 identified in this subsection unless the charter school is  
 332 designated as a high-performing charter school pursuant to s.  
 333 1002.331. A charter school or charter school program that fails  
 334 to enroll a proportionate share of students pursuant to  
 335 paragraph (f) is not eligible for a designation of high-  
 336 performing under s. 1002.331. Except as necessary to comply with  
 337 paragraph (f), a sponsor may not require a charter school to  
 338 waive the provisions of s. 1002.331 or require a student  
 339 enrollment cap that prohibits a high-performing charter school  
 340 from increasing enrollment in accordance with s. 1002.331(2) as  
 341 a condition of approval or renewal of a charter.

342 (17) FUNDING.—Students enrolled in a charter school,  
 343 regardless of the sponsorship, shall be funded as if they are in  
 344 a basic program or a special program, the same as students  
 345 enrolled in other public schools in the school district. Funding  
 346 for a charter lab school shall be as provided in s. 1002.32.

347 (g) If a student transfers from a charter school to a  
 348 district school or from a district school to a charter school

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349 after the first day of the school year, funding must be  
 350 allocated proportionately according to the number of days that  
 351 the student attended the charter school or district school.

352 (18) FACILITIES.—

353 (c) Any facility, or portion thereof, used to house a  
 354 school district program or charter school whose charter has been  
 355 approved by the sponsor and the governing board, pursuant to  
 356 subsection (7), is shall be exempt from ad valorem taxes  
 357 pursuant to s. 196.1983. Library, community service, museum,  
 358 performing arts, theatre, cinema, church, Florida College System  
 359 institution, college, and university facilities may provide  
 360 space to charter schools within their facilities under ~~their~~  
 361 preexisting zoning and land use designations.

362 (e) If a district school board facility or property is  
 363 available because the district school board has deemed it as ~~it~~  
 364 ~~is~~ surplus, marked for disposal, or otherwise unused, and the  
 365 facility is appropriate for student instruction, it may ~~shall~~ be  
 366 made available ~~provided~~ for a charter school's use based on  
 367 district school board eligibility criteria. The school district  
 368 may negotiate an appropriate usage fee based on market value ~~on~~  
 369 the same basis as it is made available to other public schools  
 370 in the district. A charter school receiving property from the  
 371 school district may not sell or dispose of such property without  
 372 written permission of the school district. ~~Similarly, for an~~  
 373 ~~existing public school converting to charter status, no rental~~  
 374 ~~or leasing fee for the existing facility or for the property~~  
 375 ~~normally inventoried to the conversion school may be charged by~~  
 376 ~~the district school board to the parents and teachers organizing~~  
 377 ~~the charter school. The charter school shall agree to reasonable~~

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378 maintenance provisions in order to maintain the facility in a  
 379 manner similar to district school board standards. A charter  
 380 school receiving property from the school district may not  
 381 relet, sublet, sell, or dispose of such property without written  
 382 permission of the school district. The lease may provide for use  
 383 of ~~the~~ public education capital outlay maintenance funds or any  
 384 other maintenance funds if such use is consistent with the  
 385 district's 5-year work plan generated by the facility operated  
 386 as a ~~conversion school shall remain with the conversion school.~~

387 (g) Each school district shall annually provide to the  
 388 department ~~of Education~~ as part of its 5-year work plan the  
 389 number of existing vacant classrooms in each school that the  
 390 district does not intend to use or does not project will be  
 391 needed for educational purposes for the following school year.  
 392 The department may recommend that a district make such space  
 393 available to an appropriate charter school pursuant to paragraph  
 394 (e). The recommendation is not binding on the district school  
 395 board.

396 (19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 397 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
 398 funds authorized in ss. 1011.71(2) and 1013.62 which ~~were~~ have  
 399 ~~been~~ shared with a charter school-in-the-workplace before ~~prior~~  
 400 ~~to~~ July 1, 2010, are deemed to have met the authorized  
 401 expenditure requirements for such funds. Charter schools may  
 402 spend capital outlay funds only on assets that can be returned  
 403 to the school district.

404 (20) SERVICES.—

405 (a) ~~1-~~ A sponsor shall provide certain administrative and  
 406 educational services to charter schools. These services ~~shall~~

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407 include contract management services; full-time equivalent and  
 408 data reporting services; exceptional student education  
 409 administration services; services related to eligibility and  
 410 reporting duties required to ensure that school lunch services  
 411 under the federal lunch program, consistent with the needs of  
 412 the charter school, are provided by the school district at the  
 413 request of the charter school, that any funds due to the charter  
 414 school under the federal lunch program be paid to the charter  
 415 school as soon as the charter school begins serving food under  
 416 the federal lunch program, and that the charter school is paid  
 417 at the same time and in the same manner under the federal lunch  
 418 program as other public schools serviced by the sponsor or the  
 419 school district; test administration services, including payment  
 420 of the costs of state-required or district-required student  
 421 assessments; processing of teacher certificate data services;  
 422 and information services, including equal access to student  
 423 information systems that are used by public schools in the  
 424 district in which the charter school is located. Student  
 425 performance data for each student in a charter school,  
 426 including, but not limited to, FCAT scores, standardized test  
 427 scores, previous public school student report cards, and student  
 428 performance measures, shall be provided by the sponsor to a  
 429 charter school in the same manner provided to other public  
 430 schools in the district.

431 ~~1.2.~~ A total administrative fee for the provision of such  
 432 services shall be calculated based on ~~upon~~ up to 5 percent of  
 433 the available funds defined in paragraph (17)(b) for all  
 434 students; however, if, ~~except that when~~ 75 percent or more of  
 435 the students enrolled in the charter school are exceptional

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436 students as defined in s. 1003.01(3), the 5 percent of those  
 437 available funds shall be calculated based on unweighted full-  
 438 time equivalent students. ~~However, a sponsor may only withhold~~  
 439 ~~up to a 5 percent administrative fee for enrollment for up to~~  
 440 ~~and including 250 students. For charter schools with a~~  
 441 ~~population of 251 or more students, the difference between the~~  
 442 ~~total administrative fee calculation and the amount of the~~  
 443 ~~administrative fee withheld may only be used for capital outlay~~  
 444 ~~purposes specified in s. 1013.62(2).~~

445 3. For high performing charter schools, as defined in ch.  
 446 2011-232, a sponsor may withhold a total administrative fee of  
 447 up to 2 percent for enrollment up to and including 250 students  
 448 per school.

449 4. In addition, a sponsor may withhold only up to a 5-  
 450 percent administrative fee for enrollment for up to and  
 451 including 500 students within a system of charter schools which  
 452 meets all of the following:

- 453 a. ~~Includes both conversion charter schools and~~
- 454 ~~nonconversion charter schools;~~
- 455 b. ~~Has all schools located in the same county;~~
- 456 c. ~~Has a total enrollment exceeding the total enrollment of~~
- 457 ~~at least one school district in the state;~~
- 458 d. ~~Has the same governing board; and~~
- 459 e. ~~Does not contract with a for-profit service provider for~~
- 460 ~~management of school operations.~~

461 5. ~~The difference between the total administrative fee~~  
 462 ~~calculation and the amount of the administrative fee withheld~~  
 463 ~~pursuant to subparagraph 4. may be used for instructional and~~  
 464 ~~administrative purposes as well as for capital outlay purposes~~

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465 ~~specified in s. 1013.62(2).~~

466 ~~6. For a high-performing charter school system that also~~  
 467 ~~meets the requirements in subparagraph 4., a sponsor may~~  
 468 ~~withhold a 2-percent administrative fee for enrollments up to~~  
 469 ~~and including 500 students per system.~~

470 ~~2.7-~~ Sponsors may ~~shall~~ not charge charter schools ~~any~~  
 471 additional fees or surcharges for administrative and educational  
 472 services ~~in addition to the maximum 5-percent administrative fee~~  
 473 ~~withheld pursuant to this paragraph.~~

474 ~~3.8-~~ The sponsor of a virtual charter school may withhold a  
 475 fee of up to 5 percent. The funds must ~~shall~~ be used to cover  
 476 the cost of services provided under this paragraph ~~subparagraph~~  
 477 ~~4-~~ and for the school district's local instructional improvement  
 478 system pursuant to s. 1006.281 or other technological tools that  
 479 are required to access electronic and digital instructional  
 480 materials.

481 (26) STANDARDS OF CONDUCT AND FINANCIAL DISCLOSURE.—

482 (a) A member of a governing board of a charter school,  
 483 including a charter school operated by a private entity, is a  
 484 public official and is subject to ss. 112.313(2), (3), (7), and  
 485 (12) and 112.3143(3).

486 (b) A member of a governing board of a charter school  
 487 ~~operated by a municipality or other public entity~~ is subject to  
 488 s. 112.3145, which requires ~~relates to~~ the disclosure of  
 489 financial interests.

490 Section 4. Paragraph (b) of subsection (1) of section  
 491 1002.332, Florida Statutes, is amended to read:

492 1002.332 High-performing charter school system.—

493 (1) For purposes of this section, the term:

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494 (b) "High-performing charter school system" means an entity  
 495 that:

496 1. Operates at least three high-performing charter schools  
 497 in the state;

498 2. Operates a system of charter schools in which at least  
 499 50 percent of the charter schools are high-performing charter  
 500 schools pursuant to s. 1002.331 and no charter school earned a  
 501 school grade of "D" or "F" pursuant to s. 1008.34, except that:

502 a. If the entity has assumed operation of a public school  
 503 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
 504 school's grade may not be considered in determining high-  
 505 performing charter school system status for ~~a period of~~ 3 years.

506 b. If the entity establishes a new charter school that  
 507 serves a student population the majority of which resides in a  
 508 school zone served by a public school that earned a grade of "F"  
 509 or three consecutive grades of "D" pursuant to s. 1008.34, that  
 510 charter school's grade may not be considered in determining  
 511 high-performing charter school system status if it attains and  
 512 maintains a school grade that is higher than that of the public  
 513 school serving that school zone within 3 years after  
 514 establishment; ~~and~~

515 3. Has not received a financial audit that revealed one or  
 516 more of the financial emergency conditions set forth in s.  
 517 218.503(1) for any charter school assumed or established by the  
 518 entity; ~~and-~~

519 4. Provides services to students who have disabilities,  
 520 students who are served in English for Speakers of Other  
 521 Languages programs, and students who qualify for free or  
 522 reduced-price school lunch in the same proportion as that of the

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523 sponsoring district.  
 524 Section 5. Subsection (7) is added to section 1002.345,  
 525 Florida Statutes, to read:  
 526 1002.345 Determination of deteriorating financial  
 527 conditions and financial emergencies for charter schools and  
 528 charter technical career centers.—This section applies to  
 529 charter schools operating pursuant to s. 1002.33 and to charter  
 530 technical career centers operating pursuant to s. 1002.34.  
 531 (7) EFFECT ON OTHER APPLICATIONS.—If a charter school or  
 532 charter technical career center exhibits a deteriorating  
 533 financial condition or is subject to a financial recovery plan  
 534 or corrective action plan, the governing board of the charter  
 535 school or charter technical career center, or any related  
 536 entity, is not eligible to apply for additional charter schools  
 537 or charter technical centers under s. 1002.33, s. 1002.331, or  
 538 s. 1002.45 until the financial condition or financial recovery  
 539 plan has been satisfactorily resolved. The existence and  
 540 resolution of financial emergencies or poor financial conditions  
 541 pursuant to this chapter shall be disclosed in subsequent  
 542 applications by the applicant under s. 1002.33(6) and be  
 543 considered in determining whether the financial management  
 544 practices materially comply with that section.  
 545 Section 6. Subsection (4) of section 1003.03, Florida  
 546 Statutes, is amended to read:  
 547 1003.03 Maximum class size.—  
 548 (4) ACCOUNTABILITY.—  
 549 (a) If the department determines that the number of  
 550 students assigned to an ~~any~~ individual class exceeds the class  
 551 size maximum based on the schoolwide average, as required in

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552 subsection (1), based upon the October student membership  
 553 survey, the department shall:  
 554 1. Identify, for each grade group, the number of classes in  
 555 which the number of students exceeds the maximum and the total  
 556 number of students which exceeds the maximum based on the  
 557 schoolwide average for all classes.  
 558 2. Determine the number of FTE students which exceeds the  
 559 maximum for each grade group.  
 560 3. Multiply the total number of FTE students which exceeds  
 561 the maximum for each grade group by the district's FTE dollar  
 562 amount of the class size categorical allocation for that year  
 563 and calculate the total for all three grade groups.  
 564 ~~4. Multiply the total number of FTE students which exceeds~~  
 565 ~~the maximum for all classes by an amount equal to 50 percent of~~  
 566 ~~the base student allocation adjusted by the district cost~~  
 567 ~~differential for each of the 2010-2011 through 2013-2014 fiscal~~  
 568 ~~years and by an amount equal to the base student allocation~~  
 569 ~~adjusted by the district cost differential in the 2014-2015~~  
 570 ~~fiscal year and thereafter.~~  
 571 4.5- Reduce the district's class size categorical  
 572 allocation by an amount equal to the calculation sum of the  
 573 ~~calculations in subparagraph 3. subparagraphs 3. and 4.~~  
 574 (b) The amount of funds reduced shall be the lesser of the  
 575 amount calculated in paragraph (a) or the undistributed balance  
 576 of the district's class size categorical allocation. The Florida  
 577 Education Finance Program Appropriation Allocation Conference  
 578 shall verify the department's calculation in paragraph (a). The  
 579 commissioner may withhold distribution of the class size  
 580 categorical allocation to the extent necessary to comply with

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581 paragraph (a).

582 (c) In lieu of the reduction calculation in paragraph (a),  
583 if the commissioner of Education has evidence that a district  
584 was unable to meet the class size requirements despite  
585 appropriate efforts to do so or because of an extreme emergency,  
586 the commissioner may recommend by February 15, subject to  
587 approval of the Legislative Budget Commission, the reduction of  
588 an alternate amount of funds from the district's class size  
589 categorical allocation.

590 ~~(d) Upon approval of the reduction calculation in~~  
591 ~~paragraphs (a) (c), the commissioner must prepare a reallocation~~  
592 ~~of the funds made available for the districts that have fully~~  
593 ~~met the class size requirements. The funds shall be reallocated~~  
594 ~~by calculating an amount of up to 5 percent of the base student~~  
595 ~~allocation multiplied by the total district FTE students. The~~  
596 ~~reallocation total may not exceed 25 percent of the total funds~~  
597 ~~reduced.~~

598 ~~(d)(e) Each district that has not complied with the~~  
599 ~~requirements in subsection (1) shall submit to the commissioner~~  
600 ~~by February 1 a plan certified by the district school board~~  
601 ~~which that describes the specific actions the district must will~~  
602 ~~take in order to fully comply with the requirements in~~  
603 ~~subsection (1) by October of the following school year. If a~~  
604 ~~district submits the certified plan by the required deadline,~~  
605 ~~the funds remaining after the reallocation calculation in~~  
606 ~~paragraph (d) shall be added back to the district's class size~~  
607 ~~categorical allocation based on each qualifying district's~~  
608 ~~proportion of the total reduction for all qualifying districts~~  
609 ~~for which a reduction was calculated in paragraphs (a)-(c).~~

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610 ~~However, no district shall have an amount added back that is~~  
611 ~~greater than the amount that was reduced.~~

612 ~~(e)(f)~~ The department shall adjust school district class  
613 size reduction categorical allocation distributions based on the  
614 calculations in paragraphs ~~(a)-(d)~~ ~~(a)-(e)~~.

615 Section 7. Section 1003.622, Florida Statutes, is created  
616 to read:

617 1003.622 Academically high-performing school choice  
618 districts.-It is the intent of the Legislature to recognize and  
619 reward school districts that consistently maintain or improve  
620 their high-performing status. The purpose of this section is to  
621 provide high-performing school districts with the flexibility of  
622 high-performing charter schools in order to meet specific  
623 requirements of law and rules of the State Board of Education.

624 (1) A school district shall be designated by the State  
625 Board of Education as an academically high-performing school  
626 choice district if it:

627 (a) Receives a district grade of "A" or "B" pursuant to s.  
628 1008.34 for 2 consecutive years;

629 (b) Has at least 40 percent of its total enrollment in  
630 public choice programs or at least 10 percent of its total  
631 enrollment in charter schools; and

632 (c) Has no material weakness or instances of material  
633 noncompliance noted in the annual financial audit conducted  
634 pursuant to s. 218.39.

635 (2) A district designated as an academically high-  
636 performing school choice district is exempt from chapters 1000-  
637 1013, subject to the following exceptions:

638 (a) The student assessment program and school grading

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639 system.640 (b) The provision of services to students who have  
641 disabilities.642 (c) Civil rights, including s. 1000.05, relating to  
643 discrimination.644 (d) Student health, safety, and welfare.645 (e) Maximum class size under s. 1003.03, except that the  
646 calculation for compliance shall be the average at the school  
647 level.648 (3) An academically high-performing school choice district  
649 must comply with s. 286.011, relating to public meetings, and  
650 chapter 119, relating to public records.651 (4) The commissioner, upon the request of a school  
652 district, shall verify that the school district meets the  
653 criteria in this section for the prior school year and provide a  
654 letter to the district school superintendent affirming that the  
655 school district is a high-performing school choice district.656 Section 8. Section 1010.305, Florida Statutes, is amended  
657 to read:

658 1010.305 Audit of student enrollment.—

659 (1) The Auditor General shall periodically examine the  
660 records of school districts, charter schools, and other agencies  
661 as appropriate, to determine compliance with law and State Board  
662 of Education rules relating to the classification, assignment,  
663 and verification of full-time equivalent student enrollment and  
664 student transportation reported under the Florida Education  
665 Finance Program. A charter school may request an expedited  
666 review by the Auditor General.

667 (2) If it is determined that the approved criteria and

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668 procedures for the placement of students and the conduct of  
669 programs have not been followed by the district or by a  
670 district-sponsored charter school, appropriate adjustments in  
671 the full-time equivalent student count for that district or  
672 charter school must be made, and any excess funds must be  
673 deducted from subsequent allocations of state funds to that  
674 district or charter school. As provided for by rule, if errors  
675 in a specific program of a district or charter school recur in  
676 consecutive years due to lack of corrective action by the  
677 district or charter school, adjustments may be made based upon  
678 statistical estimates of error projected to the overall district  
679 or charter school program.680 Section 9. Subsection (1) of section 1013.37, Florida  
681 Statutes, is amended to read:682 1013.37 State uniform building code for public educational  
683 facilities construction.—684 (1) UNIFORM BUILDING CODE.—A uniform statewide building  
685 code for the planning and construction of public educational and  
686 ancillary plants by district school boards and Florida College  
687 System institution district boards of trustees shall be adopted  
688 by the Florida Building Commission within the Florida Building  
689 Code, pursuant to s. 553.73, and within s. 423 of the State  
690 Requirements for Educational Facilities. New construction,  
691 remodeling, and renovation projects are bound by the Florida  
692 Building Code. Included in this code must be flood plain  
693 management criteria in compliance with the rules and regulations  
694 in 44 C.F.R. parts 59 and 60, and subsequent revisions thereto  
695 which are adopted by the Federal Emergency Management Agency. It  
696 is also the responsibility of the department to develop, as a

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- 697 part of the uniform building code, standards relating to:  
 698 (a) Prefabricated facilities or factory-built facilities  
 699 that are designed to be portable, relocatable, demountable, or  
 700 reconstructible; are used primarily as classrooms; and do not  
 701 fall under the provisions of ss. 320.822-320.862. Such standards  
 702 must permit boards to contract with the Department of Business  
 703 and Professional Regulation for factory inspections by certified  
 704 building code inspectors to certify conformance with applicable  
 705 law and rules. The standards must comply with the requirements  
 706 of s. 1013.20 for relocatable facilities intended for long-term  
 707 use as classroom space, and the relocatable facilities shall be  
 708 designed subject to missile impact criteria of s. 423(24)(d)(1)  
 709 of the Florida Building Code when located in the windborne  
 710 debris region.
- 711 (b) The sanitation of educational and ancillary plants and  
 712 the health of occupants of educational and ancillary plants.
- 713 (c) The safety of occupants of educational and ancillary  
 714 plants as provided in s. 1013.12, except that the firesafety  
 715 criteria shall be established by the State Fire Marshal in  
 716 cooperation with the Florida Building Commission and the  
 717 department and such firesafety requirements must be incorporated  
 718 into the Florida Fire Prevention Code.
- 719 (d) Accessibility for children, notwithstanding the  
 720 provisions of s. 553.512.
- 721 (e) The performance of life-cycle cost analyses on  
 722 alternative architectural and engineering designs to evaluate  
 723 their energy efficiencies.
- 724 1. The life-cycle cost analysis must consist of the sum of:  
 725 a. The reasonably expected fuel costs over the life of the

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- 726 building which are required to maintain illumination, water  
 727 heating, temperature, humidity, ventilation, and all other  
 728 energy-consuming equipment in a facility; and  
 729 b. The reasonable costs of probable maintenance, including  
 730 labor and materials, and operation of the building.
- 731 2. For computation of the life-cycle costs, the department  
 732 shall develop standards that must include, but need not be  
 733 limited to:
- 734 a. The orientation and integration of the facility with  
 735 respect to its physical site.
- 736 b. The amount and type of glass employed in the facility  
 737 and the directions of exposure.
- 738 c. The effect of insulation incorporated into the facility  
 739 design and the effect on solar utilization of the properties of  
 740 external surfaces.
- 741 d. The variable occupancy and operating conditions of the  
 742 facility and subportions of the facility.
- 743 e. An energy-consumption analysis of the major equipment of  
 744 the facility's heating, ventilating, and cooling system;  
 745 lighting system; and hot water system and all other major  
 746 energy-consuming equipment and systems as appropriate.
- 747 3. Life-cycle cost criteria published by the Department of  
 748 Education for use in evaluating projects.
- 749 4. Standards for construction materials and systems based  
 750 on life-cycle costs that consider initial costs, maintenance  
 751 costs, custodial costs, operating costs, and life expectancy.  
 752 The standards may include multiple acceptable materials. It is  
 753 the intent of the Legislature to require district school boards  
 754 to comply with these standards when expending funds from the

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755 Public Education Capital Outlay and Debt Service Trust Fund or  
756 the School District and Community College District Capital  
757 Outlay and Debt Service Trust Fund and to prohibit district  
758 school boards from expending local capital outlay revenues for  
759 any project that includes materials or systems that do not  
760 comply with these standards, unless the district school board  
761 submits evidence that alternative materials or systems meet or  
762 exceed standards developed by the department.

763

764 It is not a purpose of the Florida Building Code to inhibit the  
765 use of new materials or innovative techniques; nor may it  
766 specify or prohibit materials by brand names. The code must be  
767 flexible enough to cover all phases of construction so as to  
768 afford reasonable protection for the public safety, health, and  
769 general welfare. The department may secure the service of other  
770 state agencies or such other assistance as it finds desirable in  
771 recommending to the Florida Building Commission revisions to the  
772 code.

773 Section 10. This act shall take effect July 1, 2013.

By Senator Thompson

12-01479-13

20131092\_\_

A bill to be entitled

An act relating to charter schools; amending s.

1002.33, F.S.; requiring a charter school to submit to the school district an attendance plan for each student enrolled in the school; requiring a charter school to provide funding to a school district in the event of student transfers; requiring a charter school to report to the school district certain student enrollment information; providing an effective date.

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

Section 1. Paragraph (o) is added to subsection (9) of section 1002.33, Florida Statutes, to read:

1002.33 Charter schools.—

(9) CHARTER SCHOOL REQUIREMENTS.—

(o)1. For each student attending a charter school, the charter school shall submit to the school district, within 30 days after the student's enrollment, a written plan developed by the student's parent, a charter school administrator, and a school district administrator which specifies the public school and grade level that the student would likely attend if the charter school closes or the student withdraws before the last day of the school year.

2. If a student transfers for any reason from a charter school to another public school in the school district before the last day of the school year, the charter school shall provide to the school district a prorated portion of the per-student funding allocated to the charter school for that student

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based on the amount of time that the student is enrolled in the charter school and the public school to which the student transferred.

3. A charter school shall report to the school district, within 15 days after the last day of the school year, a roster of the students who attended the school at any time during the school year, the duration of their enrollment, and, if a student has withdrawn from the school, the reason for withdrawal attested to by the parent.

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

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By Senator Clemens

27-00514-13

20131204\_\_

1                   A bill to be entitled  
2           An act relating to charter schools; requiring a  
3           student transferring from a charter school to a  
4           traditional public school to take a placement test  
5           selected by the district school board; providing an  
6           effective date.

7  
8   Be It Enacted by the Legislature of the State of Florida:

9  
10           Section 1. A student who transfers from a charter school to  
11 a traditional public school in this state must take a placement  
12 or assessment test to aid the school to which he or she is  
13 transferring in determining which grade the student should  
14 enter. The district school board in each district shall select  
15 the testing standards and specific test to be administered in  
16 that district.

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

By Senator Clemens

27-00515-13

20131206\_\_

1 A bill to be entitled

2 An act relating to charter schools; providing that the  
3 performance of certain transfer students, as measured  
4 by learning growth, may not be included in the  
5 performance evaluation of certain traditional public  
6 school personnel for a specified period; providing an  
7 effective date.

8  
9 Be It Enacted by the Legislature of the State of Florida:

10  
11 Section 1. Notwithstanding s. 1012.34(3)(a)1.a., Florida  
12 Statutes, if a student transfers to a traditional public school  
13 from a charter school at any time during a school year, his or  
14 her performance, as measured by learning growth, may not be  
15 included in the performance evaluation of his or her classroom  
16 teacher or the school's administrative or supervisory personnel  
17 for that school year.

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

By Senator Clemens

27-00554-13

20131230\_\_

A bill to be entitled

An act relating to charter schools; amending s.

1002.33, F.S.; providing that when a charter school is dissolved any unencumbered public funds from the school revert to the sponsor and other funds revert to the Department of Education to be redistributed among eligible charter schools; providing an effective date.

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

Section 1. Paragraph (e) of subsection (8) of section 1002.33, Florida Statutes, is amended to read:

1002.33 Charter schools.—

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

(e) When a charter is not renewed or is terminated, the school shall be dissolved under the provisions of law under which the school was organized, and any unencumbered public funds, ~~except for capital outlay funds and federal charter school program grant funds,~~ from the charter school shall revert to the sponsor. ~~Capital outlay funds provided pursuant to s. 1013.62 and Federal charter school program grant funds that are unencumbered shall~~ revert to the department to be redistributed among eligible charter schools. In the event a charter school is dissolved or is otherwise terminated, all district school board property and improvements, furnishings, and equipment purchased with public funds ~~shall~~ automatically revert ~~revert~~ to full ownership by the district school board, subject to complete satisfaction of any lawful liens or encumbrances. Any unencumbered public funds from the charter school, district

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27-00554-13

20131230\_\_

school board property and improvements, furnishings, and equipment purchased with public funds, or financial or other records pertaining to the charter school, in the possession of any person, entity, or holding company, other than the charter school, shall be held in trust upon the district school board's request, until any appeal status is resolved.

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

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By Senator Richter

23-00949A-13

20131232\_\_

1 A bill to be entitled  
 2 An act relating to public education; creating s.  
 3 1003.615, F.S.; providing a short title; providing  
 4 legislative intent and purpose; providing to certain  
 5 school districts the option of statutory waivers from  
 6 certain statutes in ch. 1000-1013, F.S., and  
 7 corresponding administrative rules; authorizing the  
 8 State Board of Education to enter into a performance  
 9 contract with a school district to provide a statutory  
 10 waiver; authorizing a school district, upon a  
 11 supermajority vote by the district school board, to  
 12 apply for a waiver from certain statutes; requiring  
 13 that a school district that receives one or more  
 14 waivers comply with certain statutes; specifying  
 15 exceptions to the statutory waivers; requiring that an  
 16 application for each waiver request be submitted to  
 17 the commissioner and the State Board of Education;  
 18 providing requirements for the application; providing  
 19 that a waiver may be requested at any point during the  
 20 fiscal year; requiring that the commissioner and the  
 21 State Board of Education make a decision within a  
 22 specified period of time; providing that the governing  
 23 board of a school district is the duly elected  
 24 district school board; requiring that each school  
 25 district submit an annual report to the Governor and  
 26 the Legislature by a specified date; providing  
 27 requirements for the report; providing an effective  
 28 date.  
 29

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23-00949A-13

20131232\_\_

30 Be It Enacted by the Legislature of the State of Florida:  
 31  
 32 Section 1. Section 1003.615, Florida Statutes, is created  
 33 to read:  
 34 1003.615 Public Education Innovation and Efficiency Act.—  
 35 (1) SHORT TITLE.—This section may be cited as the “Public  
 36 Education Innovation and Efficiency Act.”  
 37 (2) LEGISLATIVE INTENT; PURPOSE.—The Legislature intends to  
 38 provide school districts with the statutory and regulatory  
 39 flexibility to reform public education in the state by exempting  
 40 certain school districts from specified statutes in chapters  
 41 1000-1013, subject to certain exceptions. The purpose of this  
 42 section is to maintain and significantly improve student  
 43 achievement through a variety of means, including, but not  
 44 limited to:  
 45 (a) Developing public-private partnerships with local  
 46 communities to expand opportunities for increased student  
 47 performance.  
 48 (b) Expanding public school parental choice programs within  
 49 the school district to meet local community employment and  
 50 educational needs.  
 51 (c) Expanding public school virtual education programs.  
 52 (d) Allowing greater flexibility in the use of tax revenue,  
 53 which will allow that revenue to be redirected to classroom  
 54 expenditures while ensuring compliance with the applicable  
 55 constitutional and statutory requirements.  
 56 (3) STATUTORY WAIVERS.—  
 57 (a) The State Board of Education may enter into a  
 58 performance contract with a school district for the purpose of

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59 providing a statutory waiver, upon the school district's  
 60 request, with the intent of continuing significant improvements  
 61 in student achievement through a variety of means. A school  
 62 district, upon a supermajority vote by the district school  
 63 board, may apply for a waiver from any statute in chapters 1000-  
 64 1013, except those specified in paragraph (b), which govern  
 65 school and school district operations and policies, as well as  
 66 corresponding administrative rules.

67 (b) A school district that is granted one or more statutory  
 68 waivers must comply with chapter 119 and s. 286.011 relating to  
 69 public records and meetings. A school district may not request a  
 70 waiver from laws that govern the election, appointment, duties,  
 71 or responsibilities of the district school superintendent or  
 72 board members, or laws that pertain to:

73 1. Student health, safety, and welfare.

74 2. Services for students who have disabilities.

75 3. Civil rights, including s. 1000.05, relating to  
 76 discrimination.

77 4. The student assessment program and the school grading  
 78 system, including chapter 1008.

79 5. Financial disclosure by elected officials.

80 6. Conflicts of interest by elected officials.

81 7. Instructional materials, except s. 1006.37, relating to  
 82 the requisition of state-adopted materials from the depository  
 83 under contract with the publisher, and s. 1006.40(3)(a),  
 84 relating to the use of 50 percent of the instructional materials  
 85 allocation.

86 8. Financial matters, including those laws in chapter 1010,  
 87 except s. 1010.20(3).

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88 9. Educational facilities, including those laws in chapter  
 89 1013, except s. 1013.20, relating only to covered walkways for  
 90 portables, and s. 1013.21, relating to the use of relocatable  
 91 facilities that exceed 20 years of age.

92 10. Planning and budgeting, including those laws in chapter  
 93 1011, except s. 1011.62(9)(d), relating to the requirement for a  
 94 comprehensive reading plan. A school district that is exempt  
 95 from submitting the plan is deemed approved to receive the  
 96 research-based reading instruction allocation.

97 11. Section 1012.22(1)(c), relating to compensation and  
 98 salary schedules.

99 12. Section 1012.33(5), relating to workforce reductions.

100 13. Section 1012.335, relating to contracts with  
 101 instructional personnel hired on or after July 1, 2011.

102 14. Section 1012.34, relating to the substantive  
 103 requirements for performance evaluations for instructional,  
 104 administrative, and supervisory personnel.

105 15. Section 1003.03, relating to the maximum class size,  
 106 except that the calculation for compliance pursuant to s.  
 107 1003.03 is the average at the school level for a school choice  
 108 program in which a parent or guardian chooses to place his or  
 109 her child, rather than the child being placed pursuant to a  
 110 school district assignment.

111 (c) A school district shall submit an application for each  
 112 waiver request to the commissioner and the State Board of  
 113 Education, which must include the purpose for making the  
 114 request, the goal or goals to be achieved by the waiver, and  
 115 supporting evidence or other documentation outlining the impact  
 116 if the waiver is approved or disapproved. Each waiver request

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117 must contain a statement indicating how the waiver would enhance  
118 instructional programs or provide for greater efficiency or  
119 efficacy in school district operations. A waiver may be  
120 requested at any point during a fiscal year and may be granted,  
121 for no more than 3 years, if the commissioner and the State  
122 Board of Education agree that the waiver will assist the school  
123 district in maintaining or improving its academic or fiscal  
124 performance status. The commissioner and the State Board of  
125 Education shall grant or deny a waiver request within 90 days  
126 after receiving the request.

127 (4) GOVERNING BOARD.—The governing board of a school  
128 district is the duly elected district school board.

129 (5) ANNUAL REPORT.—By January 15, 2014, and each year  
130 thereafter, each school district that is granted at least one  
131 waiver shall submit an annual report to the Governor, the  
132 President of the Senate, the Speaker of the House of  
133 Representatives, and the State Board of Education. The report  
134 must contain the strategies that the school district used to  
135 implement the provisions of this section and the results of  
136 student performance evaluations and district operational  
137 efficiency programs.

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

By Senator Stargel

15-00440C-13

20131282\_\_

1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; requiring policies agreed to by the  
 4 sponsor and charter school to be incorporated into the  
 5 charter contract; authorizing a charter school  
 6 operated by a Florida College System institution to  
 7 serve students in kindergarten through grade 12 if  
 8 certain criteria are met; prohibiting the governing  
 9 board or other related entity of a charter school  
 10 subject to a corrective action plan or financial  
 11 recovery plan from applying to open an additional  
 12 charter school; providing disclosure requirements;  
 13 revising provisions relating to the timely submission  
 14 of charter school applications; providing requirements  
 15 relating to the appeal of a denied application  
 16 submitted by a high-performing charter school;  
 17 requiring the use of a standard charter contract;  
 18 reducing the amount of time for negotiation of a  
 19 charter; revising provisions relating to the issuance  
 20 of a final order in contract dispute cases; providing  
 21 a restriction relating to a required certificate of  
 22 occupancy; authorizing the consolidation of multiple  
 23 charters into a single charter in certain  
 24 circumstances; revising the timeline for charter  
 25 schools to submit waiver of termination requests to  
 26 the Department of Education; restricting expenditures  
 27 upon nonrenewal or termination of a charter school;  
 28 requiring a charter school to maintain specified  
 29 information on a website; revising provisions relating

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30 to determination of a charter school's student  
 31 enrollment; revising provisions requiring charter  
 32 school compliance with statutes relating to education  
 33 personnel compensation, contracts, and performance  
 34 evaluations and workforce reductions; providing  
 35 requirements for the reimbursement of federal funds to  
 36 charter schools; requiring that certain unused school  
 37 district facilities be made available to, or shared  
 38 with, charter schools at no cost until the beginning  
 39 of the fourth fiscal year the school is open, at which  
 40 time the charter school shall pay the sponsor a  
 41 negotiated rent for the facility; restricting capital  
 42 outlay funding; requiring the use of standard charter  
 43 and charter renewal contracts and a standard  
 44 evaluation instrument; providing restrictions on the  
 45 employment of governing board members; amending s.  
 46 1002.331, F.S.; clarifying the definition of a high-  
 47 performing charter school; providing requirements for  
 48 modification of a charter; requiring the Commissioner  
 49 of Education to annually review a high-performing  
 50 charter school's eligibility for high-performing  
 51 status; authorizing declassification as a high-  
 52 performing charter school; amending s. 1002.332, F.S.;  
 53 revising requirements for classification as a high-  
 54 performing charter school system; providing for an  
 55 entity that operates outside this state to obtain  
 56 high-performing charter school system status;  
 57 establishing requirements to obtain such status;  
 58 requiring the State Board of Education to adopt by

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59 rule a process for reviewing student demographic and  
60 performance data in determining such status; requiring  
61 the commissioner to annually review a high-performing  
62 charter school system's eligibility for high-  
63 performing status; authorizing declassification as a  
64 high-performing charter school system; providing an  
65 effective date.

66  
67 Be It Enacted by the Legislature of the State of Florida:

68  
69 Section 1. Paragraph (b) of subsection (5), paragraphs (a),  
70 (b), (c), and (h) of subsection (6), paragraphs (a) and (c) of  
71 subsection (7), paragraph (n) of subsection (9), paragraphs (b),  
72 (h), and (i) of subsection (10), paragraph (b) of subsection  
73 (16), paragraph (c) of subsection (17), paragraph (e) of  
74 subsection (18), paragraph (a) of subsection (21), and  
75 subsection (27) of section 1002.33, Florida Statutes, are  
76 amended, and paragraphs (o) and (p) are added to subsection (9)  
77 and paragraph (c) is added to subsection (26) of that section,  
78 to read:

79 1002.33 Charter schools.—

80 (5) SPONSOR; DUTIES.—

81 (b) *Sponsor duties.*—

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

85 b. The sponsor shall monitor the revenues and expenditures  
86 of the charter school and perform the duties provided in s.  
87 1002.345.

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

92 d. The sponsor may ~~sponsor's policies shall~~ not apply  
93 policies to a charter school unless mutually agreed to by both  
94 the sponsor and the charter school. Each policy agreed to by the  
95 sponsor and the charter school must be incorporated into the  
96 final charter contract. If the sponsor subsequently amends any  
97 policy that affects charter schools, the sponsor and the charter  
98 school must mutually agree to the newly revised policy and  
99 incorporate the agreed-to terms into the contract through the  
100 contract amendment process. The sponsor may not hold the charter  
101 school responsible for any provision of a newly revised policy  
102 until the policy is mutually agreed to and adopted through the  
103 amendment process.

104 e. The sponsor shall ensure that the charter is innovative  
105 and consistent with the state education goals established by s.  
106 1000.03(5).

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

112 g. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages  
113 under state law for personal injury, property damage, or death  
114 resulting from an act or omission of an officer, employee,  
115 agent, or governing board ~~body~~ of the charter school.

116 h. The sponsor is ~~shall~~ not ~~be~~ liable for civil damages

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117 under state law for any employment actions taken by an officer,  
118 employee, agent, or governing ~~board body~~ of the charter school.

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

121 j. The sponsor ~~may shall~~ not impose additional reporting  
122 requirements on a charter school without providing reasonable  
123 and specific justification in writing to the charter school.

124 2. Immunity for the sponsor of a charter school under  
125 subparagraph 1. applies only with respect to acts or omissions  
126 not under the sponsor's direct authority as described in this  
127 section.

128 3. This paragraph does not waive a district school board's  
129 sovereign immunity.

130 4. A Florida College System institution may work with the  
131 school district or school districts in its designated service  
132 area to develop charter schools that offer secondary education.  
133 These charter schools must include an option for students to  
134 receive an associate degree upon high school graduation. If a  
135 Florida College System institution operates an approved teacher  
136 preparation program under s. 1004.04 or s. 1004.85, the  
137 institution may operate no more than one charter school that  
138 serves students in kindergarten through grade 12. In  
139 kindergarten through grade 8, the charter school shall implement  
140 innovative blended learning instructional models in which, for a  
141 given course, a student learns in part through online delivery  
142 of content and instruction with some element of student control  
143 over time, place, path, or pace and in part at a supervised  
144 physical location away from home. A student in a blended-  
145 learning course must be a full-time student of the charter

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146 school and receive a portion of the online instruction in a  
147 classroom setting at the charter school. District school boards  
148 shall cooperate with and assist the Florida College System  
149 institution on the charter application. Florida College System  
150 institution applications for charter schools are not subject to  
151 the time deadlines outlined in subsection (6) and may be  
152 approved by the district school board at any time during the  
153 year. Florida College System institutions may not report FTE for  
154 any students who receive FTE funding through the Florida  
155 Education Finance Program.

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

158 (a) A person or entity that wants ~~wishing~~ to open a charter  
159 school shall prepare and submit an application on the a model  
160 application form prepared by the Department of Education which:

161 1. Demonstrates how the school will use the guiding  
162 principles and meet the statutorily defined purpose of a charter  
163 school.

164 2. Provides a detailed curriculum plan that illustrates how  
165 students will be provided instruction on services ~~to attain~~ the  
166 Next Generation Sunshine State Standards.

167 3. Contains goals and objectives for improving student  
168 learning and measuring that improvement. These goals and  
169 objectives must indicate how much academic improvement students  
170 are expected to show each year, how success will be evaluated,  
171 and the specific results to be attained through instruction.

172 4. Describes the reading curriculum and differentiated  
173 strategies that will be used for students reading at grade level  
174 or higher and a separate curriculum and strategies for students

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

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

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

203 7. For the establishment of a virtual charter school,

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

206  
 207 A sponsor may require an applicant to provide additional  
 208 information as an addendum to the charter school application  
 209 described in this paragraph.

210 (b) A sponsor shall receive and review all applications for  
 211 a charter school using the ~~an~~ evaluation instrument developed by  
 212 the Department of Education. A sponsor shall receive and  
 213 consider charter school applications received on or before  
 214 August 1 of each calendar year for charter schools to be opened  
 215 at the beginning of the school district's next school year, or  
 216 to be opened at a time agreed to by the applicant and the  
 217 sponsor. A sponsor may not refuse to receive a charter school  
 218 application submitted before August 1 and may receive an  
 219 application submitted ~~applications~~ later than August 1 ~~this date~~  
 220 if it chooses. In order to facilitate greater collaboration in  
 221 the application process, an applicant may submit a draft charter  
 222 school application on or before May 1. If a draft application is  
 223 timely submitted, the sponsor shall review and provide feedback  
 224 as to any potential grounds for denial before July 1. The  
 225 applicant shall then have until August 1 to resubmit a revised  
 226 and final application. A sponsor may not charge an applicant for  
 227 a charter any fee for the processing or consideration of an  
 228 application, and a sponsor may not base its consideration or  
 229 approval of an application upon the promise of future payment of  
 230 any kind. Before approving or denying any final application, the  
 231 sponsor shall allow the applicant, upon receipt of written  
 232 notification, at least 7 calendar days to make technical or

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 233 nonsubstantive corrections and clarifications, including, but  
 234 not limited to, corrections of grammatical, typographical, and  
 235 like errors or missing signatures, if such errors are identified  
 236 by the sponsor as cause to deny the application.

237 1. In order to facilitate an accurate budget projection  
 238 process, a sponsor shall be held harmless for FTE students who  
 239 are not included in the FTE projection due to approval of  
 240 charter school applications after the FTE projection deadline.  
 241 In a further effort to facilitate an accurate budget projection,  
 242 within 15 calendar days after receipt of a charter school  
 243 application, a sponsor shall report to the Department of  
 244 Education the name of the applicant entity, the proposed charter  
 245 school location, and its projected FTE.

246 2. In order to ensure fiscal responsibility, an application  
 247 for a charter school shall include a full accounting of expected  
 248 assets, a projection of expected sources and amounts of income,  
 249 including income derived from projected student enrollments and  
 250 from community support, and an expense projection that includes  
 251 full accounting of the costs of operation, including start-up  
 252 costs.

253 3.a. A sponsor shall by a majority vote approve or deny an  
 254 application ~~within no later than~~ 60 calendar days after the  
 255 application is received, unless the sponsor and the applicant  
 256 mutually agree in writing to temporarily postpone the vote to a  
 257 specific date, at which time the sponsor shall by a majority  
 258 vote approve or deny the application. If the sponsor fails to  
 259 act on the application, an applicant may appeal to the State  
 260 Board of Education as provided in paragraph (c). If an  
 261 application is denied, the sponsor shall, within 10 calendar

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 262 days after such denial, articulate in writing the specific  
 263 reasons, based upon good cause, supporting its denial of the  
 264 charter application and shall provide the letter of denial and  
 265 supporting documentation to the applicant and to the Department  
 266 of Education.

267 b. An application submitted by a high-performing charter  
 268 school identified pursuant to s. 1002.331 may be denied by the  
 269 sponsor only if the sponsor demonstrates by clear and convincing  
 270 evidence that:

271 (I) The application does not materially comply with the  
 272 requirements in paragraph (a);

273 (II) The charter school proposed in the application does  
 274 not materially comply with the requirements in paragraphs  
 275 (9) (a) - (f);

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

279 (IV) The applicant has made a material misrepresentation or  
 280 false statement or concealed an essential or material fact  
 281 during the application process; or

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

285  
 286 Material noncompliance is a failure to follow requirements or a  
 287 violation of prohibitions applicable to charter school  
 288 applications, which failure is quantitatively or qualitatively  
 289 significant either individually or when aggregated with other  
 290 noncompliance. An applicant is considered to be replicating a

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 291 high-performing charter school if the proposed school is  
 292 substantially similar to at least one of the applicant's high-  
 293 performing charter schools and the organization or individuals  
 294 involved in the establishment and operation of the proposed  
 295 school are significantly involved in the operation of replicated  
 296 schools.

297 c. If the sponsor denies an application submitted by a  
 298 high-performing charter school, the sponsor must, within 10  
 299 calendar days after such denial, state in writing the specific  
 300 reasons, based upon the criteria in sub-subparagraph b.,  
 301 supporting ~~its~~ denial of the application and must provide the  
 302 letter of denial and supporting documentation to the applicant  
 303 and to the Department of Education. The applicant may appeal the  
 304 sponsor's denial of the application ~~directly~~ to the State Board  
 305 of Education pursuant to paragraph (c) and must provide the  
 306 sponsor with a copy of the appeal ~~sub-subparagraph (e)3.b.~~

307 4. For budget projection purposes, the sponsor shall report  
 308 to the Department of Education the approval or denial of a  
 309 charter application within 10 calendar days after such approval  
 310 or denial. In the event of approval, the report to the  
 311 Department of Education shall include the final projected FTE  
 312 for the approved charter school.

313 5. Upon approval of a charter application, the initial  
 314 startup shall commence with the beginning of the public school  
 315 calendar for the district in which the charter is granted unless  
 316 the sponsor allows a waiver of this subparagraph for good cause.

317 (c)1. An applicant may appeal any denial of that  
 318 applicant's application or failure to act on an application to  
 319 the State Board of Education within ~~no later than~~ 30 calendar

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 320 days after receipt of the sponsor's decision or failure to act  
 321 and shall notify the sponsor of its appeal. Any response of the  
 322 sponsor shall be submitted to the State Board of Education  
 323 within 30 calendar days after notification of the appeal. Upon  
 324 receipt of notification from the State Board of Education that a  
 325 charter school applicant is filing an appeal, the Commissioner  
 326 of Education shall convene a meeting of the Charter School  
 327 Appeal Commission to study and make recommendations to the State  
 328 Board of Education regarding its pending decision about the  
 329 appeal. The commission shall forward its recommendation to the  
 330 state board within no later than 7 calendar days before ~~prior to~~  
 331 the date on which the appeal is to be heard. An appeal regarding  
 332 the denial of an application submitted by a high-performing  
 333 charter school pursuant to s. 1002.331 shall be conducted by the  
 334 State Board of Education in accordance with this paragraph,  
 335 except that the commission shall not convene to make  
 336 recommendations regarding the appeal. However, the Commissioner  
 337 of Education shall review the appeal and make a recommendation  
 338 to the state board.

339 2. The Charter School Appeal Commission or, in the case of  
 340 an appeal regarding an application submitted by a high-  
 341 performing charter school, the State Board of Education may  
 342 reject an appeal submission for failure to comply with  
 343 procedural rules governing the appeals process. The rejection  
 344 shall describe the submission errors. The appellant shall have  
 345 15 calendar days after notice of rejection in which to resubmit  
 346 an appeal that meets the requirements set forth in State Board  
 347 of Education rule. An appeal submitted subsequent to such  
 348 rejection is considered timely if the original appeal was filed

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349 within 30 calendar days after receipt of notice of the specific  
350 reasons for the sponsor's denial of the charter application.

351 3.a. The State Board of Education shall by majority vote  
352 accept or reject the decision of the sponsor ~~within no later~~  
353 ~~than~~ 90 calendar days after an appeal is filed in accordance  
354 with State Board of Education rule. The State Board of Education  
355 shall remand the application to the sponsor with its written  
356 decision that the sponsor approve or deny the application. The  
357 sponsor shall implement the decision of the State Board of  
358 Education. The decision of the State Board of Education is not  
359 subject to ~~the provisions of~~ the Administrative Procedure Act,  
360 chapter 120.

361 b. If an appeal concerns an application submitted by a  
362 high-performing charter school identified pursuant to s.  
363 1002.331, the State Board of Education shall determine whether  
364 the sponsor's denial of the application complies with the  
365 requirements in sub-subparagraph (b)3.b. sponsor has shown, by  
366 clear and convincing evidence, that:

367 ~~(I) The application does not materially comply with the~~  
368 ~~requirements in paragraph (a);~~

369 ~~(II) The charter school proposed in the application does~~  
370 ~~not materially comply with the requirements in paragraphs~~  
371 ~~(9)(a)-(f);~~

372 ~~(III) The proposed charter school's educational program~~  
373 ~~does not substantially replicate that of the applicant or one of~~  
374 ~~the applicant's high performing charter schools;~~

375 ~~(IV) The applicant has made a material misrepresentation or~~  
376 ~~false statement or concealed an essential or material fact~~  
377 ~~during the application process; or~~

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378 ~~(V) The proposed charter school's educational program and~~  
379 ~~financial management practices do not materially comply with the~~  
380 ~~requirements of this section.~~

381  
382 The State Board of Education shall approve or reject the  
383 sponsor's denial of an application no later than 90 calendar  
384 days after an appeal is filed in accordance with State Board of  
385 Education rule. The State Board of Education shall remand the  
386 application to the sponsor with its written decision that the  
387 sponsor approve or deny the application. The sponsor shall  
388 implement the decision of the State Board of Education. The  
389 decision of the State Board of Education is not subject to the  
390 Administrative Procedure Act, chapter 120.

391 (h) The terms and conditions for the operation of a charter  
392 school shall be set forth by the sponsor and the applicant in a  
393 written contractual agreement, called a charter. Unless the  
394 applicant requests in writing that the sponsor use a nonstandard  
395 charter contract, the applicant shall use the standard charter  
396 adopted in state board rule pursuant to subsection (27) and the  
397 application submitted by the applicant. The sponsor may not  
398 omit, supplement, or amend any provision of the standard charter  
399 agreement. In addition, the sponsor may not insert or append  
400 attachments, addenda, or exhibits to the standard charter  
401 contract. The sponsor may shall not impose unreasonable rules or  
402 regulations that violate the intent of giving charter schools  
403 greater flexibility to meet educational goals. The sponsor shall  
404 have 30 60 days after approval of the application to provide an  
405 initial proposed charter contract to the charter school. The  
406 applicant and the sponsor shall have 40 75 days thereafter to

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

431 (7) CHARTER.—The major issues involving the operation of a  
 432 charter school shall be considered in advance and written into  
 433 the charter. The charter shall be signed by the governing board  
 434 of the charter school and the sponsor, following a public  
 435 hearing to ensure community input.

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

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

440 2. The focus of the curriculum, the instructional methods  
 441 to be used, any distinctive instructional techniques to be  
 442 employed, and identification and acquisition of appropriate  
 443 technologies needed to improve educational and administrative  
 444 performance, which include a means for promoting safe, ethical,  
 445 and appropriate uses of technology which comply with legal and  
 446 professional standards.

447 a. The charter shall ensure that reading is a primary focus  
 448 of the curriculum and that resources are provided to identify  
 449 and provide specialized instruction for students who are reading  
 450 below grade level. The curriculum and instructional strategies  
 451 for reading must be consistent with the Next Generation Sunshine  
 452 State Standards and grounded in scientifically based reading  
 453 research.

454 b. In order to provide students with access to diverse  
 455 instructional delivery models, to facilitate the integration of  
 456 technology within traditional classroom instruction, and to  
 457 provide students with the skills they need to compete in the  
 458 21st century economy, the Legislature encourages instructional  
 459 methods for blended learning courses in which a student learns  
 460 in part through online delivery of content and instruction with  
 461 some element of student control over time, place, path, or pace  
 462 and in part at a supervised physical location away from home  
 463 ~~consisting of both traditional classroom and online~~  
 464 ~~instructional techniques~~. Charter schools may implement blended

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465 learning courses ~~that which~~ combine traditional classroom  
 466 instruction and virtual instruction. Students in a blended  
 467 learning course must be full-time students of the charter school  
 468 and receive the online instruction in a classroom setting at the  
 469 charter school. Instructional personnel certified pursuant to s.  
 470 1012.55 who provide virtual instruction for blended learning  
 471 courses may be employees of the charter school or may be under  
 472 contract to provide instructional services to charter school  
 473 students. At a minimum, such instructional personnel must hold  
 474 an active state or school district adjunct certification under  
 475 s. 1012.57 for the subject area of the blended learning course.  
 476 The funding and performance accountability requirements for  
 477 blended learning courses are the same as those for traditional  
 478 courses.

479 3. The current incoming baseline standard of student  
 480 academic achievement, the outcomes to be achieved, and the  
 481 method of measurement that will be used. The criteria listed in  
 482 this subparagraph shall include a detailed description of:  
 483 a. How the baseline student academic achievement levels and  
 484 prior rates of academic progress will be established.  
 485 b. How these baseline rates will be compared to rates of  
 486 academic progress achieved by these same students while  
 487 attending the charter school.  
 488 c. To the extent possible, how these rates of progress will  
 489 be evaluated and compared with rates of progress of other  
 490 closely comparable student populations.

491  
 492 The district school board is required to provide academic  
 493 student performance data to charter schools for each of their

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494 students coming from the district school system, as well as  
 495 rates of academic progress of comparable student populations in  
 496 the district school system.

497 4. The methods used to identify the educational strengths  
 498 and needs of students and how well educational goals and  
 499 performance standards are met by students attending the charter  
 500 school. The methods shall provide a means for the charter school  
 501 to ensure accountability to its constituents by analyzing  
 502 student performance data and by evaluating the effectiveness and  
 503 efficiency of its major educational programs. Students in  
 504 charter schools shall, at a minimum, participate in the  
 505 statewide assessment program created under s. 1008.22.

506 5. In secondary charter schools, a method for determining  
 507 that a student has satisfied the requirements for graduation in  
 508 s. 1003.428, s. 1003.429, or s. 1003.43.

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

511 7. The admissions procedures and dismissal procedures,  
 512 including the school's code of student conduct.

513 8. The ways by which the school will achieve a  
 514 racial/ethnic balance reflective of the community it serves or  
 515 within the racial/ethnic range of other public schools in the  
 516 same school district.

517 9. The financial and administrative management of the  
 518 school, including a reasonable demonstration of the professional  
 519 experience or competence of those individuals or organizations  
 520 applying to operate the charter school or those hired or  
 521 retained to perform such professional services and the  
 522 description of clearly delineated responsibilities and the

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 523 policies and practices needed to effectively manage the charter  
 524 school. A description of internal audit procedures and  
 525 establishment of controls to ensure that financial resources are  
 526 properly managed must be included. Both public sector and  
 527 private sector professional experience shall be equally valid in  
 528 such a consideration.

529 10. The asset and liability projections required in the  
 530 application which are incorporated into the charter and shall be  
 531 compared with information provided in the annual report of the  
 532 charter school.

533 11. A description of procedures that identify various risks  
 534 and provide for a comprehensive approach to reduce the impact of  
 535 losses; plans to ensure the safety and security of students and  
 536 staff; plans to identify, minimize, and protect others from  
 537 violent or disruptive student behavior; and the manner in which  
 538 the school will be insured, including whether or not the school  
 539 will be required to have liability insurance, and, if so, the  
 540 terms and conditions thereof and the amounts of coverage.

541 12. The term of the charter, which shall provide for  
 542 termination ~~cancellation~~ of the charter if insufficient progress  
 543 has been made in attaining the student achievement objectives of  
 544 the charter and if it is not likely that such objectives can be  
 545 achieved before expiration of the charter. The initial term of a  
 546 charter shall be for 4 or 5 years. ~~In order to facilitate access~~  
 547 ~~to long-term financial resources for charter school~~  
 548 ~~construction~~, Charter schools that are operated by a  
 549 municipality or other public entity as provided by law are  
 550 eligible for up to a 15-year charter, subject to approval by the  
 551 district school board. A charter lab school is eligible for a

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 552 charter for a term of up to 15 years. In addition, ~~to facilitate~~  
 553 ~~access to long-term financial resources for charter school~~  
 554 ~~construction~~, charter schools that are operated by a private,  
 555 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 556 up to a 15-year charter, subject to approval by the district  
 557 school board. Such long-term charters remain subject to annual  
 558 review and may be terminated during the term of the charter, but  
 559 only according to ~~the provisions set forth in~~ subsection (8).

560 13. The facilities to be used and their location. The  
 561 sponsor may not require a charter school to have a certificate  
 562 of occupancy for such a facility earlier than 15 calendar days  
 563 before the first day of school.

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

567 15. The governance structure of the school, including the  
 568 status of the charter school as a public or private employer as  
 569 required in paragraph (12)(i).

570 16. A timetable for implementing the charter which  
 571 addresses the implementation of each element thereof and the  
 572 date by which the charter shall be awarded in order to meet this  
 573 timetable.

574 17. In the case of an existing public school that is being  
 575 converted to charter status, alternative arrangements for  
 576 current students who choose not to attend the charter school and  
 577 for current teachers who choose not to teach in the charter  
 578 school after conversion in accordance with the existing  
 579 collective bargaining agreement or district school board rule in  
 580 the absence of a collective bargaining agreement. However,

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 581 alternative arrangements shall not be required for current  
 582 teachers who choose not to teach in a charter lab school, except  
 583 as authorized by the employment policies of the state university  
 584 which grants the charter to the lab school.

585 18. Full disclosure of the identity of all relatives  
 586 employed by the charter school who are related to the charter  
 587 school owner, president, chairperson of the governing board of  
 588 directors, superintendent, governing board member, principal,  
 589 assistant principal, or any other person employed by the charter  
 590 school who has equivalent decisionmaking authority. For the  
 591 purpose of this subparagraph, the term "relative" means father,  
 592 mother, son, daughter, brother, sister, uncle, aunt, first  
 593 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 594 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 595 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 596 stepsister, half brother, or half sister.

597 19. Implementation of the activities authorized under s.  
 598 1002.331 by the charter school when it satisfies the eligibility  
 599 requirements for a high-performing charter school. A high-  
 600 performing charter school shall notify its sponsor in writing by  
 601 March 1 if it intends to increase enrollment or expand grade  
 602 levels the following school year. The written notice shall  
 603 specify the amount of the enrollment increase and the grade  
 604 levels that will be added, as applicable.

605 (c) A charter may be modified during its initial term or  
 606 any renewal term upon the recommendation of the sponsor or the  
 607 charter school's governing board and the approval of both  
 608 parties to the agreement. Modification may include, but is not  
 609 limited to, consolidation of multiple charters into a single

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 610 charter if the charters are operated under the same governing  
 611 board and physically located on the same campus, regardless of  
 612 the renewal cycle.

613 (9) CHARTER SCHOOL REQUIREMENTS.—

614 (n)1. The director and a representative of the governing  
 615 board of a charter school that has earned a grade of "D" or "F"  
 616 pursuant to s. 1008.34(2) shall appear before the sponsor to  
 617 present information concerning each contract component having  
 618 noted deficiencies. The director and a representative of the  
 619 governing board shall submit to the sponsor for approval a  
 620 school improvement plan to raise student achievement. Upon  
 621 approval by the sponsor, the charter school shall begin  
 622 implementation of the school improvement plan. The department  
 623 shall offer technical assistance and training to the charter  
 624 school and its governing board and establish guidelines for  
 625 developing, submitting, and approving such plans.

626 2.a. If a charter school earns three consecutive grades of  
 627 "D," two consecutive grades of "D" followed by a grade of "F,"  
 628 or two nonconsecutive grades of "F" within a 3-year period, the  
 629 charter school governing board shall choose one of the following  
 630 corrective actions:

631 (I) Contract for educational services to be provided  
 632 directly to students, instructional personnel, and school  
 633 administrators, as prescribed in state board rule;

634 (II) Contract with an outside entity that has a  
 635 demonstrated record of effectiveness to operate the school;

636 (III) Reorganize the school under a new director or  
 637 principal who is authorized to hire new staff; or

638 (IV) Voluntarily close the charter school.

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639 b. The charter school must implement the corrective action  
640 in the school year following receipt of a third consecutive  
641 grade of "D," a grade of "F" following two consecutive grades of  
642 "D," or a second nonconsecutive grade of "F" within a 3-year  
643 period.

644 c. The sponsor may annually waive a corrective action if it  
645 determines that the charter school is likely to improve a letter  
646 grade if additional time is provided to implement the  
647 intervention and support strategies prescribed by the school  
648 improvement plan. Notwithstanding this sub-subparagraph, a  
649 charter school that earns a second consecutive grade of "F" is  
650 subject to subparagraph 4.

651 d. A charter school is no longer required to implement a  
652 corrective action if it improves by at least one letter grade.  
653 However, the charter school must continue to implement  
654 strategies identified in the school improvement plan. The  
655 sponsor must annually review implementation of the school  
656 improvement plan to monitor the school's continued improvement  
657 pursuant to subparagraph 5.

658 e. A charter school implementing a corrective action that  
659 does not improve by at least one letter grade after 2 full  
660 school years of implementing the corrective action must select a  
661 different corrective action. Implementation of the new  
662 corrective action must begin in the school year following the  
663 implementation period of the existing corrective action, unless  
664 the sponsor determines that the charter school is likely to  
665 improve a letter grade if additional time is provided to  
666 implement the existing corrective action. Notwithstanding this  
667 sub-subparagraph, a charter school that earns a second

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668 consecutive grade of "F" while implementing a corrective action  
669 is subject to subparagraph 4.

670 3. A charter school with a grade of "D" or "F" that  
671 improves by at least one letter grade must continue to implement  
672 the strategies identified in the school improvement plan. The  
673 sponsor must annually review implementation of the school  
674 improvement plan to monitor the school's continued improvement  
675 pursuant to subparagraph 5.

676 4. The sponsor shall terminate a charter if the charter  
677 school earns two consecutive grades of "F" unless:

678 a. The charter school is established to turn around the  
679 performance of a district public school pursuant to s.  
680 1008.33(4)(b)3. Such charter schools shall be governed by s.  
681 1008.33;

682 b. The charter school serves a student population the  
683 majority of which resides in a school zone served by a district  
684 public school that earned a grade of "F" in the year before the  
685 charter school opened and the charter school earns at least a  
686 grade of "D" in its third year of operation. The exception  
687 provided under this sub-subparagraph does not apply to a charter  
688 school in its fourth year of operation and thereafter; or

689 c. The state board grants the charter school a waiver of  
690 termination. The charter school must request the waiver within  
691 15 ~~30~~ days after the department's official release completion of  
692 school grades ~~grade~~ appeals. The state board may waive  
693 termination if the charter school demonstrates that the learning  
694 gains of its students on statewide assessments are comparable to  
695 or better than the learning gains of similarly situated students  
696 enrolled in nearby district public schools. The waiver is valid

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697 for 1 year and may only be granted once. Charter schools that  
698 have been in operation for more than 5 years are not eligible  
699 for a waiver under this sub-subparagraph.

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

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

713 (o) Upon notification of nonrenewal or termination of its  
714 charter, a charter school may not expend more than \$10,000  
715 without prior written approval from the sponsor, unless such  
716 expenditure was included within the annual budget submitted to  
717 the sponsor pursuant to the charter contract or such expenditure  
718 is for reasonable attorney fees and costs during the pendency of  
719 any appeal.

720 (p) Each charter school shall maintain a website that  
721 enables the public to obtain information regarding the school,  
722 its personnel, and its programs. The website shall include  
723 information or online links to information regarding any entity  
724 that owns, operates, or manages the school, including any  
725 nonprofit or for-profit entity; the names of all governing

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726 officers and administrative personnel of the entity; and any  
727 fees the school pays to the entity. The information or online  
728 links must be prominently displayed and easily accessible to  
729 visitors of the website.

730 (10) ELIGIBLE STUDENTS.—

731 (b) The charter school shall enroll an eligible student who  
732 submits a timely application, unless the number of applications  
733 exceeds the capacity of a program, class, grade level, or  
734 building. In such case, all applicants shall have an equal  
735 chance of being admitted through a random selection process  
736 observed by the sponsor or a third party mutually agreed to by  
737 the charter school and sponsor.

738 (h) The capacity of the charter school shall be determined  
739 annually by the governing board, in conjunction with the  
740 sponsor, of the charter school in consideration of the factors  
741 identified in this subsection unless the charter school is  
742 designated as a high-performing charter school pursuant to s.  
743 1002.331. A sponsor may not require a charter school to waive  
744 the provisions of s. 1002.331 or require a student enrollment  
745 cap that prohibits a high-performing charter school from  
746 increasing enrollment ~~in accordance with s. 1002.331(2)~~ as a  
747 condition of approval or renewal of a charter.

748 (i) The capacity of a high-performing charter school  
749 identified pursuant to s. 1002.331 shall be determined annually  
750 by the governing board of the charter school. The governing  
751 board shall notify the sponsor of any increase in enrollment by  
752 March 1 of the school year preceding the increase. A sponsor may  
753 not require a charter school to identify the names of students  
754 to be enrolled or to enroll those students before the start of

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755 the school year as a condition of approval or renewal of a  
 756 charter. A sponsor may not require a high-performing charter  
 757 school to waive its rights to determine its own student  
 758 enrollment capacity.

759 (16) EXEMPTION FROM STATUTES.—

760 (b) Additionally, a charter school shall be in compliance  
 761 with the following statutes:

762 1. Section 286.011, relating to public meetings and  
 763 records, public inspection, and criminal and civil penalties.

764 2. Chapter 119, relating to public records.

765 3. Section 1003.03, relating to the maximum class size,  
 766 except that the calculation for compliance pursuant to s.  
 767 1003.03 shall be the average at the school level.

768 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(e)~~, relating to the  
 769 implementation of a compensation system that requires annual  
 770 salary adjustments for instructional personnel to be based upon  
 771 performance and salary schedules.

772 5. Section 1012.33(5), relating to workforce reductions, if  
 773 the charter school awards contracts to instructional personnel  
 774 and the term of a contract exceeds 1 year.

775 6. Section 1012.335, relating to contracts with  
 776 instructional personnel hired on or after July 1, 2011, if the  
 777 charter school awards contracts to instructional personnel and  
 778 the term of a contract exceeds 1 year.

779 7. Section 1012.34(2), (3), and (7) ~~1012.34~~, relating to  
 780 ~~the substantive requirements for~~ performance evaluations for  
 781 instructional personnel and school administrators. For purposes  
 782 of compliance with this subparagraph, the duties assigned to a  
 783 district school superintendent apply to a charter school

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784 principal or his or her equivalent, and the duties assigned to a  
 785 district school board apply to a charter school's governing  
 786 board.

787 (17) FUNDING.—Students enrolled in a charter school,  
 788 regardless of the sponsorship, shall be funded as if they are in  
 789 a basic program or a special program, the same as students  
 790 enrolled in other public schools in the school district. Funding  
 791 for a charter lab school shall be as provided in s. 1002.32.

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

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 813 invoice, the charter school must submit the invoice to the  
 814 sponsor at least 30 days before the monthly date of  
 815 reimbursement set by the sponsor. In order to be reimbursed, any  
 816 expenditure made by the charter school must comply with all  
 817 applicable state and federal rules and regulations, including,  
 818 but not limited to, the applicable federal Office of Management  
 819 and Budget Circulars, the federal Education Department General  
 820 Administrative Regulations, and program-specific statutes,  
 821 rules, and regulations. Such funds may not be made available to  
 822 the charter school until a plan is submitted to the sponsor for  
 823 approval of the use of the funds in accordance with applicable  
 824 federal requirements. The sponsor has 30 days to review and  
 825 approve any plan submitted pursuant to this paragraph.

826 (18) FACILITIES.—

827 (e) If a district school board-owned board facility that  
 828 previously has been used for K-12 educational purposes ~~or~~  
 829 property is available because it is surplus, marked for  
 830 disposal, or otherwise unused, it shall be made available  
 831 provided for a charter school's use at no cost until the  
 832 beginning of the fourth fiscal year the school is open, at which  
 833 time the charter school shall pay the sponsor a negotiated rent  
 834 for the facility, which may not exceed fair market value ~~on the~~  
 835 same basis as it is made available to other public schools in  
 836 the district. If the facility was used as a K-12 public school  
 837 in the previous school year, as a condition of using such a  
 838 facility, the charter school shall agree to target students who  
 839 had been assigned to that public school the previous school year  
 840 and to enroll a sufficient number of students to ensure that the  
 841 facility will be used at a greater capacity than it had been

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

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

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

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 929 modified or renewed for a shorter term at the option of the  
 930 high-performing charter school. The charter must be consistent  
 931 with s. 1002.33(7)(a)19. and (10)(h) ~~and (i)~~, is subject to  
 932 annual review by the sponsor, and may be terminated during its  
 933 term pursuant to s. 1002.33(8).

934  
 935 A high-performing charter school shall notify its sponsor in  
 936 writing by March 1 if it intends to increase enrollment or  
 937 expand grade levels the following school year. The written  
 938 notice shall specify the amount of the enrollment increase and  
 939 the grade levels that will be added, as applicable. If a high-  
 940 performing charter school requests to consolidate multiple  
 941 charters or to modify its charter pursuant to this subsection,  
 942 the sponsor shall have 40 days after receipt of that request to  
 943 provide an initial draft charter to the charter school. The  
 944 sponsor and charter school shall have 50 days thereafter to  
 945 negotiate and notice the charter contract for final approval by  
 946 the sponsor.

947 (4) A high-performing charter school may not increase  
 948 enrollment or expand grade levels following any school year in  
 949 which it receives a school grade of "C" or below. If the charter  
 950 school receives a school grade of "C" or below in any 2 years  
 951 during the term of the charter awarded under subsection (2), the  
 952 term of the charter may be modified by the sponsor ~~and the~~  
 953 ~~charter school loses its high-performing charter school status~~  
 954 ~~until it regains that status under subsection (1).~~

955 (5) The Commissioner of Education, upon request by a  
 956 charter school, shall verify that the charter school meets the  
 957 criteria in subsection (1) and provide a letter to the charter

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 958 school and the sponsor stating that the charter school is a  
 959 high-performing charter school pursuant to this section. The  
 960 commissioner shall annually determine whether a high-performing  
 961 charter school continues to meet the criteria in subsection (1).  
 962 A high-performing charter school shall maintain its high-  
 963 performing status unless the commissioner determines that the  
 964 charter school no longer meets the criteria in subsection (1),  
 965 at which time the commissioner shall send a letter providing  
 966 notification of its declassification as a high-performing  
 967 charter school.

968 Section 3. Paragraph (b) of subsection (1) and paragraph  
 969 (a) of subsection (2) of section 1002.332, Florida Statutes, are  
 970 amended, and paragraph (c) is added to subsection (1) of that  
 971 section, to read:

972 1002.332 High-performing charter school system.—

973 (1) For purposes of this section, the term:

974 (b) "High-performing charter school system" means an entity  
 975 that:

976 1. Operated ~~Operates~~ at least three high-performing charter  
 977 schools in the state during each of the previous 3 school years;

978 2. Operated ~~Operates~~ a system of charter schools in which  
 979 at least 50 percent of the charter schools ~~were~~ are high-  
 980 performing charter schools pursuant to s. 1002.331 and no  
 981 charter school earned a school grade of "D" or "F" pursuant to  
 982 s. 1008.34 in any of the previous 3 school years, except that:

983 a. If the entity ~~has~~ assumed operation of a public school  
 984 pursuant to s. 1008.33(4)(b)3. with a school grade of "F," that  
 985 school's grade may not be considered in determining high-  
 986 performing charter school system status for a period of 3 years.

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987 b. If the entity established ~~establishes~~ a new charter  
 988 school that served ~~serves~~ a student population the majority of  
 989 which resided ~~resides~~ in a school zone served by a public school  
 990 that earned a grade of "F" or three consecutive grades of "D"  
 991 pursuant to s. 1008.34, that charter school's grade may not be  
 992 considered in determining high-performing charter school system  
 993 status if it attained ~~attains~~ and maintained ~~maintains~~ a school  
 994 grade that was ~~is~~ higher than that of the public school serving  
 995 that school zone within 3 years after establishment; and

996 3. Did ~~Has~~ not receive ~~received~~ a financial audit that  
 997 revealed one or more of the financial emergency conditions set  
 998 forth in s. 218.503(1) for any charter school assumed or  
 999 established by the entity in the most recent 3 fiscal years for  
 1000 which such audits are available.

1001 (c) An entity that successfully operates a system of  
 1002 charter schools outside the state may apply to the State Board  
 1003 of Education for status as a high-performing charter school  
 1004 system solely for the purpose of establishing a charter school  
 1005 that primarily serves students in the attendance zone of a  
 1006 school identified in need of intervention and support services  
 1007 pursuant to s. 1008.33(3)(b). The State Board of Education shall  
 1008 adopt by rule a process for determining whether the entity meets  
 1009 the requirements of this paragraph by reviewing student  
 1010 demographic and performance data from each school that is  
 1011 operated by the entity.

1012 (2) (a) The Commissioner of Education, ~~upon request by an~~  
 1013 ~~entity,~~ shall verify all charter schools served by the entity  
 1014 and verify that the entity meets the criteria in subsection (1)  
 1015 for the previous ~~prior~~ school year and provide a letter to the

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

1025 Section 4. This act shall take effect July 1, 2013.

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By Senator Montford

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1 A bill to be entitled  
 2 An act relating to charter schools; providing a short  
 3 title; providing legislative findings and intent;  
 4 creating the Florida Innovation Zone Schools Act to  
 5 allow school districts to designate certain schools to  
 6 serve as incubators of innovation and transformation  
 7 of public education; requiring such schools to  
 8 personalize education for each student; exempting  
 9 innovation zone schools from ch. 1000-1013, F.S.,  
 10 subject to certain exceptions; providing guiding  
 11 principles by which the innovation zone schools should  
 12 function; establishing elements of the program;  
 13 providing that a participating school district has  
 14 autonomy in certain areas; amending s. 196.1983, F.S.;  
 15 granting school district programs the ad valorem tax  
 16 exemption given to charter schools and creating  
 17 certain restrictions on the exempt property; requiring  
 18 a landlord to certify compliance by affidavit;  
 19 restricting the use of capital outlay funds for  
 20 property improvements if the property is exempt from  
 21 ad valorem taxes; amending s. 1002.31, F.S.; providing  
 22 a calculation for compliance with class size maximums  
 23 for a public school of choice or an innovation zone  
 24 school; amending s. 1002.33, F.S.; conforming a cross-  
 25 reference; modifying requirements for charter school  
 26 applications; creating new reporting requirements for  
 27 charter schools regarding governance, fees, and  
 28 students; providing a funding requirement for a  
 29 student who transfers between a charter school and

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30 district school; authorizing a district school board  
 31 to negotiate an appropriate usage fee based on market  
 32 value for unused space; deleting a prohibition on  
 33 rental or leasing fees on existing public schools that  
 34 convert to charter schools; prohibiting a charter  
 35 school from selling or renting out property from a  
 36 school district without written permission of the  
 37 school district; providing that certain  
 38 recommendations from the department are not binding on  
 39 a school district; restricting use of capital outlay  
 40 funds; deleting restrictions on withheld  
 41 administrative fees; amending s. 1002.345, F.S.;  
 42 restricting charter schools or technical career  
 43 centers having financial problems from certain  
 44 activities and requiring disclosure of such financial  
 45 problems on subsequent applications; creating s.  
 46 1003.622, F.S.; providing legislative intent;  
 47 recognizing academically high-performing school choice  
 48 districts and granting them flexibility; qualifying an  
 49 academically high-performing school choice district;  
 50 exempting such districts from ch. 1000-1013, F.S.,  
 51 subject to certain exceptions; exempting such  
 52 districts from certain ad valorem taxes and other  
 53 requirements; requiring an academically high-  
 54 performing school choice district to submit an annual  
 55 report to the State Board of Education and the  
 56 Legislature; specifying requirements for such report;  
 57 amending 1010.305, F.S.; extending student enrollment  
 58 auditing procedures to charter schools; providing that

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

62  
63 Be It Enacted by the Legislature of the State of Florida:

64  
65 Section 1. Florida Innovation Zone Schools.-

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

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

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

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88 schools to serve as incubators of innovation and transform  
89 public education. An innovation zone school, which is designated  
90 as such by the school district to which it belongs, may be  
91 funded on incentive grants or through public or private  
92 partnerships. Participating schools are exempt from chapters  
93 1000-1013, Florida Statutes, except those laws specifically  
94 pertaining to health, safety, antidiscrimination, or public  
95 records and meetings. Such schools are also specifically exempt  
96 from class size requirements. Teachers shall continue to be  
97 evaluated based on performance but innovation zone schools may  
98 use different methods to make such evaluation.

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

101 (a) Globally competitive standards.-Student learning  
102 outcomes are aligned with the common core standards.

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

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

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

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

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117 assessment experts. Students are empowered to plan and manage  
 118 their own studies in a variety of ways. The program must be  
 119 tailored to the students at the school to personalize education  
 120 for each student.

121 (5) PROGRAM ELEMENTS.—An innovation zone school shall:

122 (a) Upon designation by the school district, plan during  
 123 the first year, begin at least partial implementation during the  
 124 second year, and fully implement the program by the third year.

125 (b) Integrate technology into instruction, assessment, and  
 126 professional development. The school shall also restructure the  
 127 school day or school year in a way that allows it to best  
 128 accomplish its goals.

129 (c) Monitor performance progress based on skills that help  
 130 students succeed in college and careers, including problem  
 131 solving, research, interpretation, and communication. The  
 132 program must use competency-based grading and look into ways to  
 133 allow students to advance based on their understanding of the  
 134 content, not on time spent, and to measure success accordingly.  
 135 The learning environment must allow for innovation and the  
 136 resources must enable personalization and increase student  
 137 achievement and college and career readiness.

138 (6) POWERS OF SCHOOL DISTRICTS.—A participating school  
 139 district has autonomy in the budget, staffing, governance,  
 140 curriculum, assessment, and school calendar.

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

143 196.1983 Charter school and school district program  
 144 exemption from ad valorem taxes.—Any facility, or portion  
 145 thereof, used to house a school district program or charter

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146 school whose charter has been approved by the sponsor and the  
 147 governing board pursuant to s. 1002.33(7) ~~is shall be~~ exempt  
 148 from ad valorem taxes. For leasehold properties, the landlord  
 149 must certify by affidavit to the district or charter school  
 150 sponsor that the lease payments shall be reduced to the extent  
 151 of the exemption received, that the lease payments before  
 152 reduction do not exceed fair market value, and that the  
 153 transaction does not involve related parties as described in s.  
 154 1002.33(7) (a)18. The owner of the property shall disclose ~~to a~~  
 155 ~~charter school~~ the full amount of the benefit derived from the  
 156 exemption and the method for ensuring that the district or  
 157 charter school receives such benefit. The charter school shall  
 158 receive the full benefit derived from the exemption through  
 159 ~~either~~ an annual or monthly credit to the district or charter  
 160 school's lease payments. For property exempt from ad valorem  
 161 taxes pursuant to this section, district or public education  
 162 capital outlay funds may be used for property improvements only  
 163 if:

164 (1) The transaction does not, directly or indirectly,  
 165 involve relatives; and

166 (2) The lease or contract makes adequate provision for  
 167 crediting or reimbursing such funding when the property is no  
 168 longer used for exempt purposes.

169 Section 3. Subsections (9) and (10) are added to section  
 170 1002.31, Florida Statutes, to read:

171 1002.31 Public school parental choice.—

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

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175 of students at the school level.

176 (10) For a school or program that is an innovation zone  
 177 school under the Florida Innovation Zone Schools Act, the  
 178 calculation for compliance with maximum class size pursuant to  
 179 s. 1003.03 is the average number of students at the school  
 180 level.

181 Section 4. Subsection (1), paragraph (a) of subsection (6),  
 182 paragraphs (c), (e), and (g) of subsection (18), subsection  
 183 (19), and paragraph (a) of subsection (20) of section 1002.33,  
 184 Florida Statutes, are amended, paragraph (g) is added to  
 185 subsection (17), present paragraphs (c) and (d) of subsection  
 186 (7) are redesignated as paragraphs (d) and (e), respectively,  
 187 and a new paragraph (c) is added to subsection (7) of that  
 188 section, to read:

189 1002.33 Charter schools.—

190 (1) AUTHORIZATION.—Charter schools shall be part of the  
 191 state's program of public education. All charter schools in  
 192 Florida are public schools. A charter school may be formed by  
 193 creating a new school or converting an existing public school to  
 194 charter status. A charter school may operate a virtual charter  
 195 school pursuant to s. 1002.45(1)(d) to provide full-time online  
 196 instruction to eligible students, pursuant to s. 1002.455, in  
 197 kindergarten through grade 12. A charter school must amend its  
 198 charter or submit a new application pursuant to subsection (6)  
 199 to become a virtual charter school. A virtual charter school is  
 200 subject to the requirements of this section; however, a virtual  
 201 charter school is exempt from subsections (18) and (19),  
 202 subparagraphs (20)(a)1. and 2. ~~(20)(a)2., 4., 5., and 7.,~~  
 203 paragraph (20)(c), and s. 1003.03. A public school may not use

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204 the term charter in its name unless it has been approved under  
 205 this section.

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

208 (a) A person or entity wishing to open a charter school  
 209 shall prepare and submit an application on a model application  
 210 form prepared by the department ~~of Education~~ which:

211 1. Demonstrates how the school will use the guiding  
 212 principles and meet the statutorily defined purpose of a charter  
 213 school.

214 2. Provides a detailed curriculum plan that illustrates how  
 215 students will be provided services to attain the Sunshine State  
 216 Standards.

217 3. Contains goals and objectives for improving student  
 218 learning and measuring that improvement. These goals and  
 219 objectives must indicate how much academic improvement students  
 220 are expected to show each year, how success will be evaluated,  
 221 and the specific results to be attained through instruction.

222 4. Describes the reading curriculum and differentiated  
 223 strategies that will be used for students reading at grade level  
 224 or higher and a separate curriculum and strategies for students  
 225 who are reading below grade level. A sponsor shall deny a  
 226 charter if the school does not propose a reading curriculum that  
 227 is consistent with effective teaching strategies that are  
 228 grounded in scientifically based reading research.

229 5. Contains an annual financial plan for each year  
 230 requested by the charter for operation of the school for up to 5  
 231 years. This plan must contain anticipated fund balances based on  
 232 revenue projections, a spending plan based on projected revenues

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233 and expenses, and a description of controls that will safeguard  
234 finances and projected enrollment trends.

235 6. Documents that the applicant has participated in the  
236 training required in subparagraph (f)2. A sponsor may require an  
237 applicant to provide additional information as an addendum to  
238 the charter school application described in this paragraph.

239 7. For the establishment of a virtual charter school,  
240 documents that the applicant has contracted with a provider of  
241 virtual instruction services pursuant to s. 1002.45(1)(d).

242 8. Demonstrates that the charter school governing board is  
243 independent of any management company and that termination of  
244 any management company contract rests with the governing board.

245 (7) CHARTER.—The major issues involving the operation of a  
246 charter school shall be considered in advance and written into  
247 the charter. The charter shall be signed by the governing board  
248 of the charter school and the sponsor, following a public  
249 hearing to ensure community input.

250 (c) The charter school must:

251 1. Document, for the initial and any subsequent charter,  
252 that the governing board is independent of any management  
253 company and that termination of any management company contract  
254 rests with the governing board.

255 2. Document the administrative fee and any other fee  
256 provided to a management company for the operation, management,  
257 or any involvement with the charter school.

258 3. Document that any lease payment for real property,  
259 facilities, equipment, and employment is within the fair market  
260 value of the community in which the charter school is located.

261 4. In order to provide funding and administrative

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262 transparency, report to the Department of Education and, through  
263 a central website, to parents, the following information:

264 a. Any management fee and fee structure.

265 b. Salaries or fees of management personnel,  
266 administrators, principals, teachers, and support staff.

267 c. Ratio of administrators to teachers.

268 d. Number of free or reduced-priced lunch students,  
269 exceptional education students, and English for Speakers of  
270 Other Languages students as compared to other school districts.

271 5. Provide a report to the sponsor and the department  
272 describing the innovative programs and instructional strategies  
273 provided to students which differ from the programs and  
274 strategies provided in traditional public schools. The  
275 department shall identify the innovative programs and strategies  
276 and incorporate them into the analysis of charter school  
277 performance required under subsection (23).

278 (17) FUNDING.—Students enrolled in a charter school,  
279 regardless of the sponsorship, shall be funded as if they are in  
280 a basic program or a special program, the same as students  
281 enrolled in other public schools in the school district. Funding  
282 for a charter lab school shall be as provided in s. 1002.32.

283 (g) If a student transfers from a charter school to a  
284 district school or from a district school to a charter school  
285 after the first day of the school year, funding must be  
286 allocated proportionately according to the number of days that  
287 the student attends the charter school or traditional public  
288 school.

289 (18) FACILITIES.—

290 (c) Any facility, or portion thereof, used to house a

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 291 school district program or charter school whose charter has been  
 292 approved by the sponsor and the governing board, pursuant to  
 293 subsection (7), ~~is shall be~~ exempt from ad valorem taxes  
 294 pursuant to s. 196.1983. Library, community service, museum,  
 295 performing arts, theatre, cinema, church, Florida College System  
 296 institution, college, and university facilities may provide  
 297 space to charter schools within their facilities under their  
 298 preexisting zoning and land use designations.

(e) If a district school board facility or property is  
 300 available because the district school board has deemed it as it  
 301 ~~is~~ surplus, marked for disposal, or otherwise unused, and the  
 302 facility is appropriate for student instruction, it may shall be  
 303 made available provided for a charter school's use based on  
 304 reasonable eligibility criteria for applicants and below-market  
 305 lease or purchase terms that fairly reflect existing debt, and  
 306 the availability of alternative facilities. The school district  
 307 may negotiate an appropriate usage fee based on market value on  
 308 ~~the same basis as it is made available to other public schools~~  
 309 ~~in the district. A charter school receiving property from the~~  
 310 ~~school district may not sell or dispose of such property without~~  
 311 ~~written permission of the school district. Similarly, for an~~  
 312 ~~existing public school converting to charter status, no rental~~  
 313 ~~or leasing fee for the existing facility or for the property~~  
 314 ~~normally inventoried to the conversion school may be charged by~~  
 315 ~~the district school board to the parents and teachers organizing~~  
 316 ~~the charter school. The charter school shall agree to reasonable~~  
 317 ~~maintenance provisions in order to maintain the facility in a~~  
 318 ~~manner similar to district school board standards. A charter~~  
 319 ~~school receiving property from the school district may not~~

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 320 ~~relet, sublet, sell, or dispose of such property without written~~  
 321 ~~permission of the school district. The lease may provide for use~~  
 322 ~~of public education capital outlay maintenance funds or any~~  
 323 ~~other maintenance funds if such use is consistent with the~~  
 324 ~~district's 5-year work plan generated by the facility operated~~  
 325 ~~as a conversion school shall remain with the conversion school.~~

(g) Each school district shall annually provide to the  
 327 Department of Education as part of its 5-year work plan the  
 328 number of existing vacant classrooms in each school that the  
 329 district does not intend to use or does not project will be  
 330 needed for educational purposes for the following school year.  
 331 The department may recommend that a district make such space  
 332 available to an appropriate charter school pursuant to paragraph  
 333 (e). The recommendation is not binding on the district school  
 334 board.

(19) CAPITAL OUTLAY FUNDING.—Charter schools are eligible  
 336 for capital outlay funds pursuant to s. 1013.62. Capital outlay  
 337 funds authorized in ss. 1011.71(2) and 1013.62 which were have  
 338 ~~been~~ shared with a charter school-in-the-workplace before prior  
 339 ~~to~~ July 1, 2010, are deemed to have met the authorized  
 340 expenditure requirements for such funds. Charter schools may  
 341 spend capital outlay funds only on assets that can be returned  
 342 to the school district.

## (20) SERVICES.—

(a) ~~1-~~ A sponsor shall provide certain administrative and  
 345 educational services to charter schools. These services ~~shall~~  
 346 include contract management services; full-time equivalent and  
 347 data reporting services; exceptional student education  
 348 administration services; services related to eligibility and

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349 reporting duties required to ensure that school lunch services  
 350 under the federal lunch program, consistent with the needs of  
 351 the charter school, are provided by the school district at the  
 352 request of the charter school, that any funds due to the charter  
 353 school under the federal lunch program be paid to the charter  
 354 school as soon as the charter school begins serving food under  
 355 the federal lunch program, and that the charter school is paid  
 356 at the same time and in the same manner under the federal lunch  
 357 program as other public schools serviced by the sponsor or the  
 358 school district; test administration services, including payment  
 359 of the costs of state-required or district-required student  
 360 assessments; processing of teacher certificate data services;  
 361 and information services, including equal access to student  
 362 information systems that are used by public schools in the  
 363 district in which the charter school is located. Student  
 364 performance data for each student in a charter school,  
 365 including, but not limited to, FCAT scores, standardized test  
 366 scores, previous public school student report cards, and student  
 367 performance measures, shall be provided by the sponsor to a  
 368 charter school in the same manner provided to other public  
 369 schools in the district.

370 1.2. A total administrative fee for the provision of such  
 371 services shall be calculated based on ~~upon~~ up to 5 percent of  
 372 the available funds defined in paragraph (17)(b) for all  
 373 students; however, if ~~except that when~~ 75 percent or more of the  
 374 students enrolled in the charter school are exceptional students  
 375 as defined in s. 1003.01(3), the 5 percent of those available  
 376 funds shall be calculated based on unweighted full-time  
 377 equivalent students. ~~However, a sponsor may only withhold up to~~

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378 a ~~5 percent administrative fee for enrollment for up to and~~  
 379 ~~including 250 students. For charter schools with a population of~~  
 380 ~~251 or more students, the difference between the total~~  
 381 ~~administrative fee calculation and the amount of the~~  
 382 ~~administrative fee withheld may only be used for capital outlay~~  
 383 ~~purposes specified in s. 1013.62(2).~~

384 ~~3. For high-performing charter schools, as defined in ch.~~  
 385 ~~2011-232, a sponsor may withhold a total administrative fee of~~  
 386 ~~up to 2 percent for enrollment up to and including 250 students~~  
 387 ~~per school.~~

388 ~~4. In addition, a sponsor may withhold only up to a 5-~~  
 389 ~~percent administrative fee for enrollment for up to and~~  
 390 ~~including 500 students within a system of charter schools which~~  
 391 ~~meets all of the following:~~

392 ~~a. Includes both conversion charter schools and~~  
 393 ~~nonconversion charter schools;~~

394 ~~b. Has all schools located in the same county;~~

395 ~~c. Has a total enrollment exceeding the total enrollment of~~  
 396 ~~at least one school district in the state;~~

397 ~~d. Has the same governing board; and~~

398 ~~e. Does not contract with a for-profit service provider for~~  
 399 ~~management of school operations.~~

400 ~~5. The difference between the total administrative fee~~  
 401 ~~calculation and the amount of the administrative fee withheld~~  
 402 ~~pursuant to subparagraph 4. may be used for instructional and~~  
 403 ~~administrative purposes as well as for capital outlay purposes~~  
 404 ~~specified in s. 1013.62(2).~~

405 ~~6. For a high-performing charter school system that also~~  
 406 ~~meets the requirements in subparagraph 4., a sponsor may~~

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407 ~~withhold a 2 percent administrative fee for enrollments up to~~  
408 ~~and including 500 students per system.~~

409 ~~2.7-~~ Sponsors ~~may shall~~ not charge charter schools any  
410 additional fees or surcharges for administrative and educational  
411 services ~~in addition to the maximum 5 percent administrative fee~~  
412 ~~withheld pursuant to this paragraph.~~

413 ~~3.8-~~ The sponsor of a virtual charter school may withhold a  
414 fee of up to 5 percent. The funds ~~must shall~~ be used to cover  
415 the cost of services provided under ~~this paragraph subparagraph~~  
416 ~~1-~~ and for the school district's local instructional improvement  
417 system pursuant to s. 1006.281 or other technological tools that  
418 are required to access electronic and digital instructional  
419 materials.

420 Section 5. Subsection (7) is added to section 1002.345,  
421 Florida Statutes, to read:

422 1002.345 Determination of deteriorating financial  
423 conditions and financial emergencies for charter schools and  
424 charter technical career centers.—This section applies to  
425 charter schools operating pursuant to s. 1002.33 and to charter  
426 technical career centers operating pursuant to s. 1002.34.

427 (7) EFFECT ON OTHER APPLICATIONS.—If a charter school or  
428 charter technical career center exhibits a deteriorating  
429 financial condition or is subject to a financial recovery plan  
430 or corrective action plan, the governing board of the charter  
431 school or charter technical career center, or any related  
432 entity, is not eligible to apply for additional charter schools  
433 or charter technical centers under s. 1002.33, s. 1002.331, or  
434 s. 1002.45 until the financial condition or financial recovery  
435 plan has been satisfactorily resolved. The existence and

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436 resolution of financial emergencies or poor financial conditions  
437 as provided in this chapter shall be disclosed in subsequent  
438 applications by the applicant under s. 1002.33(6) and be  
439 considered in determining whether the financial management  
440 practices materially comply with that section.

441 Section 6. Section 1003.622, Florida Statutes, is created  
442 to read:

443 1003.622 Academically high-performing school choice  
444 districts.—It is the intent of the Legislature to recognize and  
445 reward school districts that demonstrate the ability to provide  
446 its residents with a broad range of choice programs. The purpose  
447 of this section is to provide high-performing school choice  
448 districts with flexibility in meeting the specific requirements  
449 of law and rules of the State Board of Education.

450 (1) ACADEMICALLY HIGH-PERFORMING SCHOOL CHOICE DISTRICT.—

451 (a) A school district is an academically high-performing  
452 school choice district if it:

453 1. Earns a grade of "A" or "B" as provided in s. 1008.34  
454 for 2 consecutive years;

455 2. Has at least 20 percent of its total enrollment in  
456 public choice programs or at least 5 percent of its total  
457 enrollment in charter schools;

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

461 4. Operates as a school choice district that focuses on  
462 teaching and learning infused with up-to-date technology that  
463 prepares students for work or postsecondary education.

464 (b) A school district that satisfies the eligibility

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465 criteria in this subsection shall be designated by the State  
 466 Board of Education as an academically high-performing school  
 467 choice district. The academically high-performing school choice  
 468 district retains its status as a high-performing school choice  
 469 district for 5 years and may renew the designation if the  
 470 district meets the requirements in this section. A school  
 471 district that fails to meet the requirements in this section  
 472 must provide written notification to the State Board of  
 473 Education that the district is no longer eligible for  
 474 designation as an academically high-performing school choice  
 475 district.

476 (c) A district designated as an academically high-  
 477 performing school choice district is exempt, during the time the  
 478 district continues to meet all eligibility criteria, from  
 479 chapters 1000-1013 pertaining to school districts and rules of  
 480 the State Board of Education which implement these exempt  
 481 provisions. However, an academically high-performing school  
 482 choice district must comply with:

483 1. Laws pertaining to the following:  
 484 a. Student health, safety, and welfare.  
 485 b. Services for students who have disabilities.  
 486 c. Student assessment programs and school grading systems.  
 487 d. Civil rights, including s. 1000.05, relating to  
 488 discrimination.

489 2. Laws governing the election and compensation of district  
 490 school board members and election or appointment and  
 491 compensation of district school superintendents.

492 3. Section 1003.03, relating to the maximum class size,  
 493 except that the calculation for compliance pursuant to s.

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494 1003.03 is the average at the school level.

495 4. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 496 public school personnel compensation and salary schedules; s.  
 497 1012.34, relating to personnel evaluation procedures and  
 498 criteria; and ss. 1012.33 and 1012.335, relating to contracts  
 499 with instructional personnel, staff, supervisors, and school  
 500 administrators.

501 5. Section 286.011, relating to public meetings and  
 502 records, public inspection, and criminal and civil penalties.

503 6. Chapter 119, relating to public records.

504 (d) Each academically high-performing school choice  
 505 district shall be included in the definition of eligible  
 506 entities to apply for and operate a charter school or virtual  
 507 school and shall be exempt from ad valorem taxes when leasing  
 508 facilities and from the State Requirements for Educational  
 509 Facilities.

510 (2) GOVERNING BOARD.—The governing board of an academically  
 511 high-performing school choice district is the duly elected  
 512 district school board. The district school board shall supervise  
 513 the academically high-performing school choice district.

514 (3) REPORTS.—The academically high-performing school choice  
 515 district shall submit to the State Board of Education and the  
 516 Legislature an annual report by December 1 of each year which  
 517 delineates the performance of the school district in regards to  
 518 the academic performance of students. The annual report shall be  
 519 submitted in a format prescribed by the Department of Education  
 520 and must include, but need not be limited to, the following:

521 (a) Evidence of compliance with subsection (1).

522 (b) Efforts to close the achievement gap.

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523 (c) Longitudinal performance of students, by grade level  
 524 and subgroup, in mathematics, reading, writing, science, and any  
 525 other subject that is included as a part of the statewide  
 526 assessment program in s. 1008.22.

527 (d) Longitudinal performance regarding students who take an  
 528 Advanced Placement Examination organized by demographic group,  
 529 specifically by age, gender, and race, and by participation in  
 530 the National School Lunch Program.

531 (e) Number and percentage of students who take an Advanced  
 532 Placement Examination.

533 Section 7. Section 1010.305, Florida Statutes, is amended  
 534 to read:

535 1010.305 Audit of student enrollment.—

536 (1) The Auditor General shall periodically examine the  
 537 records of school districts, charter schools, and other agencies  
 538 as appropriate, to determine compliance with law and State Board  
 539 of Education rules relating to the classification, assignment,  
 540 and verification of full-time equivalent student enrollment and  
 541 student transportation reported under the Florida Education  
 542 Finance Program. A school district or charter school may request  
 543 expedited review by the Auditor General.

544 (2) If it is determined that the approved criteria and  
 545 procedures for the placement of students and the conduct of  
 546 programs have not been followed by the district or by a  
 547 district-sponsored charter school, appropriate adjustments in  
 548 the full-time equivalent student count for that district or  
 549 charter school must be made, and any excess funds must be  
 550 deducted from subsequent allocations of state funds to that  
 551 district or charter school. As provided for by rule, if errors

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552 in a specific program of a district or charter school recur in  
 553 consecutive years due to lack of corrective action by the  
 554 district or charter school, adjustments may be made based upon  
 555 statistical estimates of error projected to the overall district  
 556 or charter school program.

557 Section 8. This act shall take effect July 1, 2013.

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By Senator Bean

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1 A bill to be entitled  
 2 An act relating to charter schools; amending s.  
 3 1002.33, F.S.; authorizing the Commissioner of  
 4 Education, with the approval of the State Board of  
 5 Education, to authorize a school district to apply to  
 6 establish a charter school under certain  
 7 circumstances; revising the duties of a sponsor and  
 8 the charter school to require them to use uniform  
 9 model contracts developed by the Department of  
 10 Education; providing that a sponsor is not liable for  
 11 civil damages under state law for personal injury,  
 12 property damage, or death resulting from an act or  
 13 omission of the governing board, rather than the  
 14 governing body, of the charter school; conforming  
 15 terminology; revising the requirements for a charter  
 16 school application; revising provisions relating to  
 17 the timely submission of charter school applications;  
 18 requiring a sponsor to annually report certain  
 19 statistics regarding charter school applications;  
 20 providing that an administrative law judge has final-  
 21 order authority to rule on certain issues regarding a  
 22 charter school; authorizing a charter school to  
 23 provide virtual instruction without approval from the  
 24 school district; providing a restriction relating to a  
 25 required certificate of occupancy; conforming  
 26 terminology; establishing student academic achievement  
 27 as a priority in determining charter renewals and  
 28 terminations; conforming terminology; revising the  
 29 timeline for charter schools to submit waiver of

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30 termination requests to the Department of Education;  
 31 providing that the random selection process for  
 32 admission to a charter school is public; requiring new  
 33 members of a governing board of a charter school to  
 34 attend the Florida Charter School Conference;  
 35 exempting members of a governing board of a high-  
 36 performing charter school from attending the  
 37 conference; revising provisions relating to  
 38 determination of a charter school's student  
 39 enrollment; conforming terminology; providing  
 40 restrictions on the membership of a governing board;  
 41 prohibiting a charter school from entering into a  
 42 contract with a charter school employee under certain  
 43 circumstances; revising provisions requiring charter  
 44 school compliance with statutes relating to education  
 45 personnel compensation, contracts, and performance  
 46 evaluations and workforce reductions; conforming  
 47 terminology; requiring that federal education funding  
 48 be paid directly to a charter school; requiring a  
 49 sponsor to provide information services to charter  
 50 schools, including electronic information systems  
 51 containing data that a charter school is required to  
 52 report to the school district; providing that only the  
 53 State Board of Education may adopt rules regarding  
 54 charter schools; prohibiting school districts from  
 55 adopting rules or adding provisions into a charter  
 56 contract; amending s. 1002.331, F.S.; providing that a  
 57 virtual charter school is eligible for designation as  
 58 a high-performing charter school; revising the

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59 activities that a high-performing charter school may  
 60 undertake; providing requirements for modification of  
 61 the charter of a high-performing charter school;  
 62 providing for withdrawal of a charter school's  
 63 designation as a high-performing charter school;  
 64 amending s. 1002.332, F.S.; requiring the commissioner  
 65 to annually review a high-performing charter school  
 66 system's eligibility for high-performing status;  
 67 providing for withdrawal of a charter school system's  
 68 designation as a high-performing charter school  
 69 system; amending s. 1013.62, F.S.; requiring the  
 70 Legislature to annually fund charter schools'  
 71 allocations from the Florida Education Finance  
 72 Program; providing an effective date.

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

75  
 76 Section 1. Paragraph (b) of subsection (5), paragraphs (a),  
 77 (b), and (h) of subsection (6), paragraph (a) of subsection (7),  
 78 paragraphs (a) and (f) of subsection (8), paragraphs (i), (j),  
 79 (k), and (n) of subsection (9), paragraphs (b), (h), and (i) of  
 80 subsection (10), paragraph (h) of subsection (12), paragraph (b)  
 81 of subsection (16), paragraph (c) of subsection (17), paragraphs  
 82 (a) and (c) of subsection (20), paragraph (a) of subsection  
 83 (24), and subsection (27) of section 1002.33, Florida Statutes,  
 84 are amended, paragraph (c) is added to subsection (3), paragraph  
 85 (o) is added to subsection (9), and paragraphs (j) and (k) are  
 86 added to subsection (12), of that section, to read:  
 87 1002.33 Charter schools.—

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88 (3) APPLICATION FOR CHARTER STATUS.—  
 89 (c) Under extraordinary circumstances as specified in  
 90 department rule, the Commissioner of Education may, with the  
 91 approval of the State Board of Education, authorize a school  
 92 district to apply to establish a charter school if the proposed  
 93 charter school will be located in a geographic area that:  
 94 1. Has more than one school district; and  
 95 2. Serves an educationally disadvantaged community.  
 96 (5) SPONSOR; DUTIES.—  
 97 (b) *Sponsor duties.*—  
 98 1.a. The sponsor shall monitor and review the charter  
 99 school in its progress toward the goals established in the  
 100 charter.  
 101 b. The sponsor shall monitor the revenues and expenditures  
 102 of the charter school and perform the duties provided in s.  
 103 1002.345.  
 104 c. The sponsor may approve a charter for a charter school  
 105 before the applicant has identified space, equipment, or  
 106 personnel, if the applicant indicates approval is necessary for  
 107 it to raise working funds.  
 108 d. The sponsor's policies ~~do shall~~ not apply to a charter  
 109 school unless mutually agreed to by both the sponsor and the  
 110 charter school.  
 111 e. The sponsor shall ensure that the charter is innovative  
 112 and consistent with the state education goals established by s.  
 113 1000.03(5).  
 114 f. The sponsor shall ensure that the charter school  
 115 participates in the state's education accountability system. If  
 116 a charter school falls short of performance measures included in

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117 the approved charter, the sponsor shall report such shortcomings  
118 to the Department of Education.

119 g. The sponsor ~~is not shall not be~~ liable for civil damages  
120 under state law for personal injury, property damage, or death  
121 resulting from an act or omission of an officer, employee,  
122 agent, or governing ~~board body~~ of the charter school.

123 h. The sponsor ~~is not shall not be~~ liable for civil damages  
124 under state law for any employment actions taken by an officer,  
125 employee, agent, or governing ~~board body~~ of the charter school.

126 i. The sponsor's duties to monitor the charter school ~~may~~  
127 ~~shall~~ not constitute the basis for a private cause of action.

128 j. The sponsor ~~may shall~~ not impose additional reporting  
129 requirements on a charter school without providing reasonable  
130 and specific justification in writing to the charter school.

131 2. Immunity for the sponsor of a charter school under  
132 subparagraph 1. applies only with respect to acts or omissions  
133 not under the sponsor's direct authority as described in this  
134 section.

135 3. This paragraph does not waive a district school board's  
136 sovereign immunity.

137 4. A Florida College System institution may work with the  
138 school district or school districts in its designated service  
139 area to develop charter schools that offer secondary education.  
140 These charter schools must include an option for students to  
141 receive an associate degree upon high school graduation.  
142 District school boards shall cooperate with and assist the  
143 Florida College System institution on the charter application.  
144 Florida College System institution applications for charter  
145 schools are not subject to the time deadlines outlined in

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146 subsection (6) and may be approved by the district school board  
147 at any time during the year. Florida College System institutions  
148 may not report FTE for any students who receive FTE funding  
149 through the Florida Education Finance Program.

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

152 (a) A person or entity that wants ~~wishing~~ to open a charter  
153 school must:

154 1. Provide one of the following:

155 a. A surety bond or letter of credit equivalent to 1 month  
156 of the new charter school's projected budget;

157 b. Proof of accreditation by the Commission on Schools of  
158 the Southern Association of Colleges and Schools;

159 c. Proof that an educational program at the new charter  
160 school will substantially replicate the educational program at  
161 an existing high-performing charter school as provided in s.  
162 1002.331, notwithstanding that the grades served by the new  
163 charter school may be different from those of the existing high-  
164 performing charter school it seeks to replicate; or

165 d. Proof that the new charter school will be part of an  
166 existing high-performing charter school system as defined in s.  
167 1002.332; and

168 2. ~~shall~~ Prepare and submit an application on ~~the~~ a model  
169 application form prepared by the Department of Education which:  
170 a. ~~1-~~ Demonstrates how the school will use the guiding  
171 principles and meet the statutorily defined purpose of a charter  
172 school.

173 b. ~~2-~~ Provides a detailed curriculum plan that illustrates  
174 how students will be provided services to attain the Sunshine

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175 State Standards.

176 ~~c.3-~~ Contains goals and objectives for improving student  
177 learning and measuring that improvement. These goals and  
178 objectives must indicate how much academic improvement students  
179 are expected to show each year, how success will be evaluated,  
180 and the specific results to be attained through instruction.

181 ~~d.4-~~ Describes the reading curriculum and differentiated  
182 strategies that will be used for students reading at grade level  
183 or higher and a separate curriculum and strategies for students  
184 who are reading below grade level. A sponsor shall deny a  
185 charter if the school does not propose a reading curriculum that  
186 is consistent with effective teaching strategies that are  
187 grounded in scientifically based reading research.

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

194 ~~f.6-~~ Documents that the applicant has participated in the  
195 training required in subparagraph (f)2. A sponsor may require an  
196 applicant to provide additional information as an addendum to  
197 the charter school application described in this paragraph.

198 ~~g.7-~~ For the establishment of a virtual charter school,  
199 documents that the applicant has contracted with a provider of  
200 virtual instruction services pursuant to s. 1002.45(1)(d).

201 (b) A sponsor shall receive and review all applications for  
202 a charter school using the ~~an~~ evaluation instrument developed by  
203 the Department of Education. A sponsor shall receive and

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204 consider charter school applications received on or before  
205 August 1 of each calendar year for charter schools to be opened  
206 at the beginning of the school district's next school year, or  
207 to be opened at a time agreed to by the applicant and the  
208 sponsor. A sponsor may not refuse to receive a charter school  
209 application submitted before August 1 and may receive an  
210 application submitted ~~applications~~ later than August 1 ~~this date~~  
211 ~~if it chooses~~. In order to facilitate greater collaboration in  
212 the application process, an applicant may submit a draft charter  
213 school application on or before May 1. If a draft application is  
214 timely submitted, the sponsor shall review and provide feedback  
215 as to potential grounds for denial within 60 days after receipt  
216 of the draft application. The applicant has until August 1 to  
217 resubmit a revised and final application. A sponsor may not  
218 charge an applicant for a charter any fee for the processing or  
219 consideration of an application, and a sponsor may not base its  
220 consideration or approval of an application upon the promise of  
221 future payment of any kind. Before approving or denying a ~~any~~  
222 final application, the sponsor shall allow the applicant, upon  
223 receipt of written notification, at least 7 calendar days to  
224 make technical or nonsubstantive corrections and clarifications,  
225 including, but not limited to, corrections of grammatical,  
226 typographical, and like errors or missing signatures, if such  
227 errors are identified by the sponsor as cause to deny the  
228 application. A sponsor shall annually and publicly report for  
229 the previous year the number of charter school applications it  
230 received, the number of applications it approved, the number of  
231 charter contracts it entered into, and the number of charter  
232 schools actually opened.

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233 1. In order to facilitate an accurate budget projection  
 234 process, a sponsor ~~is shall be~~ held harmless for FTE students  
 235 who are not included in the FTE projection due to approval of  
 236 charter school applications after the FTE projection deadline.  
 237 In a further effort to facilitate an accurate budget projection,  
 238 within 15 calendar days after receipt of a charter school  
 239 application, a sponsor shall report to the Department of  
 240 Education the name of the applicant entity, the proposed charter  
 241 school location, and its projected FTE.

242 2. In order to ensure fiscal responsibility, an application  
 243 for a charter school must ~~shall~~ include a full accounting of  
 244 expected assets, a projection of expected sources and amounts of  
 245 income, including income derived from projected student  
 246 enrollments and from community support, and an expense  
 247 projection that includes full accounting of the costs of  
 248 operation, including start-up costs.

249 3.a. A sponsor shall, by a majority vote, approve or deny  
 250 an application no later than 60 calendar days after the  
 251 application is received, unless the sponsor and the applicant  
 252 mutually agree in writing to temporarily postpone the vote to a  
 253 specific date, at which time the sponsor shall, by a majority  
 254 vote, approve or deny the application. If the sponsor fails to  
 255 act on the application in the absence of a mutual agreement to  
 256 extend the deadline, an applicant may appeal to the State Board  
 257 of Education as provided in paragraph (c). If an application is  
 258 denied, the sponsor shall, within 10 calendar days after such  
 259 denial, articulate in writing the specific reasons, based upon  
 260 good cause, supporting its denial of the charter application and  
 261 shall provide the letter of denial and supporting documentation

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262 to the applicant and to the Department of Education.

263 b. An application submitted by a high-performing charter  
 264 school identified pursuant to s. 1002.331 may be denied by the  
 265 sponsor only if the sponsor demonstrates by clear and convincing  
 266 evidence that:

267 (I) The application does not materially comply with the  
 268 requirements in paragraph (a);

269 (II) The charter school proposed in the application does  
 270 not materially comply with the requirements in paragraphs  
 271 (9) (a)-(f);

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

275 (IV) The applicant has made a material misrepresentation or  
 276 false statement or concealed an essential or material fact  
 277 during the application process; or

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

281

282 Material noncompliance is a failure to follow requirements or a  
 283 violation of prohibitions applicable to charter school  
 284 applications, which failure is quantitatively or qualitatively  
 285 significant either individually or when aggregated with other  
 286 noncompliance. An applicant is considered to be replicating a  
 287 high-performing charter school if the proposed school is  
 288 substantially similar to at least one of the applicant's high-  
 289 performing charter schools and the organization or individuals  
 290 involved in the establishment and operation of the proposed

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 291 school are significantly involved in the operation of replicated  
 292 schools.

293 c. If the sponsor denies an application submitted by a  
 294 high-performing charter school, the sponsor must, within 10  
 295 calendar days after such denial, state in writing the specific  
 296 reasons, based upon the criteria in sub-subparagraph b.,  
 297 supporting ~~its~~ denial of the application and must provide the  
 298 letter of denial and supporting documentation to the applicant  
 299 and to the Department of Education. The applicant may appeal the  
 300 sponsor's denial of the application ~~directly~~ to the State Board  
 301 of Education pursuant to sub-subparagraph (c)3.b.

302 4. For budget projection purposes, the sponsor shall report  
 303 to the Department of Education the approval or denial of a  
 304 charter application within 10 calendar days after such approval  
 305 or denial. In the event of approval, the report to the  
 306 Department of Education shall include the final projected FTE  
 307 for the approved charter school.

308 5. Upon approval of a charter application, the initial  
 309 startup commences ~~shall commence~~ with the beginning of the  
 310 public school calendar for the district in which the charter is  
 311 granted unless the sponsor allows a waiver of this subparagraph  
 312 for good cause.

313 (h) The terms and conditions for the operation of a charter  
 314 school shall be established ~~set forth~~ by the sponsor and the  
 315 applicant in a written contractual agreement, called a charter.  
 316 The sponsor and the applicant shall use a uniform model  
 317 contractual agreement developed by the Department of Education.  
 318 The sponsor may ~~shall~~ not impose unreasonable rules or  
 319 regulations that violate the intent of giving charter schools

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 320 greater flexibility to meet educational goals. The sponsor has  
 321 ~~shall have~~ 60 days after approval of the application to provide  
 322 an initial proposed charter contract to the charter school. The  
 323 applicant and the sponsor ~~shall~~ have 75 days thereafter to  
 324 negotiate and notice the charter contract for final approval by  
 325 the sponsor unless both parties agree to an extension. The  
 326 proposed charter contract shall be provided to the charter  
 327 school at least 7 calendar days before ~~prior to~~ the date of the  
 328 meeting at which the charter is scheduled to be voted upon by  
 329 the sponsor. The Department of Education shall provide mediation  
 330 services for any dispute regarding this section subsequent to  
 331 the approval of a charter application and for any dispute  
 332 relating to the approved charter, except disputes regarding  
 333 charter school application denials. If the Commissioner of  
 334 Education determines that the dispute cannot be settled through  
 335 mediation, the dispute may be appealed to an administrative law  
 336 judge appointed by the Division of Administrative Hearings. The  
 337 administrative law judge has final-order authority to ~~may~~ rule  
 338 on issues of equitable treatment of the charter school as a  
 339 public school, whether proposed provisions of the charter  
 340 violate the intended flexibility granted charter schools by  
 341 statute, or on any other matter regarding this section except a  
 342 charter school application denial, a charter termination, or a  
 343 charter nonrenewal and shall award the prevailing party  
 344 reasonable attorney ~~attorney's~~ fees and costs incurred to be  
 345 paid by the losing party. The costs of the administrative  
 346 hearing shall be paid by the party whom the administrative law  
 347 judge rules against.

348 (7) CHARTER.—The major issues involving the operation of a

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 349 charter school shall be considered in advance and written into  
 350 the charter. The charter shall be signed by the governing board  
 351 of the charter school and the sponsor, following a public  
 352 hearing to ensure community input.

353 (a) The charter ~~must shall~~ address and criteria for  
 354 approval of the charter ~~must shall~~ be based on:

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

357 2. The focus of the curriculum, the instructional methods  
 358 to be used, any distinctive instructional techniques to be  
 359 employed, and identification and acquisition of appropriate  
 360 technologies needed to improve educational and administrative  
 361 performance, which include a means for promoting safe, ethical,  
 362 and appropriate uses of technology which comply with legal and  
 363 professional standards.

364 a. The charter ~~must shall~~ ensure that reading is a primary  
 365 focus of the curriculum and that resources are provided to  
 366 identify and provide specialized instruction for students who  
 367 are reading below grade level. The curriculum and instructional  
 368 strategies for reading must be consistent with the Sunshine  
 369 State Standards and grounded in scientifically based reading  
 370 research.

371 b. In order to provide students with access to diverse  
 372 instructional delivery models, to facilitate the integration of  
 373 technology within traditional classroom instruction, and to  
 374 provide students with the skills they need to compete in the  
 375 21st century economy, the Legislature encourages instructional  
 376 methods for blended learning courses consisting of both  
 377 traditional classroom and online instructional techniques.

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 378 Charter schools may implement blended learning courses that  
 379 ~~which~~ combine traditional classroom instruction and virtual  
 380 instruction. Students in a blended learning course must be full-  
 381 time students of the charter school ~~and receive the online~~  
 382 ~~instruction in a classroom setting at the charter school.~~  
 383 Instructional personnel certified pursuant to s. 1012.55 who  
 384 provide virtual instruction for blended learning courses may be  
 385 employees of the charter school or may be under contract to  
 386 provide instructional services to charter school students. At a  
 387 minimum, such instructional personnel shall ~~must~~ hold an active  
 388 state or school district adjunct certification under s. 1012.57  
 389 for the subject area of the blended learning course. The funding  
 390 and performance accountability requirements for blended learning  
 391 courses are the same as those for traditional courses. A charter  
 392 school may provide virtual instruction without approval from the  
 393 school district.

394 3. The current incoming baseline standard of student  
 395 academic achievement, the outcomes to be achieved, and the  
 396 method of measurement that will be used. The criteria  
 397 established ~~listed~~ in this subparagraph ~~must shall~~ include a  
 398 detailed description of:

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

401 b. How these baseline rates will be compared to rates of  
 402 academic progress achieved by these same students while  
 403 attending the charter school.

404 c. To the extent possible, how these rates of progress will  
 405 be evaluated and compared with rates of progress of other  
 406 closely comparable student populations.

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407  
408 The district school board is required to provide academic  
409 student performance data to charter schools for each of their  
410 students coming from the district school system, as well as  
411 rates of academic progress of comparable student populations in  
412 the district school system.

413 4. The methods used to identify the educational strengths  
414 and needs of students and how well educational goals and  
415 performance standards are met by students attending the charter  
416 school. The methods must ~~shall~~ provide a means for the charter  
417 school to ensure accountability to its constituents by analyzing  
418 student performance data and by evaluating the effectiveness and  
419 efficiency of its major educational programs. Students in  
420 charter schools shall, at a minimum, participate in the  
421 statewide assessment program created under s. 1008.22.

422 5. In secondary charter schools, a method for determining  
423 that a student has satisfied the requirements for graduation in  
424 s. 1003.428, s. 1003.429, or s. 1003.43.

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

427 7. The admissions procedures and dismissal procedures,  
428 including the school's code of student conduct.

429 8. The ways by which the school will achieve a  
430 racial/ethnic balance reflective of the community it serves or  
431 within the racial/ethnic range of other public schools in the  
432 same school district.

433 9. The financial and administrative management of the  
434 school, including a reasonable demonstration of the professional  
435 experience or competence of those individuals or organizations

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436 applying to operate the charter school or those hired or  
437 retained to perform such professional services and the  
438 description of clearly delineated responsibilities and the  
439 policies and practices needed to effectively manage the charter  
440 school. A description of internal audit procedures and  
441 establishment of controls to ensure that financial resources are  
442 properly managed must be included. Public sector ~~Both public~~  
443 ~~sector and private sector~~ private sector professional experience  
444 are ~~shall be~~ equally valid in such a consideration.

445 10. The asset and liability projections required in the  
446 application which are incorporated into the charter and must  
447 ~~shall~~ be compared with information provided in the annual report  
448 of the charter school.

449 11. A description of procedures that identify various risks  
450 and provide for a comprehensive approach to reduce the impact of  
451 losses; plans to ensure the safety and security of students and  
452 staff; plans to identify, minimize, and protect others from  
453 violent or disruptive student behavior; and the manner in which  
454 the school will be insured, including whether or not the school  
455 will be required to have liability insurance, and, if so, the  
456 terms and conditions thereof and the amounts of coverage.

457 12. The term of the charter, which must ~~shall~~ provide for  
458 termination ~~cancellation~~ of the charter if insufficient progress  
459 has been made in attaining the student achievement objectives of  
460 the charter and if it is not likely that such objectives can be  
461 achieved before expiration of the charter. The initial term of a  
462 charter is ~~shall be~~ for 4 or 5 years. In order to facilitate  
463 access to long-term financial resources for charter school  
464 construction, charter schools that are operated by a

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465 municipality or other public entity as provided by law are  
 466 eligible for up to a 15-year charter, subject to approval by the  
 467 district school board. A charter lab school is eligible for a  
 468 charter for a term of up to 15 years. In addition, to facilitate  
 469 access to long-term financial resources for charter school  
 470 construction, charter schools that are operated by a private,  
 471 not-for-profit, s. 501(c)(3) status corporation are eligible for  
 472 up to a 15-year charter, subject to approval by the district  
 473 school board. Such long-term charters remain subject to annual  
 474 review and may be terminated during the term of the charter, but  
 475 only according to ~~the provisions set forth in~~ subsection (8).

476 13. The facilities to be used and their location. A  
 477 temporary certificate of occupancy suffices for a charter school  
 478 to occupy a new school building at the beginning of a school  
 479 year, and a sponsor may not require that the contract include an  
 480 automatic termination provision if the charter school fails to  
 481 obtain more than a temporary certificate of occupancy within 15  
 482 calendar days before the first day of school.

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

486 15. The governance structure of the school, including the  
 487 status of the charter school as a public or private employer as  
 488 required in paragraph (12)(i).

489 16. A timetable for implementing the charter which  
 490 addresses the implementation of each element thereof and the  
 491 date by which the charter ~~must shall~~ be awarded in order to meet  
 492 this timetable.

493 17. In the case of an existing public school that is being

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494 converted to charter status, alternative arrangements for  
 495 current students who choose not to attend the charter school and  
 496 for current teachers who choose not to teach in the charter  
 497 school after conversion in accordance with the existing  
 498 collective bargaining agreement or district school board rule in  
 499 the absence of a collective bargaining agreement. However,  
 500 alternative arrangements ~~may shall~~ not be required for current  
 501 teachers who choose not to teach in a charter lab school, except  
 502 as authorized by the employment policies of the state university  
 503 which grants the charter to the lab school.

504 18. Full disclosure of the identity of all relatives  
 505 employed by the charter school who are related to the charter  
 506 school owner, president, chairperson of the governing board of  
 507 directors, superintendent, governing board member, principal,  
 508 assistant principal, or any other person employed by the charter  
 509 school who has equivalent decisionmaking authority. For the  
 510 purpose of this subparagraph, the term "relative" means father,  
 511 mother, son, daughter, brother, sister, uncle, aunt, first  
 512 cousin, nephew, niece, husband, wife, father-in-law, mother-in-  
 513 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,  
 514 stepfather, stepmother, stepson, stepdaughter, stepbrother,  
 515 stepsister, half brother, or half sister.

516 19. Implementation of the activities authorized under s.  
 517 1002.331 by the charter school when it satisfies the eligibility  
 518 requirements for a high-performing charter school. A high-  
 519 performing charter school shall notify its sponsor in writing by  
 520 March 1 if it intends to increase enrollment or expand grade  
 521 levels the following school year. The written notice ~~must shall~~  
 522 specify the amount of the enrollment increase and the grade

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523 levels that will be added, as applicable.

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

525 (a) The sponsor shall make student academic achievement for  
 526 all students one of the most important factors in determining  
 527 whether to renew or terminate the charter. The sponsor may also  
 528 choose not to renew or may terminate the charter for any of the  
 529 following grounds:

530 1. Failure to participate in the state's education  
 531 accountability system created in s. 1008.31, as required in this  
 532 section, or failure to meet the requirements for student  
 533 performance stated in the charter.

534 2. Failure to meet generally accepted standards of fiscal  
 535 management.

536 3. Violation of law.

537 4. Other good cause shown.

538 (f) If a charter is not renewed or is terminated, the  
 539 charter school is responsible for all debts of the charter  
 540 school. The district may not assume the debt from any contract  
 541 made between the governing board body of the school and a third  
 542 party, except for a debt that is previously detailed and agreed  
 543 upon in writing by both the district and the governing board  
 544 body of the school and that may not reasonably be assumed to  
 545 have been satisfied by the district.

546 (9) CHARTER SCHOOL REQUIREMENTS.—

547 (i) The governing board body of the charter school shall  
 548 exercise continuing oversight over charter school operations.

549 (j) The governing board body of the charter school is shall  
 550 be responsible for:

551 1. Ensuring that the charter school has retained the

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552 services of a certified public accountant or auditor for the  
 553 annual financial audit, pursuant to s. 1002.345(2), who shall  
 554 submit the report to the governing board body.

555 2. Reviewing and approving the audit report, including  
 556 audit findings and recommendations for the financial recovery  
 557 plan.

558 3.a. Performing the duties in s. 1002.345, including  
 559 monitoring a corrective action plan.

560 b. Monitoring a financial recovery plan in order to ensure  
 561 compliance.

562 4. Participating in governance training approved by the  
 563 department, which must include government in the sunshine,  
 564 conflicts of interest, ethics, and financial responsibility.

565 (k) The governing board body of the charter school shall  
 566 report its progress annually to its sponsor, which shall forward  
 567 the report to the Commissioner of Education at the same time as  
 568 other annual school accountability reports. The Department of  
 569 Education shall develop a uniform, online annual accountability  
 570 report to be completed by charter schools. This report must  
 571 ~~shall~~ be easy to read and understand ~~utilize~~ and contain  
 572 demographic information, student performance data, and financial  
 573 accountability information. A charter school ~~is shall~~ not ~~be~~  
 574 required to provide information and data that are ~~is~~ duplicative  
 575 and already in the possession of the department. The Department  
 576 of Education shall include in its compilation a notation if a  
 577 school failed to file its report by the deadline established by  
 578 the department. The report must shall include at least the  
 579 following components:

580 1. Student achievement performance data, including the

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581 information required for the annual school report and the  
 582 education accountability system governed by ss. 1008.31 and  
 583 1008.345. Charter schools are subject to the same accountability  
 584 requirements as other public schools, including reports of  
 585 student achievement information that links baseline student data  
 586 to the school's performance projections identified in the  
 587 charter. The charter school shall identify reasons for any  
 588 difference between projected and actual student performance.

589 2. Financial status of the charter school which must  
 590 include revenues and expenditures at a level of detail which  
 591 ~~that~~ allows for analysis of the charter school's ability to meet  
 592 financial obligations and timely repayment of debt.

593 3. Documentation of the facilities in current use and any  
 594 planned facilities for use by the charter school for instruction  
 595 of students, administrative functions, or investment purposes.

596 4. Descriptive information about the charter school's  
 597 personnel, including salary and benefit levels of charter school  
 598 employees, the proportion of instructional personnel who hold  
 599 professional or temporary certificates, and the proportion of  
 600 instructional personnel teaching in-field or out-of-field.

601 (n)1. The director and a representative of the governing  
 602 board of a charter school that has earned a grade of "D" or "F"  
 603 pursuant to s. 1008.34(2) shall appear before the sponsor to  
 604 present information concerning each contract component having  
 605 noted deficiencies. The director and a representative of the  
 606 governing board shall submit to the sponsor for approval a  
 607 school improvement plan to raise student achievement. Upon  
 608 approval by the sponsor, the charter school shall begin  
 609 implementation of the school improvement plan. The department

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610 shall offer technical assistance and training to the charter  
 611 school and its governing board and establish guidelines for  
 612 developing, submitting, and approving such plans.

613 2.a. If a charter school earns three consecutive grades of  
 614 "D," two consecutive grades of "D" followed by a grade of "F,"  
 615 or two nonconsecutive grades of "F" within a 3-year period, the  
 616 charter school governing board shall choose one of the following  
 617 corrective actions:

618 (I) Contract for educational services to be provided  
 619 directly to students, instructional personnel, and school  
 620 administrators, as prescribed in state board rule;

621 (II) Contract with an outside entity that has a  
 622 demonstrated record of effectiveness to operate the school;

623 (III) Reorganize the school under a new director or  
 624 principal who is authorized to hire new staff; or

625 (IV) Voluntarily close the charter school.

626 b. The charter school must implement the corrective action  
 627 in the school year following receipt of a third consecutive  
 628 grade of "D," a grade of "F" following two consecutive grades of  
 629 "D," or a second nonconsecutive grade of "F" within a 3-year  
 630 period.

631 c. The sponsor may annually waive a corrective action if it  
 632 determines that the charter school is likely to improve a letter  
 633 grade if additional time is provided to implement the  
 634 intervention and support strategies prescribed by the school  
 635 improvement plan. Notwithstanding this sub-subparagraph, a  
 636 charter school that earns a second consecutive grade of "F" is  
 637 subject to subparagraph 4.

638 d. A charter school is no longer required to implement a

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639 corrective action if it improves by at least one letter grade.  
 640 However, the charter school must continue to implement  
 641 strategies identified in the school improvement plan. The  
 642 sponsor must annually review implementation of the school  
 643 improvement plan to monitor the school's continued improvement  
 644 pursuant to subparagraph 5.

645 e. A charter school implementing a corrective action that  
 646 does not improve by at least one letter grade after 2 full  
 647 school years of implementing the corrective action must select a  
 648 different corrective action. Implementation of the new  
 649 corrective action must begin in the school year following the  
 650 implementation period of the existing corrective action, unless  
 651 the sponsor determines that the charter school is likely to  
 652 improve a letter grade if additional time is provided to  
 653 implement the existing corrective action. Notwithstanding this  
 654 sub-subparagraph, a charter school that earns a second  
 655 consecutive grade of "F" while implementing a corrective action  
 656 is subject to subparagraph 4.

657 3. A charter school with a grade of "D" or "F" that  
 658 improves by at least one letter grade must continue to implement  
 659 the strategies identified in the school improvement plan. The  
 660 sponsor must annually review implementation of the school  
 661 improvement plan to monitor the school's continued improvement  
 662 pursuant to subparagraph 5.

663 4. The sponsor shall terminate a charter if the charter  
 664 school earns two consecutive grades of "F" unless:

665 a. The charter school is established to turn around the  
 666 performance of a district public school pursuant to s.  
 667 1008.33(4)(b)3. Such charter schools are ~~shall be~~ governed by s.

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668 1008.33;

669 b. The charter school serves a student population the  
 670 majority of which resides in a school zone served by a district  
 671 public school that earned a grade of "F" in the year before the  
 672 charter school opened and the charter school earns at least a  
 673 grade of "D" in its third year of operation. The exception  
 674 provided under this sub-subparagraph does not apply to a charter  
 675 school in its fourth year of operation and thereafter; or

676 c. The state board grants the charter school a waiver of  
 677 termination. The charter school must request the waiver within  
 678 15 ~~30~~ days after the department's official release ~~completion~~ of  
 679 school grades ~~grade appeals~~. The state board may waive  
 680 termination if the charter school demonstrates that the learning  
 681 gains of its students on statewide assessments are comparable to  
 682 or better than the learning gains of similarly situated students  
 683 enrolled in nearby district public schools. The waiver is valid  
 684 for 1 year and may only be granted once. Charter schools that  
 685 have been in operation for more than 5 years are not eligible  
 686 for a waiver under this sub-subparagraph.

687 5. 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.

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

700 (o) New members of a governing board of a charter school  
701 shall attend the Florida Charter School Conference. Members of  
702 the governing board of a high-performing charter school are  
703 exempt from this requirement.

704 (10) ELIGIBLE STUDENTS.—

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

711 (h) The capacity of the charter school shall be determined  
712 annually by its ~~the~~ governing board taking into consideration ~~7~~  
713 ~~in conjunction with the sponsor, of the charter school in~~  
714 ~~consideration of~~ the factors identified in this subsection  
715 ~~unless the charter school is designated as a high performing~~  
716 ~~charter school pursuant to s. 1002.331. A sponsor may not~~  
717 ~~require a charter school to waive its right to determine its own~~  
718 ~~student enrollment the provisions of s. 1002.331 or require a~~  
719 ~~student enrollment cap that prohibits a high performing charter~~  
720 ~~school from increasing enrollment in accordance with s.~~  
721 ~~1002.331(2) as a condition of approval or renewal of a charter.~~

722 ~~(i) The capacity of a high performing charter school~~  
723 ~~identified pursuant to s. 1002.331 shall be determined annually~~  
724 ~~by the governing board of the charter school. The governing~~  
725 ~~board shall notify the sponsor of any increase in enrollment by~~

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726 March 1 of the school year preceding the increase. A sponsor may  
727 not require a charter school to identify the names of students  
728 to be enrolled or to enroll them before the start of the school  
729 year as a condition of approval or renewal of a charter.

730 (12) EMPLOYEES OF CHARTER SCHOOLS.—

731 (h) For the purposes of tort liability, the governing board  
732 ~~body~~ and employees of a charter school are ~~shall be~~ governed by  
733 s. 768.28.

734 (j) A charter school employee may not serve on the  
735 governing board of the charter school by which he or she is  
736 employed.

737 (k) A charter school may not enter into a contract with a  
738 charter school employee which extends beyond the term of the  
739 charter contract.

740 (16) EXEMPTION FROM STATUTES.—

741 (b) Additionally, a charter school shall be in compliance  
742 with the following statutes:

743 1. Section 286.011, relating to public meetings and  
744 records, public inspection, and criminal and civil penalties.

745 2. Chapter 119, relating to public records.

746 3. Section 1003.03, relating to the maximum class size,  
747 except that the calculation for compliance pursuant to s.  
748 1003.03 shall be the average at the school level.

749 4. Section 1012.22(1)(c)5.b. ~~1012.22(1)(c)~~, relating to the  
750 implementation of a compensation system that requires annual  
751 salary adjustments for instructional personnel to be based upon  
752 performance and salary schedules.

753 5. Section 1012.33(5), relating to workforce reductions, if  
754 the charter school awards contracts to instructional personnel

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755 and the term of a contract exceeds 1 year. This subparagraph  
 756 does not apply to charter school instructional personnel who are  
 757 at-will employees.

758 6. Section 1012.335, relating to contracts with  
 759 instructional personnel hired on or after July 1, 2011, if the  
 760 charter school awards contracts to instructional personnel and  
 761 the term of a contract exceeds 1 year. This subparagraph does  
 762 not apply to charter school instructional personnel who are at-  
 763 will employees.

764 7. Subsections 1012.34(2), (3), and (7) Section 1012.34,  
 765 relating to the substantive requirements for performance  
 766 evaluations for instructional personnel and school  
 767 administrators.

768 (17) FUNDING.—Students enrolled in a charter school,  
 769 regardless of the sponsorship, shall be funded as if they are in  
 770 a basic program or a special program, the same as students  
 771 enrolled in other public schools in the school district. Funding  
 772 for a charter lab school shall be as provided in s. 1002.32.

773 (c) If the district school board is providing programs or  
 774 services to students funded by federal funds, any eligible  
 775 students enrolled in charter schools in the school district  
 776 shall be provided federal funds for the same level of service  
 777 provided students in the schools operated by the district school  
 778 board. All federal funding that is for the benefit of the  
 779 charter school, the charter school's students, or the charter  
 780 school's students as public school students in the school  
 781 district, including, but not limited to, Title I, Title II, and  
 782 IDEA funds, shall be paid directly to the charter school.

783 Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter

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784 schools shall receive all federal funding for which the school  
 785 is otherwise eligible, including Title I funding, not later than  
 786 5 months after the charter school first opens and within 5  
 787 months after any subsequent expansion of enrollment.

788 (20) SERVICES.—

789 (a)1. A sponsor shall provide certain administrative and  
 790 educational services to charter schools. These services must  
 791 ~~shall~~ include contract management services; full-time equivalent  
 792 and data reporting services; exceptional student education  
 793 administration services; services related to eligibility and  
 794 reporting duties required to ensure that school lunch services  
 795 under the federal lunch program, consistent with the needs of  
 796 the charter school, are provided by the school district at the  
 797 request of the charter school, that any funds due to the charter  
 798 school under the federal lunch program are ~~be~~ paid to the  
 799 charter school as soon as the charter school begins serving food  
 800 under the federal lunch program, and that the charter school is  
 801 paid at the same time and in the same manner under the federal  
 802 lunch program as other public schools serviced by the sponsor or  
 803 the school district; test administration services, including  
 804 payment of the costs of state-required or district-required  
 805 student assessments; processing of teacher certificate data  
 806 services; and information services, including equal access to  
 807 electronic student information systems that are used by public  
 808 schools in the district in which the charter school is located  
 809 and contain all data that the charter school is required to  
 810 report to the school district. Student performance data for each  
 811 student in a charter school, including, but not limited to, FCAT  
 812 scores, standardized test scores, previous public school student

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813 report cards, and student performance measures, shall be  
814 provided by the sponsor to a charter school in the same manner  
815 provided to other public schools in the district.

816 2. A total administrative fee for the provision of such  
817 services shall be calculated based upon up to 5 percent of the  
818 available funds defined in paragraph (17) (b) for all students,  
819 except that when 75 percent or more of the students enrolled in  
820 the charter school are exceptional students as defined in s.  
821 1003.01(3), the 5 percent of those available funds shall be  
822 calculated based on unweighted full-time equivalent students.  
823 However, a sponsor may only withhold up to a 5-percent  
824 administrative fee for enrollment for up to and including 250  
825 students. For charter schools with a population of 251 or more  
826 students, the difference between the total administrative fee  
827 calculation and the amount of the administrative fee withheld  
828 may only be used for capital outlay purposes specified in s.  
829 1013.62(2).

830 3. For high-performing charter schools, as defined in ch.  
831 2011-232, a sponsor may withhold a total administrative fee of  
832 up to 2 percent for enrollment up to and including 250 students  
833 per school.

834 4. In addition, a sponsor may withhold only up to a 5-  
835 percent administrative fee for enrollment for up to and  
836 including 500 students within a system of charter schools which  
837 meets all of the following:

- 838 a. Includes both conversion charter schools and
- 839 nonconversion charter schools;
- 840 b. Has all schools located in the same county;
- 841 c. Has a total enrollment exceeding the total enrollment of

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842 at least one school district in the state;

843 d. Has the same governing board; and

844 e. Does not contract with a for-profit service provider for  
845 management of school operations.

846 5. The difference between the total administrative fee  
847 calculation and the amount of the administrative fee withheld  
848 pursuant to subparagraph 4. may be used for instructional and  
849 administrative purposes as well as for capital outlay purposes  
850 specified in s. 1013.62(2).

851 6. For a high-performing charter school system that also  
852 meets the requirements in subparagraph 4., a sponsor may  
853 withhold a 2-percent administrative fee for enrollments up to  
854 and including 500 students per system.

855 7. Sponsors may ~~shall~~ not charge charter schools any  
856 additional fees or surcharges for administrative and educational  
857 services in addition to the maximum 5-percent administrative fee  
858 withheld pursuant to this paragraph.

859 8. The sponsor of a virtual charter school may withhold a  
860 fee of up to 5 percent. The funds shall be used to cover the  
861 cost of services provided under subparagraph 1. and for the  
862 school district's local instructional improvement system  
863 pursuant to s. 1006.281 or other technological tools that are  
864 required to access electronic and digital instructional  
865 materials.

866 (c) Transportation of charter school students shall be  
867 provided by the charter school consistent with the requirements  
868 of subpart I.E. of chapter 1006 and s. 1012.45. The governing  
869 board ~~body~~ of the charter school may provide transportation  
870 through an agreement or contract with the district school board,

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 871 a private provider, or parents. The charter school and the  
 872 sponsor shall cooperate in making arrangements that ensure that  
 873 transportation is not a barrier to equal access for all students  
 874 residing within a reasonable distance of the charter school as  
 875 determined in its charter.

876 (24) RESTRICTION ON EMPLOYMENT OF RELATIVES.—

877 (a) This subsection applies to charter school personnel in  
 878 a charter school operated by a private entity. As used in this  
 879 subsection, the term:

880 1. "Charter school personnel" means a charter school owner,  
 881 president, chairperson of the governing board of directors,  
 882 superintendent, governing board member, principal, assistant  
 883 principal, or any other person employed by the charter school  
 884 who has equivalent decisionmaking authority and in whom is  
 885 vested the authority, or to whom the authority has been  
 886 delegated, to appoint, employ, promote, or advance individuals  
 887 or to recommend individuals for appointment, employment,  
 888 promotion, or advancement in connection with employment in a  
 889 charter school, including the authority as a member of a  
 890 governing board body of a charter school to vote on the  
 891 appointment, employment, promotion, or advancement of  
 892 individuals.

893 2. "Relative" means father, mother, son, daughter, brother,  
 894 sister, uncle, aunt, first cousin, nephew, niece, husband, wife,  
 895 father-in-law, mother-in-law, son-in-law, daughter-in-law,  
 896 brother-in-law, sister-in-law, stepfather, stepmother, stepson,  
 897 stepdaughter, stepbrother, stepsister, half brother, or half  
 898 sister.  
 899

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 900 Charter school personnel in schools operated by a municipality  
 901 or other public entity are subject to s. 112.3135.

902 (27) RULEMAKING.—The Department of Education, after  
 903 consultation with school districts and charter school directors,  
 904 shall recommend that the State Board of Education adopt rules to  
 905 implement specific subsections of this section. Such rules must  
 906 ~~shall~~ require minimum paperwork and may ~~shall~~ not limit charter  
 907 school flexibility authorized by statute. Only the State Board  
 908 of Education may ~~shall~~ adopt rules, pursuant to this section and  
 909 ss. 120.536(1) and 120.54, to implement a charter model  
 910 application form, evaluation instrument, and charter and charter  
 911 renewal contracts ~~formats~~ in accordance with this section.  
 912 School districts may not regulate or adopt rules to add to,  
 913 interpret, or change the provisions of this section, or to  
 914 insert provisions into a charter contract which are not found in  
 915 this section.

916 Section 2. Subsections (1), (2), (4), and (5) of section  
 917 1002.331, Florida Statutes, are amended, to read:

918 1002.331 High-performing charter schools.—

919 (1) A charter school is a high-performing charter school if  
 920 it:

921 (a) Received at least two school grades of "A" and no  
 922 school grade below "B," pursuant to s. 1008.34, during each of  
 923 the previous 3 school years.

924 (b) Received an unqualified opinion on each annual  
 925 financial audit required under s. 218.39 in the most recent 3  
 926 fiscal years for which such audits are available.

927 (c) Did not receive a financial audit that revealed one or  
 928 more of the financial emergency conditions set forth in s.

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 929 218.503(1) in the most recent 3 fiscal years for which such  
 930 audits are available. However, this requirement is deemed met  
 931 for a charter school-in-the-workplace if there is a finding in  
 932 an audit that the school has the monetary resources available to  
 933 cover any reported deficiency or that the deficiency does not  
 934 result in a deteriorating financial condition pursuant to s.  
 935 1002.345(1)(a)3.

936  
 937 A virtual charter school established under s. 1002.33 is ~~not~~  
 938 eligible for designation as a high-performing charter school.

939 (2) A high-performing charter school is authorized to:

940 (a) Increase or decrease its student capacity ~~enrollment~~  
 941 once per school year by up to 15 percent more or less than the  
 942 capacity identified in the charter.

943 (b) Expand grade levels within kindergarten through grade  
 944 12 to add grade levels not already served if any annual  
 945 enrollment increase resulting from grade level expansion is  
 946 within the limit established in paragraph (a).

947 (c) Submit a quarterly, rather than a monthly, financial  
 948 statement to the sponsor pursuant to s. 1002.33(9)(g).

949 (d) Consolidate under a single charter the charters of  
 950 multiple high-performing charter schools operated in the same  
 951 school district by the charter schools' governing board  
 952 regardless of the renewal cycle. If the sponsor fails to act on  
 953 the application within 60 days after receipt, the application to  
 954 consolidate the charters is deemed approved. If the sponsor  
 955 denies the application, the high-performing charter school may  
 956 appeal the denial pursuant to s. 1002.33(6).

957 (e) Receive a modification of its charter to a term of 15

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 958 years or a 15-year charter renewal. The charter may be modified  
 959 or renewed for a shorter term at the option of the high-  
 960 performing charter school. The charter must be consistent with  
 961 s. 1002.33(7)(a)19. and (10)(h) and (i), is subject to annual  
 962 review by the sponsor, and may be terminated during its term  
 963 pursuant to s. 1002.33(8).  
 964

965 A high-performing charter school shall notify its sponsor in  
 966 writing by March 1 if it intends to increase enrollment or  
 967 expand grade levels the following school year. The written  
 968 notice shall specify the amount of the enrollment increase and  
 969 the grade levels that will be added, as applicable.

970 (4) A high-performing charter school may not increase  
 971 enrollment or expand grade levels following a any school year in  
 972 which it receives a school grade of "C" or below. If the charter  
 973 school receives a school grade of "C" or below in any 2 years  
 974 during the term of the charter awarded under subsection (2), the  
 975 term of the charter may be modified by the sponsor ~~and the~~  
 976 ~~charter school loses its high performing charter school status~~  
 977 ~~until it regains that status under subsection (1).~~

978 (5) The Commissioner of Education, upon request by a  
 979 charter school, shall verify that the charter school meets the  
 980 criteria in subsection (1) and provide a letter to the charter  
 981 school and the sponsor stating that the charter school is a  
 982 high-performing charter school pursuant to this section. A high-  
 983 performing charter school may not be stripped of its designation  
 984 as a high-performing charter school unless the commissioner  
 985 determines that the charter school no longer meets the criteria  
 986 specified in subsection (1), at which time the commissioner

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987 shall send a letter providing notification of the withdrawal of  
988 its designation as a high-performing charter school.

989 Section 3. Subsection (2) of section 1002.332, Florida  
990 Statutes, is amended to read:

991 1002.332 High-performing charter school system.—

992 (2) (a) The Commissioner of Education, upon request by an  
993 entity, shall annually verify that the entity meets the criteria  
994 in subsection (1) for the previous ~~prior~~ school year and provide  
995 a letter to the entity stating that it is a high-performing  
996 charter school system. A charter school system that achieved  
997 high-performing status the previous school year does not lose  
998 its high-performing status simply by virtue of adding new  
999 schools. However, if one of its new schools receives a grade of  
1000 "C" or lower in its first 3 years in existence, that grade may  
1001 be counted in determining whether the charter school system  
1002 maintains its high-performing status.

1003 (b) A high-performing charter school system may replicate  
1004 its high-performing charter schools pursuant to s. 1002.331(3).

1005 Section 4. Paragraph (c) of subsection (1) of section  
1006 1013.62, Florida Statutes, is amended to read:

1007 1013.62 Charter schools capital outlay funding.—

1008 (1) In each year in which funds are appropriated for  
1009 charter school capital outlay purposes, the Commissioner of  
1010 Education shall allocate the funds among eligible charter  
1011 schools.

1012 (c) A charter school's allocation may not exceed one-  
1013 fifteenth of the cost per student station specified in s.  
1014 1013.64(6) (b), and the Legislature shall annually fund the full  
1015 one-fifteenth amount from the Florida Education Finance Program

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1016 as provided in s. 1011.62. Before releasing capital outlay funds  
1017 to a school district on behalf of the charter school, the  
1018 Department of Education must ensure that the district school  
1019 board and the charter school governing board enter into a  
1020 written agreement that provides for the reversion of ~~any~~  
1021 unencumbered funds and all equipment and property purchased with  
1022 public education funds to the ownership of the district school  
1023 board, as provided for in subsection (3) if the school  
1024 terminates operations. ~~Any~~ Funds recovered by the state shall be  
1025 deposited in the General Revenue Fund.

1026 Section 5. This act shall take effect July 1, 2013.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Agriculture, *Vice Chair*  
Appropriations Subcommittee on Education  
Appropriations Subcommittee on General  
Government  
Education  
Environmental Preservation and Conservation  
Military Affairs, Space, and Domestic Security

### JOINT COMMITTEE:

Joint Administrative Procedures Committee

### SENATOR DWIGHT BULLARD

39th District

March 18, 2013

Chairman Legg,

I am requesting to be excused from our Education Committee Meeting on Monday, March 18, 2013 at 3:30 pm.

Due to the passing of my mother, Senator Larcenia Bullard, I will be out this week tending to family matters.

Sincerely,

*Dwight M. Bullard*

State Senator, District 39

#### REPLY TO:

- 10720 Caribbean Boulevard, #435, Cutler Bay, Florida 33189
- 218 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

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

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

**2013 SENATE CHARTER SCHOOL ACCOUNTABILITY BILL**

Topic	Current Law	Options
<b>I. Financial Accountability</b>		
<b>Application/ Contract</b>	<p>Application requires:</p> <ul style="list-style-type: none"> <li>• Five year financial plan, which contains anticipated fund balances, spending plan, and controls to safeguard finances;</li> <li>• Full accounting of expected assets; and</li> <li>• Projected expected resources, income, and expenses.</li> </ul>	<p><b>Strength and Proficiency</b></p> <ul style="list-style-type: none"> <li>• Governing board under a deteriorating financial condition, financial recovery plan (FRP) or corrective action plan (CAP) not eligible to apply.</li> <li>• Financial plan demonstrates applicant is capable of opening and operating a charter school;</li> <li>• Application includes:               <ul style="list-style-type: none"> <li>○ Surety bond or letter of credit equivalent to 1% of the monthly projected budget;</li> <li>○ Southern Association of Colleges and Schools (SACS) accreditation, or</li> <li>○ Substantial replication of a high performing charter school (HPCS) or part of a high performing charter school system (HPCSS).</li> </ul> </li> </ul>
<b>Operations</b>	<p>Charter schools are required to provide:</p> <ul style="list-style-type: none"> <li>• Annual financial and program cost report information;</li> <li>• Monthly financial statement;</li> <li>• Annual progress report;</li> <li>• Annual financial audit; and</li> <li>• Annual online accountability report.</li> </ul>	<p><b>Report Financial Information</b></p> <ul style="list-style-type: none"> <li>• Uniform annual performance audit report that links information with usable issues. Detailed reporting of financial operations, capitalization, solvency, financial management, and compensation. Identifies report grade or percent compliant.</li> <li>• Monthly financial statement summary sheet at a categorical level that is short and easy to understand.</li> </ul>
	<ul style="list-style-type: none"> <li>• Charter school personnel may not hire or promote a relative working under such personnel.</li> <li>• Person may not be hired or promoted if the hiring:               <ul style="list-style-type: none"> <li>○ Has been advocated by charter school personnel who serve in or exercise jurisdiction over the charter school and who is a relative of the individual; or</li> <li>○ Is made by the governing board on which a member is a relative.</li> </ul> </li> </ul>	<p><b>Service Contracts</b></p> <ul style="list-style-type: none"> <li>• Employee, educational service provider, and management organization contracts must not extend beyond charter term.</li> <li>• Contracts immediately terminate whenever school closes.</li> <li>• Member of a charter school board (or spouse of employee) may not be an employee of the charter school, educational service provider, or management organization.</li> </ul>
	<ul style="list-style-type: none"> <li>• A charter may be modified upon both parties approval.</li> </ul>	<p><b>Consolidation</b></p> <ul style="list-style-type: none"> <li>• May consolidate multiple charters into one charter, if under same governing board and on same campus.</li> </ul>

	<ul style="list-style-type: none"> <li>• Charter schools receive federal funds within 5 months after opening or expansion of enrollment.</li> <li>• Payment made within 10 business days after district receives federal funds, or interest accrues.</li> </ul>	<p><b>Federal Funds</b></p> <ul style="list-style-type: none"> <li>• Charter school must submit a plan to sponsor before receiving funds.</li> <li>• Sponsor has 30 days to reimburse.</li> </ul>
<p><b>Consequences</b></p>	<ul style="list-style-type: none"> <li>• School dissolved under the provisions of law under which it is organized.</li> <li>• Unencumbered public funds revert to the sponsor.</li> <li>• Capital outlay funds and federal charter school funds revert to DOE.</li> </ul>	<p><b>Limit Expenditures</b></p> <ul style="list-style-type: none"> <li>• Closed charter school expenses capped at \$10,000 unless: <ul style="list-style-type: none"> <li>○ Sponsor approves in writing;</li> <li>○ The expenditure was previously approved by sponsor per charter agreement; or</li> <li>○ The expenditure is for reasonable attorney fees and costs during any appeal.</li> </ul> </li> </ul>

**II. Performance Accountability**

<b>Application/ Contract</b>	<ul style="list-style-type: none"> <li>• Applicant has 7 days to make non-substantive corrections if identified as cause to deny the application.</li> <li>• Sponsor must receive and consider charter school applications received on or before August 1.</li> </ul>	<p><b>Review Drafts And Early Submissions</b></p> <ul style="list-style-type: none"> <li>• Applicant may submit a draft application by May 1. Sponsor shall provide feedback by July 1/within 60 days.</li> <li>• Sponsor prohibited from refusing to accept applications before August 1.</li> </ul>
	<ul style="list-style-type: none"> <li>• Sponsor has 60 days to provide proposed charter.</li> <li>• Parties have 75 days to negotiate.</li> </ul>	<p><b>Draft Contract and Negotiation Deadlines</b></p> <ul style="list-style-type: none"> <li>• Sponsor has 30 days to provide proposed charter.</li> <li>• Parties have 40 days to negotiate.</li> </ul>
	<ul style="list-style-type: none"> <li>• The sponsor’s policies shall not apply unless mutually agreed.</li> <li>• A charter may be modified upon approval of both parties.</li> </ul>	<p><b>Sponsor Policies</b></p> <ul style="list-style-type: none"> <li>• All applicable sponsor policies must be identified in contract.</li> <li>• Subsequent changes to policies not applicable until the charter is amended.</li> </ul>
	<ul style="list-style-type: none"> <li>• DOE provides a standard charter format.</li> <li>• A charter may be modified upon approval of both parties.</li> </ul>	<p><b>Standard Contract</b></p> <ul style="list-style-type: none"> <li>• DOE provides a standard charter contract.</li> <li>• Unless the applicant requests sponsor use a nonstandard charter contract, the standard contact terms cannot be amend.</li> </ul>

<b>Operations</b>	<ul style="list-style-type: none"> <li>• Charter shall address, and criteria for approval of the charter, shall be based on the facilities to be used and their location.</li> </ul>	<p><b>Permitting</b></p> <ul style="list-style-type: none"> <li>• Prohibits sponsor from requiring a certificate of occupancy more than 15 days before school starts.</li> <li>• Allows school districts to enter into interlocal agreements to inspect and issue permits or licenses to charter schools.</li> </ul>
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	<p>A charter school shall be in compliance with:</p> <ul style="list-style-type: none"> <li>• Compensation and salary schedules;</li> <li>• Contracts with instructional staff relating to workforce reductions;</li> <li>• Contracts with instructional personnel relating to contracts with instructional personnel hired on or after July 1, 2011; and</li> <li>• Requirements for performance evaluations for instructional personnel and school administrators.</li> </ul>	<p><b>Clarification of Exemption</b></p> <p>A charter school shall be in compliance with:</p> <ul style="list-style-type: none"> <li>• Compensation system that requires annual salary adjustments for instructional personnel to be based upon performance;</li> <li>• Contracts with instructional staff relating to workforce reductions, if the charter school awards contracts to instructional personnel and the term of a contract exceeds 1 year;</li> <li>• Contracts with instructional personnel hired on or after July 1, 2011, if the charter school awards contracts to instructional personnel and the term of a contract exceeds 1 year; and</li> </ul>
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		<ul style="list-style-type: none"> <li>Evaluation system requirements, evaluation procedures and criteria, and measurement of student learning growth, for instructional personnel and school administrators. Duties assigned to a district school superintendent apply to a charter school principal, and duties assigned to a district school board apply to a charter school's governing board.</li> </ul>
	<ul style="list-style-type: none"> <li>Sponsor may choose not to renew or terminate the charter for failure to meet student performance requirements.</li> </ul>	<p><b>Federal Charter School Program Grant Requirement</b></p> <ul style="list-style-type: none"> <li>Student academic achievement for all students is one of the most important factors in determining whether to renew or terminate a charter.</li> </ul>
	<ul style="list-style-type: none"> <li>Charter school provides on its Internet website, and to the public and parents: <ul style="list-style-type: none"> <li>Student assessment data;</li> <li>Student performance data in traditional public school in district and other charter schools in state; and</li> <li>Other information related to school performance through links or actual content.</li> </ul> </li> </ul>	<p><b>Report Operational Information</b></p> <ul style="list-style-type: none"> <li>Charter school provides information on its Internet website, public, parents, DOE and Legislature regarding: <ul style="list-style-type: none"> <li>School;</li> <li>Personnel;</li> <li>Programs;</li> <li>Links to entity that owns, operates, or manages the school;</li> <li>Fees the school pays the entity; and</li> <li>Names of governing officers and administrative personnel.</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>Equal chance of admission via random selection process.</li> </ul>	<p><b>Selection Process</b></p> <ul style="list-style-type: none"> <li>Student random selection process is open to public and subject to validation by sponsor.</li> </ul>
<p><b>Consequences</b></p>	<ul style="list-style-type: none"> <li>If a charter school earns DDD, DDF, or 2 Fs in 3 years, charter school governing board must choose corrective action.</li> <li>Charter may be cancelled if insufficient progress made in attaining the student achievement objectives.</li> </ul>	<p><b>Sponsor Oversight</b></p> <ul style="list-style-type: none"> <li>Sponsor consent before charter school chooses corrective action.</li> <li>Charter school may be immediately terminated if school does not provide a quality education (student health, safety and welfare).</li> </ul>

III. Other		
Facilities	<ul style="list-style-type: none"> <li>School district property that is surplus, marked for disposal, or otherwise unused, provided for a charter school's use on the same basis as it is made available to other public schools.</li> </ul>	<p><b>Use Of District Property</b></p> <ul style="list-style-type: none"> <li>District property available if the facility was a public school in the prior year. Charter school must target students previously assigned to that public school;</li> <li>Rent: no cost; and/or</li> <li>Maintenance: charter school pays to maintain and to bring up to code.</li> </ul>
	<ul style="list-style-type: none"> <li>Charter school allocation may not exceed 1/15 cost per student station;</li> <li>School district may include charter schools within 1.5 millage.</li> </ul>	<p><b>Funding</b></p> <ul style="list-style-type: none"> <li>Add funding full 1/15 from annual FEP allocation; or</li> <li>Require local millage.</li> </ul>
Florida College System Charter Schools	<ul style="list-style-type: none"> <li>Florida College System (FCS) institution may work with the school district(s) in designated service area to develop charter schools that offer secondary education.</li> </ul>	<p><b>K-8 Blended Learning</b></p> <ul style="list-style-type: none"> <li>FCS institution that operates an approved teacher prep program may operate no more than one charter school that also offers elementary education.</li> <li>Elementary education must implement innovative blended learning instructional models, in part through online delivery of content and instruction.</li> </ul>
High Performing Charter Schools and Systems	<ul style="list-style-type: none"> <li>May consolidate multiple high performing charter schools (HPCS) operated in the same school district by the governing board in one charter, regardless of renewal cycle.</li> </ul>	<p><b>Consolidation Deadlines</b></p> <ul style="list-style-type: none"> <li>Sponsor shall provide an initial draft charter to the charter school within 40 days.</li> <li>Parties have 50 days to negotiate.</li> </ul>
	<ul style="list-style-type: none"> <li>HPCS and high performing charter school systems (HPCSS) -- Upon request of charter school, Commissioner must verify that the charter school meets HP criteria and must provide a letter confirming HP status.</li> </ul>	<p><b>Annual Review/Clarification</b></p> <ul style="list-style-type: none"> <li>Commissioner annually determines whether HPCS &amp; HPCSS meet eligibility criteria.</li> </ul>
	<ul style="list-style-type: none"> <li>In HP eligibility criteria, the term "operates" is used without identifying any time period.</li> </ul>	<p><b>Maintain Status</b></p> <ul style="list-style-type: none"> <li>Eligibility requirements for operating HPCS and no financial emergencies are for previous 3 school years.</li> <li>School with a grade of "C" or lower in its first 3 years counts toward ability to maintain status.</li> </ul>

	<p>Criteria for a capital outlay funding allocation includes:</p> <ul style="list-style-type: none"><li>• Operating 3+ years;</li><li>• Governing board in the state for 3+ years and operates charter schools and conversion charter schools;</li><li>• Expanded feeder chain of charter school within the same district that is currently receiving charter school capital outlay funds;</li><li>• Accredited by Southern Association of Colleges and Schools (SACS); or</li><li>• Serve students in facilities that are provided by a business partner for a charter school in the workplace.</li></ul>	<p><b>Accreditation</b></p> <ul style="list-style-type: none"><li>• Remove SACS accreditation option.</li></ul>
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**2013 SENATE INNOVATIVE DISTRICT SCHOOL BILL**

Topic	Current Law -- s. 1003.621, F.S. Academically High-Performing School District	District Innovation Options
<b>Purpose</b>	<ul style="list-style-type: none"> <li>• Provide high-performing school districts with flexibility in meeting the specific requirements in statute and State Board of Education (SBE) rules.</li> </ul>	<p><b>Bring Innovation to Districts</b></p> <ul style="list-style-type: none"> <li>• Provide charter school-type flexibility;</li> <li>• Utilize successful innovation techniques, and</li> <li>• Allow participating schools to become incubators of innovation.</li> </ul>
<b>Goals</b>	<ul style="list-style-type: none"> <li>• Recognize and reward school districts that consistently maintain or improve high-performing status.</li> </ul>	<p><b>Expand Student Choice and Achievement</b></p> <ul style="list-style-type: none"> <li>• Recognize and reward districts that provide students a broad range of choice.</li> <li>• Expand choice programs to meet local employment needs; and</li> <li>• Improve student achievement through:               <ul style="list-style-type: none"> <li>○ Competency-based learning and assessment;</li> <li>○ Multiple modes of personalized learning;</li> <li>○ Public-private partnerships; and</li> <li>○ Integrating technology into instruction, assessment, career, and postsecondary development.</li> </ul> </li> </ul>
<b>Eligibility Criteria</b>	<ul style="list-style-type: none"> <li>• District earns a grade of A for 2 consecutive years;</li> <li>• No F schools;</li> <li>• Complies with all class size requirements; and</li> <li>• No material weaknesses or instances of material noncompliance noted in the annual financial audit.</li> </ul>	<p><b>Identify Parameters</b></p> <ul style="list-style-type: none"> <li>• Districts may identify school(s) or SBE approves a pilot project of districts/schools;</li> <li>• History of favorable school or district grades;</li> <li>• Favorable percentage of student enrollment in choice;</li> <li>• Comply with class size requirements; and</li> <li>• No material weakness or instances of material noncompliance noted in the annual financial audit.</li> </ul>

<p><b>Who Grants Status</b></p>	<ul style="list-style-type: none"> <li>• State Board of Education</li> </ul>	<p><b>Oversight</b></p> <ul style="list-style-type: none"> <li>• School District, State Board of Education, or Commissioner.</li> </ul>
<p><b>Term</b></p>	<ul style="list-style-type: none"> <li>• Remains in effect for 3 years, may be renewed.</li> <li>• District grade of F means district has to re-qualify; and</li> <li>• To maintain, district must: <ul style="list-style-type: none"> <li>○ Earn A for 2 years within 3 year period;</li> <li>○ Comply with class size requirements; and</li> <li>○ Have no material weaknesses or noncompliance in the annual financial audit.</li> </ul> </li> </ul>	<p><b>Demonstrate Progress</b></p> <ul style="list-style-type: none"> <li>• 5 years, with the ability to renew;</li> <li>• Options for planning/implementation: <ul style="list-style-type: none"> <li>○ Year 1 is for planning;</li> <li>○ Year 2 is for partial or full implementation; and</li> <li>○ Year 3 is full implementation; and</li> </ul> </li> <li>• Criteria to maintain status; <ul style="list-style-type: none"> <li>○ School/District Grade;</li> <li>○ Comply with class size; and</li> <li>○ No material weakness in annual financial audit.</li> </ul> </li> </ul>
<p><b>Benefits</b></p>	<p>Exempt from Education Code (Ch. 1000-1013, F.S.) which pertains to school districts and SBE rules, except for provision related to:</p> <ul style="list-style-type: none"> <li>• Students with disabilities;</li> <li>• Civil rights;</li> <li>• Student health, safety, and welfare;</li> <li>• Election or compensation of board members;</li> <li>• Student assessment program and school grading system;</li> <li>• Financial matters;</li> <li>• Planning and budgeting;</li> <li>• Personnel compensation and salary schedules, evaluation, contracts;</li> <li>• Educational facilities; and</li> <li>• Instructional Materials.</li> </ul> <p>Other benefits:</p> <ul style="list-style-type: none"> <li>• Annual report includes evidence of eligibility compliance, and a description and status of each waiver.</li> </ul>	<p><b>Flexibility</b></p> <p>Exempt from Education Code which pertains to school districts and SBE rules, except for provisions related to:</p> <ul style="list-style-type: none"> <li>• Students with disabilities;</li> <li>• Civil rights;</li> <li>• Student health, safety, and welfare;</li> <li>• Election or compensation of board members, and election or appointment of superintendents;</li> <li>• Student assessment programs and school grading systems; and</li> <li>• Personnel compensation and salary schedules, evaluation, contracts.</li> </ul> <p>Other benefits:</p> <ul style="list-style-type: none"> <li>• Exempt from ad valorem taxes when leasing facilities;</li> <li>• Able to operate a virtual school;</li> <li>• Teachers may use different methods for performance based evaluation;</li> <li>• Autonomy for budget, staffing, governance, curriculum, assessment and school calendar; and</li> <li>• Annual report includes a description and status of each waiver, strategies used, and results of student performance evaluations and district operational efficiency programs.</li> </ul>

# CourtSmart Tag Report

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

**Case:**  
**Judge:**

**Type:**

**Started:** 3/18/2013 3:37:09 PM

**Ends:** 3/18/2013 5:55:12 PM

**Length:** 02:18:04

3:37:12 PM Meeting called to order  
3:37:20 PM Roll Call  
3:37:49 PM Opening comments by Senator Montford  
3:38:12 PM SB 1108 - Senator Gardiner  
3:41:20 PM Senator Gardiner turns it over to Senator Thrasher  
3:43:16 PM Amendment #269176 by Senator Simmons  
3:43:38 PM Amendment - Adopted  
3:44:52 PM Mariah Harris – 6<sup>th</sup> grade student with down syndrome, SB 1108  
3:48:04 PM Nancy Linley-Harris – ESE Reform Taskforce S. Florida, SB 1108  
3:54:06 PM Patricia Taime – ESE Reform Taskforce S. Florida, SB 1108  
4:00:13 PM Jeanette Ramos – ESE Reform Taskforce S. Florida, SB 1108  
4:02:49 PM Tina Quant – ESE Reform Taskforce S. Florida, SB 1108  
4:06:08 PM Senator Gardiner to close the bill  
4:07:11 PM SB 1108 - Passes  
4:07:45 PM SB 916 - Senator Flores  
4:08:01 PM Patricia Flor, Legislative Assistant to present the bill  
4:08:38 PM SB 916 - Passes  
4:09:19 PM SB 980 - Senator Flores  
4:09:30 PM Proposed Committee Substitute #551028  
4:10:18 PM Senator Flores to close the bill  
4:10:52 PM SB 980 - Passes  
4:11:13 PM SB 1276 - Senator Montford  
4:13:06 PM Amendment #823060 by Senator Montford  
4:13:27 PM Amendment - Adopted  
4:14:03 PM Senator Montford to close the bill  
4:14:20 PM CS/SB 1276 - Passes  
4:14:36 PM SB 950 - Senator Braynon  
4:16:32 PM Late-Filed Amendment # 551028 by Senator Bullard  
4:17:00 PM Senator Sachs to explain the Amendment  
4:17:42 PM Amendment - Adopted  
4:18:35 PM Paul Henry - History with law enforcement  
4:22:30 PM Katie Luebker – FL Stop Arm Safety Coalition  
4:23:55 PM Senator Montford commenting  
4:26:17 PM Senator Stargel commenting  
4:27:35 PM Senator Sachs commenting  
4:29:21 PM Senator Legg commenting  
4:31:52 PM Senator Braynon to close the bill  
4:32:01 PM Bill as committee substitute  
4:32:14 PM CS/SB 950 - Passes  
4:32:32 PM SB 226 - Senator Ring  
4:32:46 PM Stephanie Giolletti, Legislative Assistant to present the bill  
4:33:22 PM Amendment #847706 - Senator Legg  
4:33:43 PM Senator Sachs commenting  
4:35:40 PM Senator Stargel questioning  
4:36:30 PM Senator Brandes questioning  
4:37:57 PM SB 226 - Temporarily Postponed (TP)  
4:38:31 PM SB 150 - Senator Altman  
4:38:40 PM Selene Bruns, Legislative Assistant to present the bill  
4:38:55 PM Amendment # 350720  
4:39:07 PM Amendment - Adopted  
4:39:32 PM Dr. Jeanne Prickett - Florida School of the Deaf and Blind  
4:42:45 PM CS/SB 150 - Passes

4:43:33 PM Confirmation Hearings  
4:44:31 PM Confirmation Hearings – Reported Favorably  
4:44:47 PM SB 1630 - Senator Legg  
4:46:11 PM Senator Legg to close the bill  
4:46:43 PM SB 1630 - Passes  
4:47:07 PM SB 1664 - Senator Legg  
4:47:54 PM Proposed Committee Substitute #626992 by Senator Legg  
4:48:43 PM Senator Legg to close the bill  
4:49:43 PM CS/SB 1664 - Passes  
4:52:45 PM Senator Legg to start the workshop bills  
4:53:36 PM Public Testimony begins  
4:53:54 PM Chuck Shaw - Palm Beach County School Board, Chairman  
4:59:22 PM Nikki Lowrey - State Director, STUDENTSFIRST  
5:02:16 PM Dr. Kamela Patton, Collier School District, Superintendent  
5:04:48 PM Nicole Houston - English Teacher, Capital City High School  
5:07:11 PM Slade Geiger - Billing Supervisor  
5:09:32 PM Tallie Gainer III - Lead Teacher, Capital City High School  
5:13:08 PM Senator Legg speaking  
5:14:33 PM Senator Simmons speaking on charter schools  
5:24:19 PM Senator Legg explaining  
5:25:19 PM Senator Montford speaking  
5:27:58 PM Senator Legg speaking  
5:28:30 PM Senator Thompson speaking  
5:29:59 PM Senator Simmons speaking  
5:30:37 PM Senator Clemons speaking  
5:32:09 PM Senator Legg speaking  
5:33:23 PM Senator Legg going over issues  
5:34:19 PM Senator Stargel speaking  
5:34:55 PM Senator Legg explaining more issues/concerns  
5:37:43 PM Senator Stargel speaking  
5:39:49 PM Senator Legg explaining more issues  
5:40:36 PM Senator Brandes speaking  
5:42:48 PM Senator Legg explaining more on charter schools  
5:45:12 PM Senator Montford speaking  
5:48:50 PM Senator Stargel questioning  
5:51:30 PM Senator Legg speaking  
5:52:17 PM Senator Thompson speaking  
5:53:48 PM Senator Benacquisto speaking  
5:54:47 PM Senator Legg to close the meeting  
5:54:55 PM Meeting adjourned