

CS/SB 160 by **HP, Richter (CO-INTRODUCERS) Dean, Benacquisto**; (Similar to CS/H 0115) Licensure Fee Exemptions for Military Veterans

934206	PCS	S	RCS	AP			03/14 05:45 PM
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SB 306 by **Braynon (CO-INTRODUCERS) Abruzzo**; (Similar to CS/H 0165) Professional Sports Facilities

355358	PCS	S	RCS	AP			03/14 06:13 PM
863426	PCS:A	S	WD	AP, Margolis	Delete L.319 - 341.		03/14 06:13 PM
895568	PCS:A	S	RCS	AP, Hukill	btw L.341 - 342:		03/14 06:13 PM

CS/SB 322 by **JU, Brandes**; (Identical to CS/H 0179) Eminent Domain Proceedings

SB 520 by **Bradley**; (Identical to H 0195) Emergency Medical Services

CS/SB 878 by **ED, Galvano**; (Similar to H 7027) Education Accountability

877842	A	S	RCS	AP, Galvano	Delete L.197 - 212:		03/14 06:10 PM
297990	A	S	RCS	AP, Galvano	Delete L.221:		03/14 06:10 PM
764846	A	S	RCS	AP, Galvano	Delete L.409 - 423:		03/14 06:10 PM

CS/SB 1096 by **ED, Montford**; (Identical to CS/CS/H 7001) Repeal of Education Provisions

SB 1764 by **GO**; (Compare to H 1261) Transparency in Government Spending

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Negrón, Chair
Senator Benacquisto, Vice Chair

MEETING DATE: Thursday, March 14, 2013
TIME: 2:30 —5:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Negrón, Chair; Senator Benacquisto, Vice Chair; Senators Bean, Bradley, Galvano, Gardiner, Grimsley, Hays, Hukill, Joyner, Latvala, Lee, Margolis, Montford, Richter, Ring, Smith, Sobel, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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A proposed committee substitute for the following bill (CS/SB 160) is available:

1	CS/SB 160 Health Policy / Richter (Similar CS/H 115)	Licensure Fee Exemptions for Military Veterans; Requiring that the Department of Health waive certain licensure fees for veterans; limiting the time period a veteran can apply to 24 months after discharge; requiring applying veterans to be honorably discharged; requiring that the department waive the initial application fee for veterans who apply for a radiological personnel certification; limiting the time period a veteran can apply to 24 months after honorable discharge; excluding a specific fee from the waiver, etc. MS 01/23/2013 Favorable HP 02/06/2013 Fav/CS AHS 03/06/2013 Fav/CS AP 03/14/2013 Fav/CS	Fav/CS Yeas 15 Nays 0
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With subcommittee recommendation - Health and Human Services

A proposed committee substitute for the following bill (SB 306) is available:

2	SB 306 Braynon (Similar CS/H 165, Compare H 721, S 922)	Professional Sports Facilities; Providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on land publicly owned, which is publicly operated or operated by the owner of a professional sports franchise or other lessee; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; prohibiting the Department of Economic Opportunity from certifying more than one professional sports franchise renovation facility, etc. CM 02/05/2013 Favorable AFT 03/06/2013 Fav/CS AP 03/14/2013 Fav/CS RC	Fav/CS Yeas 16 Nays 1
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COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, March 14, 2013, 2:30 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
With subcommittee recommendation - Finance and Tax			
3	CS/SB 322 Judiciary / Brandes (Identical CS/H 179)	Eminent Domain Proceedings; Revising the distribution of interest on certain deposits held by clerks of court in eminent domain proceedings, etc. JU 02/19/2013 Fav/CS CA 03/07/2013 Favorable AP 03/14/2013 Favorable	Favorable Yeas 18 Nays 0
4	SB 520 Bradley (Identical H 195)	Emergency Medical Services; Deleting a requirement that emergency medical technicians, paramedics, and 911 public safety telecommunicators complete an educational course on HIV and AIDS; revising requirements for the certification and recertification of emergency medical technicians and paramedics; revising requirements for institutions that conduct approved programs for the education of emergency medical technicians and paramedics, etc. HP 02/21/2013 Favorable CA 03/07/2013 Favorable AP 03/14/2013 Favorable	Favorable Yeas 16 Nays 0
5	CS/SB 878 Education / Galvano (Similar H 7027, Compare CS/H 7001, H 7057, CS/S 1096)	Education Accountability; Requiring the State Board of Education to notify the Legislature of any major changes in federal law which may affect the state's K-20 education performance accountability system; requiring the Board of Governors to make available to the Department of Education all data within the State University Database System which is to be integrated into the K-20 data warehouse; revising provisions relating to schools that are assigned school grades, including colocated schools, and students whose assessment data is used in determining school grades, etc. ED 03/06/2013 Fav/CS AP 03/14/2013 Fav/CS	Fav/CS Yeas 16 Nays 0
6	CS/SB 1096 Education / Montford (Similar CS/H 7001, Compare CS/H 1033, H 7091, CS/S 878, S 1664)	Repeal of Education Provisions; Repeals various provisions of law and removes duplicative, redundant, or unused rulemaking authority relating to education, etc. ED 03/06/2013 Fav/CS AP 03/14/2013 Favorable RC	Favorable Yeas 16 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, March 14, 2013, 2:30 —5:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1764 Governmental Oversight and Accountability (Compare H 1261, S 1150)	Transparency in Government Spending; Requiring the Executive Office of the Governor to establish a single website providing access to other websites; requiring the office to establish a website providing information about fiscal planning for the state and specifying the information to be included on the website; requiring the Department of Management Services to maintain a website that provides current information on state employees and officers; creating the User Experience Task Force to develop and recommend a design for consolidating existing state-managed websites, etc.	Favorable Yeas 16 Nays 0
		AP 03/14/2013 Favorable	

Other Related Meeting Documents



934206

576-01957-13

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

A bill to be entitled

An act relating to licensure fee exemptions for military veterans; amending s. 456.013, F.S.; requiring that the Department of Health waive certain licensure fees for veterans; requiring the department to prescribe the format of the fee waivers; limiting the time period a veteran can apply to 24 months after honorable discharge; amending s. 468.304, F.S.; requiring that the department waive the initial application fee for veterans who apply for a radiological personnel certification; requiring the department to prescribe the form of the fee waiver; limiting the time period a veteran can apply to 24 months after honorable discharge; excluding a specific fee from the waiver; providing an effective date.

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

Section 1. Subsection (13) is added to section 456.013, Florida Statutes, to read:

456.013 Department; general licensing provisions.—

(13) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for an initial license within 24 months after being honorably discharged from any branch of the United States Armed Forces. The applicant must apply for the fee waiver using a form



934206

576-01957-13

prescribed by the department and must submit supporting documentation as required by the department.

Section 2. Subsection (1) of section 468.304, Florida Statutes, is amended to read:

468.304 Certification.—The department shall certify any applicant who meets the following criteria:

(1) Pays to the department a nonrefundable fee that may not exceed \$100, plus the actual per-applicant cost to the department for purchasing the examination from a national organization. The department shall waive the initial application fee for a military veteran who applies to the department for an initial certification within 24 months after being honorably discharged from any branch of the United States Armed Forces. The applicant must apply for the fee waiver using a form prescribed by the department and must submit supporting documentation as required by the department. This waiver does not include the fee for purchasing the examination from a national organization.

The department may not certify any applicant who has committed an offense that would constitute a violation of any of the provisions of s. 468.3101 or applicable rules if the applicant had been certified by the department at the time of the offense. An application for a limited computed tomography certificate may not be accepted. A person holding a valid computed tomography certificate as of October 1, 1984, is subject to s. 468.309.

Section 3. 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 Appropriations

BILL: CS/CS/SB 160

INTRODUCER: Committee on Appropriations (Recommended by Appropriations Subcommittee on Health and Human Services); Health Policy Committee; and Senator Richter and others

SUBJECT: Licensure Fee Exemptions for Military Veterans

DATE: March 14, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Spaulding	Ryon	MS	Favorable
2.	McElhenny	Stovall	HP	Fav/CS
3.	Brown	Pigott	AHS	Fav/CS
4.	Brown	Hansen	AP	Fav/CS
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/CS/SB 160 requires the Department of Health to waive certain licensure fees and initial certification fees for honorably discharged military veterans who apply for licensure within 24 months after discharge from any branch of the U.S. Armed Forces. Current law does not allow the Department of Health or its regulatory boards to distinguish applicants based on military service.

The bill will have an indeterminate, negative fiscal impact.

The bill substantially amends sections 456.013 and 468.304, Florida Statutes.

II. Present Situation:

Military and Veteran Presence in Florida

The United States currently has 1.4 million people serving in the U.S. Armed Forces, over 23 million veterans living in the U.S. and over 200 military installations in 46 states, District of

Columbia, and Puerto Rico.¹ The military operations of the United States touch every state in some way.

The State of Florida, with 20 major military installations, is home to a large population of active duty and reserve military members as well as veterans. Currently, there are more than 61,000 active duty military members² and 12,000 National Guard members³ in Florida. The number of veterans living in Florida exceeds 1.6 million, second only to California.⁴

While the majority of programs and benefits for military personnel and veterans are administered by the Federal Government, states and state legislatures are playing an increasingly larger role in military issues.

Professional Licensure Benefits for Military Members, Veterans, and Spouses

In recent years, the Legislature has enacted laws to assist current military personnel, their spouses, and veterans in obtaining and renewing professional licensure in Florida.

Current law⁵ exempts military personnel from license renewal requirements for the duration of active duty while absent from the state of Florida, and for a period of 6 months after discharge or return to the state. This benefit applies to military members on active duty who hold certain professional licenses regulated by the Department of Business and Professional Regulation (DBPR) or the Department of Health (DOH), who are not practicing their profession in the private sector. This benefit is also available to the spouses of active duty military members.⁶

In order to address the obstacles military families face due to frequent moves, the Legislature enacted CS/CS/CS/HB 713 in 2010⁷ and CS/CS/CS/HB 1319⁸ in 2011 to allow the DBPR and the DOH, respectively, to issue a temporary professional license to the spouse of a military member. To obtain a temporary license, the spouse must submit proof of marriage to the military member, proof that he or she holds an active license in another state or jurisdiction, and proof that the military member is assigned to a duty station in Florida.

Most recently, in 2012, the Legislature enacted CS/CS/HB 887,⁹ which waives the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the DBPR for a license within 24 months of being honorably discharged. These licensure fee waivers apply only to professions regulated by the DBPR and do not apply to health professions under the DOH.

¹ National Conference of State Legislatures, *Military and Veterans Affairs*, available at: <http://www.ncsl.org/issues-research/env-res/military-and-veterans-affairs.aspx> (Last viewed on January 21, 2013).

² University of West Florida: *Florida Defense Industry, Economic Impact Analysis*, 2013 Draft Report.

³ E-mail correspondence with Florida Department of Military Affairs staff. January 22, 2013.

⁴ United States Census Bureau, A Snapshot of Our Nation's Veterans, http://www.census.gov/how/pdf/census_veterans.pdf (last visited January 22, 2013).

⁵ Sections 455.02(1) and 456.024(1), F.S.

⁶ Sections 455.02(2) and 456.024(2), F.S.

⁷ Ch. 2010-106, LOF.

⁸ Ch. 2011-95, LOF.

⁹ Ch. 2012-72, LOF.

Department of Health Regulated Professions

Section 20.43, F.S., creates several divisions under the DOH, including the Division of Medical Quality Assurance (MQA), which is responsible for the following boards and professions established within the division:

- The Board of Acupuncture, created under ch. 457, F.S.
- The Board of Medicine, created under ch. 458, F.S.
- The Board of Osteopathic Medicine, created under ch. 459, F.S.
- The Board of Chiropractic Medicine, created under ch. 460, F.S.
- The Board of Podiatric Medicine, created under ch. 461, F.S.
- The Board of Optometry, created under ch. 463, F.S.
- The Board of Nursing, created under part I of ch. 464, F.S.
- The Board of Pharmacy, created under ch. 465, F.S.
- The Board of Dentistry, created under ch. 466, F.S.
- The Board of Speech-Language Pathology and Audiology, created under part I of ch. 468, F.S.
- The Board of Nursing Home Administrators, created under part II of ch. 468, F.S.
- The Board of Occupational Therapy, created under part III of ch. 468, F.S.
- The Board of Athletic Training, created under part XIII of ch. 468, F.S.
- The Board of Orthotists and Prosthetists, created under part XIV of ch. 468, F.S.
- The Board of Massage Therapy, created under ch. 480, F.S.
- The Board of Clinical Laboratory Personnel, created under part III of ch. 483, F.S.
- The Board of Opticianry, created under part I of ch. 484, F.S.
- The Board of Hearing Aid Specialists, created under part II of ch. 484, F.S.
- The Board of Physical Therapy Practice, created under ch. 486, F.S.
- The Board of Psychology, created under ch. 490, F.S.
- The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling, created under ch. 491, F.S.

In addition to the professions regulated by the various aforementioned boards, the MQA also regulates the following professions:

- Emergency medical technicians and paramedics, as provided under ch. 401, F.S.
- Naturopathy, as provided under ch. 462, F.S.
- Nursing assistants, as provided under part II of ch. 464, F.S.
- Midwifery, as provided under ch. 467, F.S.
- Respiratory therapy, as provided under part V of ch. 468, F.S.
- Dietetics and nutrition practice, as provided under part X of ch. 468, F.S.
- Electrolysis, as provided under ch. 478, F.S.
- Medical physicists, as provided under part IV of ch. 483, F.S.
- School psychologists, as provided under ch. 490, F.S.

All professions regulated by the MQA are subject to the general licensing provisions in s. 456.013, F.S.

The DOH also regulates and certifies radiological personnel under part IV of ch. 468, F.S. Certification provisions for radiological personnel are found in s. 468.304, F.S.

Typical fees associated with obtaining an initial license for a profession within the jurisdiction of the DOH include an initial licensing fee,¹⁰ an initial application fee,¹¹ an initial unlicensed activity fee of \$5 and fees associated with criminal background checks.¹² Each board within the jurisdiction of the DOH, or the DOH when there is no board, determines by rule the amount of license fees for the profession it regulates.¹³

The following chart displays the initial application and initial license fees for three of the top ten professions in terms of the number of applications received during the 2011-2012 fiscal year:

PROFESSION	FEE TYPE	FEE
MASSAGE THERAPY	APPLICATION THERAPIST	\$50
MASSAGE THERAPY	INITIAL	\$100
REGISTERED NURSE	APPLICATION EXAM	\$90
REGISTERED NURSE	INITIAL	\$75
PHARMACIST	APPLICATION	\$100
PHARMACIST	INITIAL	\$190

III. Effect of Proposed Changes:

CS/CS/SB 160 amends s. 456.013, F.S., to require the DOH to waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for an honorably discharged military veteran who applies to the DOH for a license and the fee waiver, within 24 months after discharge from the U.S. Armed Forces.

The bill also amends s. 468.304, F.S., to require the DOH to waive the initial application fee for an honorably discharged military veteran who applies to the DOH for one of the certifications applicable to radiological personnel and the fee waiver, within 24 months after discharge from the U.S. Armed Forces.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁰ Pursuant to s. 456.013(2), F.S., before the issuance of any license, the DOH must charge an initial license fee as determined by the applicable board or, if there is no board, by rule of the DOH.

¹¹ Each DOH board, or the DOH when there is no board, determines by rule the amount of initial application fees for the profession it regulates.

¹² Pursuant to s. 456.065, F.S, the DOH imposes upon initial licensure and each licensure renewal, a special fee of \$5 per license to fund efforts to combat unlicensed activity.

¹³ Section 456.025(3), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

Under the bill, licensing fees for military veterans applying for DOH licensure within 24 months after being honorably discharged from the U. S. Armed Forces will be waived.

B. Private Sector Impact:

The bill eliminates fees associated with health care licensure for military veterans who apply for initial licensure within 24 months after having been honorably discharged from the U.S. Armed Forces.

C. Government Sector Impact:

The number of military veterans who will apply for licensure or certification within 24 months after being honorably discharged from the U.S. Armed Forces is unknown. Accordingly, the fiscal impact of the bill is unknown. The reduction of licensing fees associated with the bill is expected to have an insignificant impact on the MQA trust fund.¹⁴

However, a similar law enacted last year affected professions licensed by the DPBR. From July 1, 2012, to January 1, 2013, DBPR granted 38 military fee waivers and the fiscal impact to DBPR was \$5,830.

According to the DOH, the modification of the Customer Oriented Medical Practitioner Administration System licensing system to accommodate the requirements in the bill will produce a non-recurring workload increase. DOH has indicated that current resources are adequate to absorb this one-time workload increase.¹⁵ Additionally, applicants who are denied a fee waiver are entitled to a hearing; however, that impact is expected to be minimal.

VI. Technical Deficiencies:

None.

¹⁴ Florida Department of Health, SB 160 Agency Bill Analysis. (January 3, 2013).

¹⁵ *Id.*

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/CS by Appropriations on March 14, 2013:

The committee substitute was amended to remove duplicative language from the bill.

CS by Health Policy on February 6, 2013:

The committee substitute requires the applicant for licensure to apply for the fee waiver. The waiver of initial application fees is expanded to include similarly situated veterans seeking radiological personnel certifications.

- B. **Amendments:**

None.

By the Committee on Health Policy; and Senators Richter and Dean

588-01569-13

2013160c1

A bill to be entitled

An act relating to licensure fee exemptions for military veterans; amending s. 456.013, F.S.; requiring that the Department of Health waive certain licensure fees for veterans; requiring the department to prescribe the format of the fee waivers; limiting the time period a veteran can apply to 24 months after discharge; requiring applying veterans to be honorably discharged; amending s. 468.304, F.S.; requiring that the department waive the initial application fee for veterans who apply for a radiological personnel certification; requiring the department to prescribe the form of the fee waiver; limiting the time period a veteran can apply to 24 months after honorable discharge; excluding a specific fee from the waiver; providing an effective date.

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

Section 1. Subsection (13) is added to section 456.013, Florida Statutes, to read:

456.013 Department; general licensing provisions.—

(13) The department shall waive the initial licensing fee, the initial application fee, and the initial unlicensed activity fee for a military veteran who applies to the department for an initial license within 24 months after being honorably discharged from any branch of the United States Armed Forces. The applicant must apply for the fee waiver using a form prescribed by the department and must submit supporting

Page 1 of 2

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588-01569-13

2013160c1

documentation as required by the department. To qualify for these waivers, the veteran must be honorably discharged.

Section 2. Subsection (1) of section 468.304, Florida Statutes, is amended to read:

468.304 Certification.—The department shall certify any applicant who meets the following criteria:

(1) Pays to the department a nonrefundable fee that may not exceed \$100, plus the actual per-applicant cost to the department for purchasing the examination from a national organization. The department shall waive the initial application fee for a military veteran who applies to the department for an initial certification within 24 months after being honorably discharged from any branch of the United States Armed Forces. The applicant must apply for the fee waiver using a form prescribed by the department and must submit supporting documentation as required by the department. This waiver does not include the fee for purchasing the examination from a national organization.

The department may not certify any applicant who has committed an offense that would constitute a violation of any of the provisions of s. 468.3101 or applicable rules if the applicant had been certified by the department at the time of the offense. An application for a limited computed tomography certificate may not be accepted. A person holding a valid computed tomography certificate as of October 1, 1984, is subject to s. 468.309.

Section 3. This act shall take effect July 1, 2013.

Page 2 of 2

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/14/13
Meeting Date

Topic Licensure Fee Exemption for Mil-Veterans Bill Number SB 160
(if applicable)

Name Jim Brodie Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs Director

Address _____
Street

Phone _____

City _____ State _____ Zip _____

E-mail _____

Speaking: For Against Information

Representing Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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)

Meeting Date _____

Topic Veterans fees Bill Number SB 160
(if applicable)

Name TRAVIS COKER Amendment Barcode _____
(if applicable)

Job Title DIR OF GOVT AFFAIRS

Address 2340 HANSEN LANE Phone 850 942-1822
Street

TALLAHASSEE FL 32301 E-mail _____
City State Zip

Speaking: For Against Information

Representing FL ASSN OF COMMUNITY HEALTH CENTERS

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

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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)

3/14/13
Meeting Date

Topic _____

Bill Number ~~HS~~ 160
(if applicable)

Name Jo Morris

Amendment Barcode _____
(if applicable)

Job Title Legislative Affairs

Address 2585 Merchants Row Blvd.
Street
Tallahassee FL 32311
City State Zip

Phone 850-245-4006

E-mail _____

Speaking: For Against Information

Representing FL Department of Health

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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)

*Sen Richter
Sen Fulk
Approp
RM 412
2:30*

3-14-13

Meeting Date

Topic Licensure Fee Exemptions for Military Vets

Bill Number SB 160

(if applicable)

Name Mike Prendergast

Amendment Barcode _____

(if applicable)

Job Title Executive Director

Address _____

Phone _____

Street

E-mail _____

City

State

Zip

Speaking: For Against Information

Representing Florida Department of Veterans' Affairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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

Tallahassee, Florida 32399-1100

COMMITTEES:
Gaming, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health
and Human Services
Banking and Insurance
Commerce and Tourism
Judiciary
Rules
Transportation

JOINT COMMITTEE:
Joint Legislative Budget Commission

SENATOR GARRETT RICHTER

President Pro Tempore
23rd District

March 6, 2013

The Honorable Joe Negron, Chair
Committee on Appropriations
201 The Capitol
404 South Monroe Street
Tallahassee, FL 32399

Mr. Chairman:

CS/CS/Senate Bill 160, related to Licensure Fee Exemptions for Military Veterans, has been reported favorably out of three committees and is now in the Committee on Appropriations.

I would appreciate the placing of this important bill on the committee's agenda at your earliest convenience.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Garrett Richter".

Garrett Richter

cc: Mike Hansen, Staff Director

REPLY TO:

- 3299 E. Tamiami Trail, Suite 203, Naples, Florida 34112-4961 (239) 417-6205
- 404 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023
- 25 Homestead Road North, Suite 42 B, Lehigh Acres, Florida 33936 (239) 338-2777

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



863426

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/14/2013	.	
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The Committee on Appropriations (Margolis) recommended the following:

Senate Amendment (with title amendment)

Delete lines 319 - 341.

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

And the title is amended as follows:

Delete lines 2 - 41

and insert:

An act relating to professional sports facilities;
amending s. 125.0104, F.S.; providing that tourist
development tax revenues may also be used to pay the
debt service on bonds that finance the renovation of a



863426

13 professional sports facility that is publicly owned,
14 or that is on land publicly owned, which is publicly
15 operated or operated by the owner of a professional
16 sports franchise or other lessee; requiring that the
17 renovation costs exceed a specified amount; allowing
18 certain fees and costs to be included in the cost for
19 renovation; requiring private contributions to the
20 professional sports facility as a condition for the
21 use of tourist development taxes; authorizing the use
22 of certain tax revenues to pay for operation and
23 maintenance costs of the renovated facility; providing
24 for nonapplication of the prohibition against levying
25 such tax in certain cities and towns under certain
26 conditions; restricting certain counties from levying
27 the tax; providing for controlling application
28 notwithstanding conflicting provisions; authorizing
29 the use of tourist development tax revenues for
30 financing the renovation of a professional sports
31 franchise facility; amending s. 212.20, F.S.;
32 authorizing a tax rebate for a renovated professional
33 sports facility; conforming a cross-reference;
34 amending s. 218.64, F.S.; conforming a cross-
35 reference; amending s. 288.1162, F.S.;



895568

LEGISLATIVE ACTION

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

The Committee on Appropriations (Hukill) recommended the following:

Senate Amendment

Between lines 341 and 342
insert:

Section 7. Sections 4, 5, and 6 of this act are effective with respect to taxable years beginning on or after January 1, 2013.



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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Finance and Tax)

A bill to be entitled

An act relating to economic development; amending s. 125.0104, F.S.; providing that tourist development tax revenues may also be used to pay the debt service on bonds that finance the renovation of a professional sports facility that is publicly owned, or that is on publicly owned land, which is publicly operated or operated by the owner of a professional sports franchise or other lessee; requiring that the renovation costs exceed a specified amount; allowing certain fees and costs to be included in the cost for renovation; requiring private contributions to the professional sports facility as a condition for the use of tourist development taxes; authorizing the use of certain tax revenues to pay for operation and maintenance costs of the renovated facility; requiring a majority-plus-one vote of the membership of the board of county commissioners to levy a tax for renovation of a sports franchise facility after approval by a majority of the electors voting in a referendum to approve the proposal; authorizing the referendum to be held before or after the effective date of this act; providing requirements for the referendum ballot; providing for nonapplication of the prohibition against levying such tax in certain cities and towns under certain conditions; restricting certain counties from levying the tax; providing for



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controlling application notwithstanding conflicting provisions; authorizing the use of tourist development tax revenues for financing the renovation of a professional sports franchise facility; amending s. 212.20, F.S.; authorizing a tax rebate for a renovated professional sports facility; conforming a cross-reference; amending s. 218.64, F.S.; conforming a cross-reference; amending s. 220.153, F.S.; conforming a cross-reference; repealing s. 220.62(3) and (5), F.S., relating to the definition of the terms "international banking facility" and "foreign person" in the income tax code; repealing s. 220.63(5), F.S., relating to an income tax deduction for international banking facilities; amending s. 288.1162, F.S.; authorizing a professional sports franchise renovation facility to apply for certain state funds; defining the term "professional sports franchise renovation facility"; authorizing a professional sports franchise renovation facility to receive additional funding; requiring the Department of Economic Opportunity to make a determination that certain criteria are met before certifying a professional sports franchise renovation facility; limiting the use of certain funds by a professional sports franchise renovation facility; prohibiting the department from certifying more than one professional sports franchise renovation facility; clarifying that the limitations for certification apply to new or retained professional sports franchise facilities; amending s. 288.11621,



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57 F.S.; conforming a cross-reference; providing an
58 effective date.

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

62 Section 1. Paragraph (n) of subsection (3) and paragraph
63 (a) of subsection (5) of section 125.0104, Florida Statutes, are
64 amended to read:

65 125.0104 Tourist development tax; procedure for levying;
66 authorized uses; referendum; enforcement.—

67 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

68 (n) In addition to any other tax that is imposed under this
69 section, a county that has imposed the tax under paragraph (1)
70 may impose an additional tax that is no greater than 1 percent
71 on the exercise of the privilege described in paragraph (a) by a
72 majority plus one vote of the membership of the board of county
73 commissioners, or as otherwise provided in this paragraph, in
74 order to:

75 1. Pay the debt service on bonds issued to finance:

76 a. The construction, reconstruction, or renovation of a
77 facility that is either publicly owned and operated, or is
78 publicly owned and operated by the owner of a professional
79 sports franchise or other lessee with sufficient expertise or
80 financial capability to operate such facility, and to pay the
81 planning and design costs incurred before ~~prior to~~ the issuance
82 of such bonds for a new professional sports franchise as defined
83 in s. 288.1162.

84 b. The acquisition, construction, reconstruction, or
85 renovation of a facility ~~either~~ publicly owned and operated, or



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86 publicly owned and operated by the owner of a professional
87 sports franchise or other lessee with sufficient expertise or
88 financial capability to operate such facility, and to pay the
89 planning and design costs incurred before ~~prior to~~ the issuance
90 of such bonds for a retained spring training franchise.

91 2. Pay the debt service on bonds issued to finance the
92 renovation of a professional sports franchise facility that is
93 publicly owned or located on land that is publicly owned and
94 that is publicly operated or operated by the owner of a
95 professional sports franchise or other lessee who has sufficient
96 expertise or financial capability to operate the facility, and
97 to pay the planning and design costs incurred before the
98 issuance of such bonds for the renovated professional sports
99 facility. The cost to renovate the facility must be more than
100 \$300 million, including permitting, architectural, and
101 engineering fees, and at least a majority of the total
102 construction cost, exclusive of in-kind contributions, must be
103 paid for by the ownership group of the professional sports
104 franchise or other private sources. Tax revenues available to
105 pay debt service on bonds may be used to pay for operation and
106 maintenance costs of the facility. A county levying the tax for
107 the purposes specified in this subparagraph may do so only by a
108 majority-plus-one vote of the membership of the board of county
109 commissioners and after approval of the proposal by a majority
110 vote of the electors voting in a referendum. Referendum approval
111 of the proposal may be in an election held before or after the
112 effective date of this act. The referendum ballot must include a
113 brief description of the proposal and the following question:

114 FOR the Proposal



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115 AGAINST the Proposal
116 ~~3.2-~~ Promote and advertise tourism in ~~this the~~ state ~~of~~
117 ~~Florida~~ and nationally and internationally; however, if tax
118 revenues are expended for an activity, service, venue, or event,
119 the activity, service, venue, or event must shall have as one of
120 its main purposes the attraction of tourists as evidenced by the
121 promotion of the activity, service, venue, or event to tourists.
122
123 A county that imposes the tax authorized in this paragraph may
124 not expend any ad valorem tax revenues for the acquisition,
125 expansion, construction, reconstruction, or renovation of a
126 facility for which tax revenues are used pursuant to
127 subparagraph 1. The provision of paragraph (b) which prohibits
128 any county authorized to levy a convention development tax
129 pursuant to s. 212.0305 from levying more than the 2 percent 2-
130 percent tax authorized by this section does shall not apply to
131 the additional tax authorized by this paragraph in counties that
132 which levy convention development taxes pursuant to s.
133 212.0305(4) (a) or (b). Subsection (4) does not apply to the
134 adoption of the additional tax authorized in this paragraph. The
135 effective date of the levy and imposition of the tax authorized
136 under this paragraph is the first day of the second month
137 following approval of the ordinance by the board of county
138 commissioners or the first day of any subsequent month specified
139 in the ordinance. A certified copy of such ordinance must shall
140 be furnished by the county to the Department of Revenue within
141 10 days after approval of the ordinance.
142 (5) AUTHORIZED USES OF REVENUE.-
143 (a) All tax revenues received pursuant to this section by a



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144 county imposing the tourist development tax must shall be used
145 by that county for the following purposes only:
146 1. To acquire, construct, extend, enlarge, remodel, repair,
147 improve, maintain, operate, or promote one or more publicly
148 owned and operated convention centers, sports stadiums, sports
149 arenas, coliseums, auditoriums, aquariums, or museums that are
150 publicly owned and operated or owned and operated by not-for-
151 profit organizations and open to the public, within the
152 boundaries of the county or subcounty special taxing district in
153 which the tax is levied. Tax revenues received pursuant to this
154 section may also be used for promotion of zoological parks that
155 are publicly owned and operated or owned and operated by not-
156 for-profit organizations and open to the public. However, these
157 purposes may be implemented through service contracts and leases
158 with lessees with sufficient expertise or financial capability
159 to operate such facilities;
160 2. To promote and advertise tourism in ~~this the~~ state ~~of~~
161 ~~Florida~~ and nationally and internationally; however, if tax
162 revenues are expended for an activity, service, venue, or event,
163 the activity, service, venue, or event must shall have as one of
164 its main purposes the attraction of tourists as evidenced by the
165 promotion of the activity, service, venue, or event to tourists;
166 3. To fund convention bureaus, tourist bureaus, tourist
167 information centers, and news bureaus as county agencies or by
168 contract with the chambers of commerce or similar associations
169 in the county, which may include any indirect administrative
170 costs for services performed by the county on behalf of the
171 promotion agency; ~~or~~
172 4. To finance beach park facilities or beach improvement,



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173 maintenance, renourishment, restoration, and erosion control,
174 including shoreline protection, enhancement, cleanup, or
175 restoration of inland lakes and rivers to which there is public
176 access as those uses relate to the physical preservation of the
177 beach, shoreline, or inland lake or river. However, any funds
178 identified by a county as the local matching source for beach
179 renourishment, restoration, or erosion control projects included
180 in the long-range budget plan of the state's Beach Management
181 Plan, pursuant to s. 161.091, or funds contractually obligated
182 by a county in the financial plan for a federally authorized
183 shore protection project may not be used or loaned for any other
184 purpose. In counties of less than 100,000 population, no more
185 than 10 percent of the revenues from the tourist development tax
186 may be used for beach park facilities; ~~or-~~

187 5. For other uses specifically allowed under subsection
188 (3).

189 Section 2. Paragraph (d) of subsection (6) of section
190 212.20, Florida Statutes, is amended to read:

191 212.20 Funds collected, disposition; additional powers of
192 department; operational expense; refund of taxes adjudicated
193 unconstitutionally collected.-

194 (6) Distribution of all proceeds under this chapter and s.
195 202.18(1)(b) and (2)(b) shall be as follows:

196 (d) The proceeds of all other taxes and fees imposed
197 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
198 and (2)(b) ~~must shall~~ be distributed as follows:

199 1. In any fiscal year, the greater of \$500 million, minus
200 an amount equal to 4.6 percent of the proceeds of the taxes
201 collected pursuant to chapter 201, or 5.2 percent of all other



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202 taxes and fees imposed pursuant to this chapter or remitted
203 pursuant to s. 202.18(1)(b) and (2)(b) ~~must shall~~ be deposited
204 in monthly installments into the General Revenue Fund.

205 2. After the distribution under subparagraph 1., 8.814
206 percent of the amount remitted by a sales tax dealer located
207 within a participating county pursuant to s. 218.61 ~~must shall~~
208 be transferred into the Local Government Half-cent Sales Tax
209 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
210 transferred ~~must shall~~ be reduced by 0.1 percent, and the
211 department shall distribute this amount to the Public Employees
212 Relations Commission Trust Fund less \$5,000 each month, which
213 ~~must shall~~ be added to the amount calculated in subparagraph 3.
214 and distributed accordingly.

215 3. After the distribution under subparagraphs 1. and 2.,
216 0.095 percent ~~must shall~~ be transferred to the Local Government
217 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
218 to s. 218.65.

219 4. After the distributions under subparagraphs 1., 2., and
220 3., 2.0440 percent of the available proceeds ~~must shall~~ be
221 transferred monthly to the Revenue Sharing Trust Fund for
222 Counties pursuant to s. 218.215.

223 5. After the distributions under subparagraphs 1., 2., and
224 3., 1.3409 percent of the available proceeds ~~must shall~~ be
225 transferred monthly to the Revenue Sharing Trust Fund for
226 Municipalities pursuant to s. 218.215. If the total revenue to
227 be distributed pursuant to this subparagraph is at least as
228 great as the amount due from the Revenue Sharing Trust Fund for
229 Municipalities and the former Municipal Financial Assistance
230 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may



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231 ~~not shall~~ receive less than the amount due from the Revenue
232 Sharing Trust Fund for Municipalities and the former Municipal
233 Financial Assistance Trust Fund in state fiscal year 1999-2000.
234 If the total proceeds to be distributed are less than the amount
235 received in combination from the Revenue Sharing Trust Fund for
236 Municipalities and the former Municipal Financial Assistance
237 Trust Fund in state fiscal year 1999-2000, each municipality
238 shall receive an amount proportionate to the amount it was due
239 in state fiscal year 1999-2000.

240 6. Of the remaining proceeds:

241 a. In each fiscal year, the sum of \$29,915,500 ~~must shall~~
242 be divided into as many equal parts as there are counties in the
243 state, and one part ~~must shall~~ be distributed to each county.
244 The distribution among the several counties must begin each
245 fiscal year on or before January 5th and continue monthly for a
246 total of 4 months. If a local or special law required that any
247 moneys accruing to a county in fiscal year 1999-2000 under the
248 then-existing provisions of s. 550.135 be paid directly to the
249 district school board, special district, or a municipal
250 government, such payment must continue until the local or
251 special law is amended or repealed. The state covenants with
252 holders of bonds or other instruments of indebtedness issued by
253 local governments, special districts, or district school boards
254 before July 1, 2000, that it is not the intent of this
255 subparagraph to adversely affect the rights of those holders or
256 relieve local governments, special districts, or district school
257 boards of the duty to meet their obligations as a result of
258 previous pledges or assignments or trusts entered into which
259 obligated funds received from the distribution to county



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260 governments under then-existing s. 550.135. This distribution
261 specifically is in lieu of funds distributed under s. 550.135
262 before July 1, 2000.

263 b. The department shall, pursuant to s. 288.1162,
264 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each
265 applicant certified as a facility for a new or retained
266 professional sports franchise and distribute \$250,000 monthly to
267 an applicant certified as a professional sports franchise
268 renovation facility pursuant to s. 288.1162. Up to \$41,667 must
269 ~~shall~~ be distributed monthly by the department to each certified
270 applicant as defined in s. 288.11621 for a facility for a spring
271 training franchise. However, not more than \$416,670 may be
272 distributed monthly in the aggregate to all certified applicants
273 for facilities for spring training franchises. Distributions
274 begin 60 days after such certification and continue for not more
275 than 30 years, except as otherwise provided in s. 288.11621. A
276 certified applicant identified in this sub-subparagraph may not
277 receive more in distributions than expended by the applicant for
278 the public purposes provided for in s. 288.1162 ~~288.1162(5)~~ or
279 s. 288.11621(3).

280 c. Beginning 30 days after notice by the Department of
281 Economic Opportunity to the Department of Revenue that an
282 applicant has been certified as the professional golf hall of
283 fame pursuant to s. 288.1168 and is open to the public, \$166,667
284 ~~must shall~~ be distributed monthly, for up to 300 months, to the
285 applicant.

286 d. Beginning 30 days after notice by the Department of
287 Economic Opportunity to the Department of Revenue that the
288 applicant has been certified as the International Game Fish



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289 Association World Center facility pursuant to s. 288.1169, and
290 the facility is open to the public, \$83,333 ~~must shall~~ be
291 distributed monthly, for up to 168 months, to the applicant.
292 This distribution is subject to reduction pursuant to s.
293 288.1169. A lump sum payment of \$999,996 ~~must shall~~ be made,
294 after certification and before July 1, 2000.

295 7. All other proceeds must remain in the General Revenue
296 Fund.

297 Section 3. Paragraph (a) of subsection (3) of section
298 218.64, Florida Statutes, is amended to read:

299 218.64 Local government half-cent sales tax; uses;
300 limitations.-

301 (3) Subject to ordinances enacted by the majority of the
302 members of the county governing authority and by the majority of
303 the members of the governing authorities of municipalities
304 representing at least 50 percent of the municipal population of
305 such county, counties may use up to \$2 million annually of the
306 local government half-cent sales tax allocated to that county
307 for funding for any of the following applicants:

308 (a) A certified applicant as a facility for a new or
309 retained professional sports franchise under s. 288.1162 or a
310 certified applicant as defined in s. 288.11621 for a facility
311 for a spring training franchise. It is the Legislature's intent
312 that the provisions of s. 288.1162, including, but not limited
313 to, the evaluation process by the Department of Economic
314 Opportunity except for the limitation on the number of certified
315 applicants or facilities as provided in that section and the
316 restrictions set forth in s. 288.1162(9) ~~288.1162(8)~~, ~~shall~~
317 apply to an applicant's facility to be funded by local



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318 government as provided in this subsection.

319 Section 4. Subsection (2) of section 220.153, Florida
320 Statutes, is amended to read:

321 220.153 Apportionment by sales factor.-

322 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.-A taxpayer, not
323 including a financial organization as defined in s. 220.15(6) or
324 a bank, savings association, ~~international banking facility~~, or
325 banking organization as defined in s. 220.62, doing business
326 within and without this state, who applies and demonstrates to
327 the Department of Economic Opportunity that, within a 2-year
328 period beginning on or after July 1, 2011, it has made qualified
329 capital expenditures equal to or exceeding \$250 million may
330 apportion its adjusted federal income solely by the sales factor
331 set forth in s. 220.15(5), commencing in the taxable year that
332 the Department of Economic Opportunity approves the application,
333 but not before a taxable year that begins on or after January 1,
334 2013. Once approved, a taxpayer may elect to apportion its
335 adjusted federal income for any taxable year using the method
336 provided under this section or the method provided under s.
337 220.15.

338 Section 5. Subsections (3) and (5) of section 220.62,
339 Florida Statutes, are repealed.

340 Section 6. Subsection (5) of section 220.63, Florida
341 Statutes, is repealed.

342 Section 7. Section 288.1162, Florida Statutes, is amended
343 to read:

344 288.1162 Professional sports franchises; duties.-

345 (1) The department shall serve as the state agency for
346 screening applicants for state funding under s. 212.20 and for



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347 certifying an applicant as a facility for a new or retained
348 professional sports franchise or a professional sports franchise
349 renovation facility.

350 (2) The department shall develop rules for the receipt and
351 processing of applications for funding under s. 212.20.

352 (3) As used in this section, the term:

353 (a) "New professional sports franchise" means a
354 professional sports franchise that was not based in this state
355 before April 1, 1987.

356 (b) "Professional sports franchise renovation facility"
357 means a sports facility that has continuously been a league-
358 authorized location for a professional sports franchise for 20
359 years or more and that otherwise meets the requirements for
360 certification of such a facility pursuant to this section.

361 (c) ~~(b)~~ "Retained professional sports franchise" means a
362 professional sports franchise that has had a league-authorized
363 location in this state on or before December 31, 1976, and has
364 continuously remained at that location, and has never been
365 located at a facility that has been previously certified under
366 any provision of this section.

367 (4) Before certifying an applicant as a facility for a new
368 or retained professional sports franchise, the department must
369 determine that:

370 (a) A "unit of local government" as defined in s. 218.369
371 is responsible for the construction, management, or operation of
372 the professional sports franchise facility or holds title to the
373 property on which the professional sports franchise facility is
374 located.

375 (b) The applicant has a verified copy of a signed agreement



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376 with a new professional sports franchise for the use of the
377 facility for a term of at least 10 years, or in the case of a
378 retained professional sports franchise, an agreement for use of
379 the facility for a term of at least 20 years.

380 (c) The applicant has a verified copy of the approval from
381 the governing authority of the league in which the new
382 professional sports franchise exists authorizing the location of
383 the professional sports franchise in this state after April 1,
384 1987, or in the case of a retained professional sports
385 franchise, verified evidence that it has had a league-authorized
386 location in this state on or before December 31, 1976. As used
387 in this section, the term "league" means the National League or
388 the American League of Major League Baseball, the National
389 Basketball Association, the National Football League, or the
390 National Hockey League.

391 (d) The applicant has projections, verified by the
392 department, which demonstrate that the new or retained
393 professional sports franchise will attract a paid attendance of
394 more than 300,000 annually.

395 (e) The applicant has an independent analysis or study,
396 verified by the department, which demonstrates that the amount
397 of the revenues generated by the taxes imposed under chapter 212
398 with respect to the use and operation of the professional sports
399 franchise facility will equal or exceed \$2 million annually.

400 (f) The municipality in which the facility for a new or
401 retained professional sports franchise is located, or the county
402 if the facility for a new or retained professional sports
403 franchise is located in an unincorporated area, has certified by
404 resolution after a public hearing that the application serves a



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405 public purpose.

406 (g) The applicant has demonstrated that it has provided, is
407 capable of providing, or has financial or other commitments to
408 provide more than one-half of the costs incurred or related to
409 the improvement and development of the facility.

410 (h) An applicant previously certified as a new or retained
411 professional sports facility under ~~any provision of~~ this section
412 who has received funding under such certification is not
413 eligible for an additional certification except as a
414 professional sports franchise renovation facility.

415 (5) Before certifying an applicant as a professional sports
416 franchise renovation facility, the department shall determine
417 that the following requirements are met:

418 (a) A county, municipality, or other public entity is
419 responsible for the construction, management, or operation of
420 the professional sports franchise facility or holds title to the
421 property on which the professional sports franchise facility is
422 located.

423 (b) The applicant has a verified copy of a signed agreement
424 with a professional sports franchise for the use of the facility
425 for a term of at least the next 20 years.

426 (c) The applicant has an independent analysis or study,
427 verified by the department, which demonstrates that the amount
428 of the revenues generated by the taxes imposed under chapter 212
429 with respect to the use and operation of the renovated
430 professional sports franchise facility will equal or exceed \$3
431 million annually.

432 (d) The county or municipality in which the professional
433 sports franchise renovation facility is located has certified by



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434 resolution after a public hearing that the application serves a
435 public purpose.

436 (e) The applicant has demonstrated that the cost to
437 renovate the facility will be more than \$300 million, including
438 permitting, architectural, and engineering fees, and that at
439 least a majority of the total construction cost, exclusive of
440 in-kind contributions, will be paid for by the ownership group
441 of the professional sports franchise or other private sources.

442 (6)(5) An applicant certified as a facility for a new or
443 retained professional sports franchise may use funds provided
444 under s. 212.20 only for the public purpose of paying for the
445 acquisition, construction, reconstruction, or renovation of a
446 facility for a new or retained professional sports franchise to
447 pay or pledge for the payment of debt service on, or to fund
448 debt service reserve funds, arbitrage rebate obligations, or
449 other amounts payable with respect to, bonds issued for the
450 acquisition, construction, reconstruction, or renovation of such
451 facility or for the reimbursement of such costs or the
452 refinancing of bonds issued for such purposes. An applicant
453 certified as a professional sports franchise renovation facility
454 may use funds provided under s. 212.20 only for the public
455 purpose of renovating the facility to pay or pledge for the debt
456 service on, or to fund debt service reserve funds, arbitrage
457 rebate obligations, or other amounts payable with respect to
458 bonds issued for the renovation of the facility or for the
459 reimbursement of the costs or the refinancing of bonds issued
460 for that purpose.

461 (7)(6) The department shall notify the Department of
462 Revenue of any facility certified as a facility qualified



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463 ~~pursuant to this section for a new or retained professional~~
464 ~~sports franchise.~~ The department shall certify no more than
465 eight facilities as facilities for a new professional sports
466 franchise or as facilities for a retained professional sports
467 franchise, including in the total any facilities certified by
468 the former Department of Commerce before July 1, 1996. The
469 department ~~may not certify more than one facility as a~~
470 ~~professional sports franchise renovation may make no more than~~
471 ~~one certification for any facility.~~

472 (8)(7) The Auditor General may conduct audits as provided
473 in s. 11.45 to verify that the distributions under this section
474 are expended as required in this section. If the Auditor General
475 determines that the distributions under this section are not
476 expended as required by this section, the Auditor General shall
477 notify the Department of Revenue, which may pursue recovery of
478 the funds under the laws and rules governing the assessment of
479 taxes.

480 (9)(8) ~~For new or retained professional sport franchise~~
481 ~~facilities,~~ an applicant is not qualified for certification
482 under this section if the franchise formed the basis for a
483 previous certification, unless the previous certification was
484 withdrawn by the facility or invalidated by the department or
485 the former Department of Commerce before any funds were
486 distributed under s. 212.20. This subsection does not disqualify
487 an applicant if the previous certification occurred between May
488 23, 1993, and May 25, 1993; however, any funds to be distributed
489 under s. 212.20 for the second certification ~~must shall~~ be
490 offset by the amount distributed to the previous certified
491 facility. Distribution of funds for the second certification ~~may~~



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492 ~~shall~~ not be made until all amounts payable for the first
493 certification are distributed.

494 Section 8. Paragraph (c) of subsection (1) of section
495 288.11621, Florida Statutes, is amended to read:

496 288.11621 Spring training baseball franchises.—

497 (1) DEFINITIONS.—As used in this section, the term:

498 (c) "Certified applicant" means a facility for a spring
499 training franchise that was certified before July 1, 2010, under
500 s. ~~288.1162~~ ~~288.1162(5)~~, Florida Statutes 2009, or a unit of
501 local government that is certified under this section.

502 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 Appropriations

BILL: CS/SB 306

INTRODUCER: Committee on Appropriations (Recommended by Appropriations Subcommittee on Finance and Tax) and Senator Braynon

SUBJECT: Professional Sports Facilities

DATE: March 15, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Smith</u>	<u>Hrdlicka</u>	<u>CM</u>	Favorable
2.	<u>Cote</u>	<u>Diez-Arguelles</u>	<u>AFT</u>	Fav/CS
3.	<u>Cote</u>	<u>Hansen</u>	<u>AP</u>	Fav/CS
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 306 creates the new category of “professional sports franchise renovation facility” under s. 288.1162, F.S. A facility that meets certain requirements and is certified by the Department of Economic Opportunity is eligible for a sales tax distribution payment of \$3 million per year for 30 years.

The bill allows a county that levies the charter county convention development tax under s. 212.0305(4)(b), F.S., to levy the additional professional sports franchise facility tourist development tax under s. 125.0104(3)(n), F.S. Also, the bill expands the allowable uses of the additional professional sports franchise facility tourist development tax.

The bill repeals the corporate income tax deduction for “international banking facilities.”

The Revenue Estimating Conference (REC) estimates that the section of the bill authorizing a sales tax distribution for a professional sports franchise renovation facility will decrease General Revenue by \$2.5 million in FY2013-14, with a recurring negative \$3.0 million impact to General Revenue. If Miami-Dade County levies the additional professional sports franchise facility

tourist development tax, the REC estimates it will generate approximately \$11.0 million annually to be deposited in the county’s tourist development trust fund. The REC estimates that repealing the corporate income tax deduction for international banking facilities will increase revenues deposited into the General Revenue Fund by approximately \$13.5 million annually.

The bill is effective July 1, 2013. The sections of the bill relating to international banking facilities apply to taxable years beginning on or after January 1, 2013.

The bill substantially amends the following sections of the Florida Statutes: 125.0104, 212.20, 218.64, 288.1162, and 288.11621.

II. Present Situation:

Professional Sports in Florida

Florida currently has 9 major professional sports teams. The oldest major professional sports team in the state is the Miami Dolphins football franchise of the National Football League (NFL). The Dolphins franchise began in 1966 as an expansion team as part of the now-defunct American Football League. The newest major professional sports team in the state is the Tampa Bay Rays baseball franchise of Major League Baseball (MLB). The Rays franchise began in 1998. Below is a summary table of information on major professional sports franchises in Florida:

Franchise	Sport	League	Year Founded	Facility	Facility Opened	County
Miami Dolphins	Football	NFL	1966	Sun Life Stadium	1987	Miami-Dade
Tampa Bay Buccaneers	Football	NFL	1976	Raymond James Stadium	1998	Hillsborough
Miami Heat	Basketball	NBA	1988	American Airlines Arena	1999	Miami-Dade
Orlando Magic	Basketball	NBA	1989	Amway Center	2010	Orange
Tampa Bay Lightning	Hockey	NHL	1992	Tampa Bay Times Forum	1996	Hillsborough
Florida Panthers	Hockey	NHL	1993	BB&T Center	1998	Broward
Miami Marlins	Baseball	MLB	1993	Marlins Park	2012	Miami-Dade
Jacksonville Jaguars	Football	NFL	1995	EverBank Field	1995	Duval
Tampa Bay Rays	Baseball	MLB	1998	Tropicana Field	1990, occupied by Rays since 1998	Pinellas

In addition to the nine major professional sports teams, Florida is also home to 33 Minor League franchises in various sports and three Arena Football League teams. MLB's Spring Training Grapefruit League is also based in Florida, with 15 teams claiming the state as their second home for preseason training and exhibition games.

State Incentives for Professional Sports Teams

Section 288.1162, F.S., provides the procedure by which professional sports franchises in Florida may be certified to receive state funding for the purpose of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise. Local governments, non-profit, and for-profit entities may apply to the program.

The Department of Economic Opportunity (DEO) is responsible for screening and certifying applicants for state funding. Applicants qualifying as new professional sports franchises must be a professional sports franchise that was not based in Florida prior to April 1, 1987. Applicants qualifying as retained professional sports franchises must have had a league-authorized location in the state on or before December 31, 1976, and be continuously located at the location. The number of certified professional sports franchises, both new and retained, is limited to eight total franchises.

For both new and retained franchises, DEO must confirm and verify that:

- A local government is responsible for the construction, management, or operation of the professional sports franchise facility, or holds title to the property where the facility is located;
- The applicant has a verified copy of a signed agreement with a new professional sports franchise for at least 10 years, or for 20 years in the case of a retained franchise;
- The applicant has a verified copy of the approval by the governing body of the NFL, MLB, National Hockey League, or National Basketball League authorizing the location of a new franchise in the state after April 1, 1987, for new professional sports franchises, or verified evidence of a league-authorized location in the state on or before December 31, 1976, for a retained professional sports franchise;
- The applicant has projections demonstrating a paid annual attendance of over 300,000 annually;
- The applicant has an independent analysis demonstrating that the amount of sales taxes generated by the use or operation of the franchise's facility will generate \$2 million annually;
- The city where the franchise's facility is located, or the county if the facility is in an unincorporated area, has certified by resolution after a public hearing that the applicant franchise serves a public purpose; and
- The applicant has demonstrated that it has provided or is capable of providing financial or other commitments of more than one-half of the costs incurred or related to the improvement or development of the franchise's facility.

Any applicant who meets the above mentioned criteria as verified by DEO is eligible to receive monthly payments from the state of \$166,667 for not more than 30 years,¹ for an annual payment totaling \$2,000,004. The Department of Revenue disburses the payments.

Further, payments may only be used for the public purposes of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise; reimbursing associated costs for such activities; paying or pledging payments of debt service on bonds issued for such activities; funding debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued for such activities; or refinancing the bonds. The state may only pursue recovery of funds if the Auditor General finds that the distributions were not expended as required by statute.

No facility may be certified more than once, and no sports franchise can be the basis for more than one certification unless the previous certification was withdrawn by the facility or invalidated by DEO before any funds were disbursed under s. 212.20(6)(d), F.S.

As of January 8, 2013, there were eight certified new or retained professional sports franchise facilities in Florida. The facilities and the payment distribution for each are listed below:²

Facility name	Certified entity	Franchise	First Payment	Final Payment	Total payments to date
Sun Life Stadium	Dolphins Stadium/ South Florida Stadium	Florida (Miami) Marlins ³	06/94	06/2023	\$39,166,745
Everbank Field	City of Jacksonville	Jacksonville Jaguars	06/94	05/2024	\$37,333,408
Tropicana Field	City of St. Petersburg	Tampa Bay Rays	06/95	06/2025	\$35,166,737
Tampa Bay Times Forum	Tampa Sports Authority	Tampa Bay Lightning	09/95	08/2025	\$34,833,403
BB&T Center	Broward County	Florida Panthers	08/96	07/2026	\$33,000,066
Raymond James Stadium	Hillsborough County	Tampa Bay Buccaneers	01/97	12/2026	\$32,166,731
American Airlines Arena	BPL, LTD	Miami Heat	03/98	03/2028	\$29,666,726
Amway Center	City of Orlando	Orlando Magic	02/08	01/2038	\$10,000,020

¹ Section 212.20(6)(d)6.b., F.S.

² DEO, *Professional Sports Franchises*, (January 8, 2013), (on file with the Commerce and Tourism Committee).

³ The Marlins franchise relocated from Sun Life Stadium to Marlins Park for the 2012 baseball season.

Tourist Development Tax

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. The authorized uses of each local option tax vary according to the particular levy.⁴

- The tourist development tax may be levied at the rate of 1 or 2 percent.⁵ Currently, 62 counties levy this tax at 2 percent; all 67 counties are eligible to levy this tax.⁶ Revenue from this tax may be bonded to finance certain facilities and projects, including financing revenue bonds. This tax may only be levied after the ordinance is approved by a majority of voters in a referendum.
- An additional tourist development tax of 1 percent may be levied.⁷ Currently 45 counties levy this tax and only 57 counties are currently eligible to levy this tax. Revenue from this tax may be bonded to finance certain facilities and projects, but may not be used for certain debt service or refinancing unless approved by an extraordinary vote of the governing board. This tax may only be levied after the ordinance is approved by a majority of voters in a referendum.
- A professional sports franchise facility tax may be levied up to an additional 1 percent.⁸ Currently 36 counties levy this additional tax and all 67 counties are eligible to levy this tax. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities of professional sports franchises, and convention centers, and to promote and advertise tourism.
- A high tourism impact tax may be levied at an additional 1 percent.⁹ Five counties are eligible to levy this tax (Broward, Monroe, Orange, Osceola, and Walton). Of these five counties, Monroe, Orange, and Osceola levy this additional tax. Revenue from this tax may be bonded to finance certain facilities and projects, including financing revenue bonds.
- An additional professional sports franchise facility tax no greater than 1 percent may be imposed by a county that has already levied the professional sports franchise facility tax.¹⁰ Out of 65 counties that levy a professional sports facility tax, 20 levy an additional professional sports franchise facility tax. Revenue can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities of professional sports franchises, and to promote and advertise tourism. Miami-Dade and Volusia counties may not levy the additional 1 percent professional sports franchise facility tax.^{11 12}

⁴ Florida Revenue Estimating Conference, “2012 Florida Tax Handbook.”

⁵ Section 125.0104(3)(c), F.S.

⁶ Information related to the number of counties levying the taxes is from the Office of Economic and Demographic Research, “2013 Local Option Tourist/Food and Beverage/Tax Rates in Florida’s Counties,” <http://edr.state.fl.us/Content/local-government/data/county-municipal/2013LOTTates.pdf> (last visited January 24, 2013).

⁷ Section 125.0104(3)(d), F.S.

⁸ Section 125.0104(3)(l), F.S.

⁹ Section 125.0104(3)(m), F.S.

¹⁰ Section 125.0104(3)(n), F.S.

¹¹ Section 212.0305(4)(b), F.S.

¹² Section 125.0104(3)(b), F.S.

“Local option tourist taxes are significant revenue sources to Florida’s county governments and represent important funding mechanisms for a variety of tourism-related expenditures such as beach and shoreline maintenance, construction of convention centers and professional sports franchise facilities, and tourism promotion.”¹³ Generally, the revenues from these levies may be used for capital construction, maintenance, and promotion of tourist-related facilities, tourism promotion, and beach and shoreline maintenance. Tourist-related facilities include convention centers, sports stadiums and arenas, coliseums, auditoriums, aquariums, and museums that are publically owned and operated within the area that the tax is levied. Tax revenues may also be used to promote zoos.

The local taxes on rental charges are required to be remitted to the Department of Revenue, unless a county has adopted an ordinance providing for local collection and administration of the tax.¹⁴

In counties that have plans for tourist development that include the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit organization, the ordinance levying the tourist development tax automatically expires upon the later of two circumstances:

- The retirement of all bonds issued by the county for financing the acquisition, construction, extension, enlargement, remodeling, repair, or improvement of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, aquarium, or a museum that is publicly owned and operated or owned and operated by a not-for-profit organization; or
- The expiration of any agreement by the county for the operation or maintenance, or both, of a publicly owned and operated convention center, sports stadium, sports arena, coliseum, auditorium, or museum.

Convention Development Taxes

Section 212.0305, F.S., authorizes Duval, Miami-Dade and Volusia counties to levy a convention development tax on transient rental transactions. Three of the five available levies are applicable to only separate taxing districts within Volusia County. The levies may be authorized by adoption of an ordinance by the county’s governing body. Revenues may generally be used for capital construction of convention centers and other tourist-related facilities as well as tourism promotion.¹⁵

Only Duval County meets the requirements to levy the 2 percent convention development tax on the total charged consideration for transient rentals under s. 212.0305(4)(a), F.S., which applies

¹³ Florida Legislative Committee on Intergovernmental Relations, Issue Brief: Utilization of Local Option Tourist Taxes by Florida Counties in Fiscal Year 2009-10 (December 2009), available at <http://edr.state.fl.us/Content/local-government/reports/localopttourist09.pdf> (last visited on January 24, 2013).

¹⁴ Also known as “self-administering.”

¹⁵ Office of Economic and Demographic Research, *2012 Local Government Financial Information Handbook*, (October 2012), available at: <http://edr.state.fl.us/Content/local-government/reports/lghih12.pdf>, (last visited on January 28, 2013).

to counties operating under a government consolidated with one or more municipalities in the county. Proceeds from the tax may be used for the following purposes:

- To promote and advertise tourism (only for municipalities of more than 10,000 population);
- To extend, enlarge, and improve existing publicly owned convention centers in the county;
- To construct a multipurpose convention/coliseum/exhibition center or the maximum components thereof as funds permit in the county; and/or
- To acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums.

Miami-Dade County is the only county meeting the requirements of s. 212.0305(4)(b), F.S., authorizing a charter county as defined in s.125.011(1), F.S., to levy the charter county convention development tax. The tax is a 3 percent tax on the total consideration charged for transient rental transactions. The county must notify each municipality of projects to be developed, and each municipality must designate an authority with the power to approve the concept, location, and design of the facilities or improvements to be developed. The governing board of any municipality within Miami-Dade County that levies the Municipal Resort Tax¹⁶ may adopt a resolution prohibiting the imposition of the convention development tax within the municipality's jurisdiction. Should a municipality adopt such a resolution, no convention development taxes collected by the county may be expended within the municipality. Proceeds from the tax may be used only in the following manner:

- Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county;
- One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof, as funds permit in the most populous municipality in the county;
- After completion of any project on the largest existing publicly owned convention center in the county, tax revenues and accrued interest may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, or golf courses, and may be used to acquire and construct an intercity light rail system;¹⁷ and
- After the completion of any convention project in the most populous municipality in the county, tax revenues and accrued interest may be used to operate the authority designated by the municipality with the powers to approve the concept, location, and design of the convention facilities, or for maintenance on one or more convention facilities, golf courses, related buildings or parking facilities within the most populous municipality in the county.

Volusia County is the only county authorized to levy three separate special district convention development taxes. The county levies the special district convention development tax, the special convention development tax, and the subcounty convention district tax, as authorized by ss. 212.0305(4)(c)-(e) and 212.03055, F.S., on the total consideration charged for transient rentals.

¹⁶ Chapter 67-930, L.O.F.

¹⁷ The light rail system must be used to transport persons to and from the largest publicly owned convention center to hotels north of the convention center, and to and from the downtown area of the most populous municipality within the county as determined by the county.

The combined effect of the three separate taxing districts is a countywide tax of 3 percent.¹⁸ For each levy, the county may designate or appoint an authority to administer or disburse the tax proceeds. Proceeds from the tax, including any accrued interest is to be used in the following manner:

- To promote and advertise tourism; and
- To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus.

The local taxes on transient rental charges are required to be remitted to the Department of Revenue, unless a county has adopted an ordinance providing for local collection and administration of the tax.

International Banking Facility Corporate Income Tax Deduction

Section 220.63(5), F.S., provides a corporate income tax deduction for income from international banking activities. The qualifying international banking facility income generally includes income generated from loans to foreign persons, deposits with foreign banks or other international banking facilities, and foreign exchange trading or hedging transactions. Florida's deduction was created as an incentive for U.S. banks to locate their international banking offices within Florida.

At the time the deduction was adopted, federal interstate banking restrictions ensured that international banking facilities that were subject to Florida's corporate income tax had physical facilities in Florida. In 1994, federal interstate banking restrictions were largely repealed due to changes in federal law. Because of the change in interstate banking restrictions, banks can currently take the deduction even if their interstate banking facility is located in another state.

As of December 31, 2012, there were 20 foreign banks and 9 domestic banks with international banking facility assets within Florida.¹⁹

III. Effect of Proposed Changes:

Section 1 amends s. 125.0104, F.S., to allow counties to use the proceeds of the additional 1 percent professional sports franchise facility tourist development tax for the purposes of paying debt service on bonds issued to finance the renovation of a professional sports franchise facility. The bill provides that funds generated by the tax may also be used to pay planning and design costs incurred prior to bond issuance, and to pay for operation and maintenance costs of the facility. This is an expansion of the eligible uses of the already-existing additional professional sports franchise facility tourist development tax. In order to be eligible for the expanded uses, a facility must:

¹⁸ *Supra* note 13 at pages 125 and 240.

¹⁹ See email from the Atlanta office of the Federal Reserve Bank dated March 15, 2013 (on file with the Appropriations Subcommittee on Finance and Tax).

- Have a total renovation cost of over \$300 million, including permitting, architectural, and engineering fees, of which a majority must be paid for by the ownership of the professional sports franchise or by other private sources, exclusive of in-kind contributions; and
- Be publicly owned, or be located on land that is publicly owned and be publicly operated or operated by the professional sports franchise or another lessee with expertise or financial capability to operate the facility.

This section also allows charter counties that levy the charter county convention development tax (Miami-Dade County) to levy the additional 1 percent professional sports franchise facility tourist development tax. The county must receive referendum approval in order to levy and use the additional 1 percent sports franchise facility tourist development tax. Current law prohibits Miami-Dade County from levying the additional tax.

Section 2 amends s. 212.20, F.S., to authorize the Department of Revenue to distribute \$250,000 per month to any certified “professional sports franchise renovation facility.” This is a new designation not present in current law. Distributions may only continue for up to 30 years, as under current law.

Section 3 amends s. 218.64, F.S., to correct a cross-reference to s. 288.1162, F.S.

Section 4 amends s. 220.153, F.S., to delete a cross-reference to “international banking facility.”

Section 5 amends s. 220.62(3) and (5) to repeal the definition of the terms “international banking facility” and “foreign person.”

Section 6 amends s. 220.63, F.S., to repeal the corporate tax deduction for international banking facilities.

Section 7 provides that Sections 4, 5, and 6, relating to international banking facilities, apply to taxable years beginning on or after January 1, 2013.

Section 8 amends s. 288.1162, F.S., relating to professional sports franchises. The bill creates a new classification under this section, allowing for a facility to receive certification as a “professional sports franchise renovation facility.” DEO may only certify one facility as a “professional sports franchise renovation facility.” A “professional sports franchise renovation facility” may also be previously certified as a new or retained professional sports franchise by DEO. In order to be certified, a facility must:

- Be a continuously league-authorized location for a professional sports franchise for 20 years or more;
- Have a county, municipality, or other public entity that is responsible for the construction, management, or operation of the facility, or hold the title to the property on which the facility is located;
- Have a verified copy of a lease agreement with a professional sports franchise to use the facility for at least the next 20 years;
- Provide an independent analysis demonstrating sales taxes generated by the facility will equal or exceed \$3 million annually;

- Have the county or municipality in which the facility is located certify a resolution after a public hearing that the application for certification serves a public purpose; and
- Demonstrate that the renovation costs will exceed \$300 million, including permitting, architectural, and engineering fees, and that a majority of the costs will be paid for by the ownership group of the franchise or other private sources.

The certified “professional sports franchise renovation facility” is required to use any funds provided by the Department of Revenue under s. 212.20, F.S., to pay “for the public purpose of renovating the facility only to pay or pledge for the debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to bonds issued for the renovation of the facility or for reimbursement of the costs or the refinancing of bonds issued for that purpose.”

Section 9 amends s. 288.11621, F.S., to correct a cross-reference to s. 288.1162, F.S.

Section 10 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The REC estimates that the section of the bill authorizing a sales tax distribution for a professional sports franchise renovation facility will decrease General Revenue by \$2.5 million in FY2013-14, with a recurring negative \$3.0 million impact to General Revenue.

Additionally, the bill allows a county that currently levies the charter county convention development tax (Miami-Dade County) to also levy an additional 1 percent professional sports franchise facility tourist development tax. For the additional levy, the REC adopted a positive, indeterminate impact since it is dependent on a local ordinance passed by a super majority vote. If the tax was levied by the local government, it would generate approximately \$11.0 million annually.

The REC estimates that repealing the corporate income tax deduction for international banking facilities will increase revenues deposited into the General Revenue Fund by \$13.5 million annually.

B. Private Sector Impact:

The bill would allow for the increase of taxes imposed on transient rentals on individuals staying at such establishments in the county by 1 percent.

C. Government Sector Impact:

The bill is not expected to significantly increase resource demands on the Department of Economic Opportunity or the Department of Revenue.

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 Appropriations on March 14, 2013:

The CS does the following:

- Requires referendum approval to levy and use the additional 1% sports facilities tourist development tax for the renovation of a professional sports facility.
- Increases the required cost of renovation of a professional sports facility from more than \$250 million to more than \$300 million.
- Repeals the corporate income tax deduction for “international banking facilities.”
- Makes minor clarifying changes.
- Provides that Sections 4, 5, and 6, relating to international banking facilities, apply to taxable years beginning on or after January 1, 2013.

B. Amendments:

None.

By Senator Braynon

36-00140C-13

2013306__

1 A bill to be entitled
 2 An act relating to professional sports facilities;
 3 amending s. 125.0104, F.S.; providing that tourist
 4 development tax revenues may also be used to pay the
 5 debt service on bonds that finance the renovation of a
 6 professional sports facility that is publicly owned,
 7 or that is on land publicly owned, which is publicly
 8 operated or operated by the owner of a professional
 9 sports franchise or other lessee; requiring that the
 10 renovation costs exceed a specified amount; allowing
 11 certain fees and costs to be included in the cost for
 12 renovation; requiring private contributions to the
 13 professional sports facility as a condition for the
 14 use of tourist development taxes; authorizing the use
 15 of certain tax revenues to pay for operation and
 16 maintenance costs of the renovated facility; providing
 17 for nonapplication of the prohibition against levying
 18 such tax in certain cities and towns under certain
 19 conditions; restricting certain counties from levying
 20 the tax; providing for controlling application
 21 notwithstanding conflicting provisions; authorizing
 22 the use of tourist development tax revenues for
 23 financing the renovation of a professional sports
 24 franchise facility; amending s. 212.20, F.S.;

25 authorizing a tax rebate for a renovated professional
 26 sports facility; conforming a cross-reference;
 27 amending s. 218.64, F.S.; conforming a cross-
 28 reference; amending s. 288.1162, F.S.; authorizing a
 29 professional sports franchise renovation facility to

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30 apply for certain state funds; defining the term
 31 "professional sports franchise renovation facility";
 32 authorizing a professional sports franchise renovation
 33 facility to receive additional funding; requiring the
 34 Department of Economic Opportunity to make a
 35 determination that certain criteria are met before
 36 certifying a professional sports franchise renovation
 37 facility; limiting the use of certain funds by a
 38 professional sports franchise renovation facility;
 39 prohibiting the department from certifying more than
 40 one professional sports franchise renovation facility;
 41 clarifying that the limitations for certification
 42 apply to new or retained professional sports franchise
 43 facilities; amending s. 288.11621, F.S.; conforming a
 44 cross-reference; providing an effective date.

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

47
 48 Section 1. Paragraph (n) of subsection (3) and paragraph
 49 (a) of subsection (5) of section 125.0104, Florida Statutes, are
 50 amended to read:
 51 125.0104 Tourist development tax; procedure for levying;
 52 authorized uses; referendum; enforcement.—
 53 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—
 54 (n) In addition to any other tax that is imposed under this
 55 section, a county that has imposed the tax under paragraph (1)
 56 may impose an additional tax that is no greater than 1 percent
 57 on the exercise of the privilege described in paragraph (a) by a
 58 majority plus one vote of the membership of the board of county

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59 commissioners in order to:

60 1. Pay the debt service on bonds issued to finance:

61 a. The construction, reconstruction, or renovation of a
62 facility ~~that is either~~ publicly owned and operated, or is
63 publicly owned and operated by the owner of a professional
64 sports franchise or other lessee with sufficient expertise or
65 financial capability to operate such facility, and to pay the
66 planning and design costs incurred before ~~prior to~~ the issuance
67 of such bonds for a new professional sports franchise as defined
68 in s. 288.1162.

69 b. The acquisition, construction, reconstruction, or
70 renovation of a facility ~~either~~ publicly owned and operated, or
71 publicly owned and operated by the owner of a professional
72 sports franchise or other lessee with sufficient expertise or
73 financial capability to operate such facility, and to pay the
74 planning and design costs incurred before ~~prior to~~ the issuance
75 of such bonds for a retained spring training franchise.

76 2. Pay the debt service on bonds issued to finance the
77 renovation of a professional sports franchise facility that is
78 publicly owned or located on land that is publicly owned and
79 that is publicly operated or operated by the owner of a
80 professional sports franchise or other lessee who has sufficient
81 expertise or financial capability to operate the facility, and
82 to pay the planning and design costs incurred before the
83 issuance of such bonds for the renovated professional sports
84 facility. The cost to renovate the facility must be more than
85 \$250 million, including permitting, architectural, and
86 engineering fees, and at least a majority of the total
87 construction cost, exclusive of in-kind contributions, must be

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88 paid for by the ownership group of the professional sports
89 franchise or other private sources. Tax revenues available to
90 pay debt service on bonds may be used to pay for operation and
91 maintenance costs of a facility funded pursuant to this
92 subparagraph.

93 ~~3.2-~~ Promote and advertise tourism in this ~~the~~ state ~~of~~
94 ~~Florida~~ and nationally and internationally; however, if tax
95 revenues are expended for an activity, service, venue, or event,
96 the activity, service, venue, or event must ~~shall~~ have as one of
97 its main purposes the attraction of tourists as evidenced by the
98 promotion of the activity, service, venue, or event to tourists.

99
100 A county that imposes the tax authorized in this paragraph may
101 not expend any ad valorem tax revenues for the acquisition,
102 expansion, construction, reconstruction, or renovation of a
103 facility for which tax revenues are used pursuant to
104 subparagraph 1. The provision of paragraph (b) which prohibits
105 any county authorized to levy a convention development tax
106 pursuant to s. 212.0305 from levying more than the 2 percent ~~2-~~
107 ~~percent~~ tax authorized by this section does ~~shall~~ not apply to
108 the additional tax authorized by this paragraph in counties that
109 ~~which~~ levy convention development taxes pursuant to s.
110 212.0305(4) (a) or (b). Subsection (4) does not apply to the
111 adoption of the additional tax authorized in this paragraph. The
112 effective date of the levy and imposition of the tax authorized
113 under this paragraph is the first day of the second month
114 following approval of the ordinance by the board of county
115 commissioners or the first day of any subsequent month specified
116 in the ordinance. A certified copy of such ordinance must ~~shall~~

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117 be furnished by the county to the Department of Revenue within
118 10 days after approval of the ordinance.

119 (5) AUTHORIZED USES OF REVENUE.—

120 (a) All tax revenues received pursuant to this section by a
121 county imposing the tourist development tax ~~must shall~~ be used
122 by that county for the following purposes only:

123 1. To acquire, construct, extend, enlarge, remodel, repair,
124 improve, maintain, operate, or promote one or more publicly
125 owned and operated convention centers, sports stadiums, sports
126 arenas, coliseums, auditoriums, aquariums, or museums that are
127 publicly owned and operated or owned and operated by not-for-
128 profit organizations and open to the public, within the
129 boundaries of the county or subcounty special taxing district in
130 which the tax is levied. Tax revenues received pursuant to this
131 section may also be used for promotion of zoological parks that
132 are publicly owned and operated or owned and operated by not-
133 for-profit organizations and open to the public. However, these
134 purposes may be implemented through service contracts and leases
135 with lessees with sufficient expertise or financial capability
136 to operate such facilities;

137 2. To promote and advertise tourism in this ~~the~~ state ~~of~~
138 ~~Florida~~ and nationally and internationally; however, if tax
139 revenues are expended for an activity, service, venue, or event,
140 the activity, service, venue, or event ~~must shall~~ have as one of
141 its main purposes the attraction of tourists as evidenced by the
142 promotion of the activity, service, venue, or event to tourists;

143 3. To fund convention bureaus, tourist bureaus, tourist
144 information centers, and news bureaus as county agencies or by
145 contract with the chambers of commerce or similar associations

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146 in the county, which may include any indirect administrative
147 costs for services performed by the county on behalf of the
148 promotion agency; ~~or~~

149 4. To finance beach park facilities or beach improvement,
150 maintenance, renourishment, restoration, and erosion control,
151 including shoreline protection, enhancement, cleanup, or
152 restoration of inland lakes and rivers to which there is public
153 access as those uses relate to the physical preservation of the
154 beach, shoreline, or inland lake or river. However, any funds
155 identified by a county as the local matching source for beach
156 renourishment, restoration, or erosion control projects included
157 in the long-range budget plan of the state's Beach Management
158 Plan, pursuant to s. 161.091, or funds contractually obligated
159 by a county in the financial plan for a federally authorized
160 shore protection project may not be used or loaned for any other
161 purpose. In counties of less than 100,000 population, no more
162 than 10 percent of the revenues from the tourist development tax
163 may be used for beach park facilities; ~~or-~~

164 5. For other uses specifically allowed under subsection
165 (3).

166 Section 2. Paragraph (d) of subsection (6) of section
167 212.20, Florida Statutes, is amended to read:

168 212.20 Funds collected, disposition; additional powers of
169 department; operational expense; refund of taxes adjudicated
170 unconstitutionally collected.—

171 (6) Distribution of all proceeds under this chapter and s.
172 202.18(1)(b) and (2)(b) shall be as follows:

173 (d) The proceeds of all other taxes and fees imposed
174 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)

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

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175 and (2) (b) ~~must shall~~ be distributed as follows:

176 1. In any fiscal year, the greater of \$500 million, minus
177 an amount equal to 4.6 percent of the proceeds of the taxes
178 collected pursuant to chapter 201, or 5.2 percent of all other
179 taxes and fees imposed pursuant to this chapter or remitted
180 pursuant to s. 202.18(1) (b) and (2) (b) ~~must shall~~ be deposited
181 in monthly installments into the General Revenue Fund.

182 2. After the distribution under subparagraph 1., 8.814
183 percent of the amount remitted by a sales tax dealer located
184 within a participating county pursuant to s. 218.61 ~~must shall~~
185 be transferred into the Local Government Half-cent Sales Tax
186 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
187 transferred ~~must shall~~ be reduced by 0.1 percent, and the
188 department shall distribute this amount to the Public Employees
189 Relations Commission Trust Fund less \$5,000 each month, which
190 ~~must shall~~ be added to the amount calculated in subparagraph 3.
191 and distributed accordingly.

192 3. After the distribution under subparagraphs 1. and 2.,
193 0.095 percent ~~must shall~~ be transferred to the Local Government
194 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
195 to s. 218.65.

196 4. After the distributions under subparagraphs 1., 2., and
197 3., 2.0440 percent of the available proceeds ~~must shall~~ be
198 transferred monthly to the Revenue Sharing Trust Fund for
199 Counties pursuant to s. 218.215.

200 5. After the distributions under subparagraphs 1., 2., and
201 3., 1.3409 percent of the available proceeds ~~must shall~~ be
202 transferred monthly to the Revenue Sharing Trust Fund for
203 Municipalities pursuant to s. 218.215. If the total revenue to

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204 be distributed pursuant to this subparagraph is at least as
205 great as the amount due from the Revenue Sharing Trust Fund for
206 Municipalities and the former Municipal Financial Assistance
207 Trust Fund in state fiscal year 1999-2000, a ~~no~~ municipality may
208 ~~not shall~~ receive less than the amount due from the Revenue
209 Sharing Trust Fund for Municipalities and the former Municipal
210 Financial Assistance Trust Fund in state fiscal year 1999-2000.
211 If the total proceeds to be distributed are less than the amount
212 received in combination from the Revenue Sharing Trust Fund for
213 Municipalities and the former Municipal Financial Assistance
214 Trust Fund in state fiscal year 1999-2000, each municipality
215 shall receive an amount proportionate to the amount it was due
216 in state fiscal year 1999-2000.

217 6. Of the remaining proceeds:

218 a. In each fiscal year, the sum of \$29,915,500 ~~must shall~~
219 be divided into as many equal parts as there are counties in the
220 state, and one part ~~must shall~~ be distributed to each county.
221 The distribution among the several counties must begin each
222 fiscal year on or before January 5th and continue monthly for a
223 total of 4 months. If a local or special law required that any
224 moneys accruing to a county in fiscal year 1999-2000 under the
225 then-existing provisions of s. 550.135 be paid directly to the
226 district school board, special district, or a municipal
227 government, such payment must continue until the local or
228 special law is amended or repealed. The state covenants with
229 holders of bonds or other instruments of indebtedness issued by
230 local governments, special districts, or district school boards
231 before July 1, 2000, that it is not the intent of this
232 subparagraph to adversely affect the rights of those holders or

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 233 relieve local governments, special districts, or district school
 234 boards of the duty to meet their obligations as a result of
 235 previous pledges or assignments or trusts entered into which
 236 obligated funds received from the distribution to county
 237 governments under then-existing s. 550.135. This distribution
 238 specifically is in lieu of funds distributed under s. 550.135
 239 before July 1, 2000.

240 b. The department shall, pursuant to s. 288.1162,
 241 distribute \$166,667 monthly ~~pursuant to s. 288.1162~~ to each
 242 applicant certified as a facility for a new or retained
 243 professional sports franchise and distribute \$250,000 monthly to
 244 an applicant certified as a professional sports franchise
 245 renovation facility pursuant to s. 288.1162. Up to \$41,667 must
 246 ~~shall~~ be distributed monthly by the department to each certified
 247 applicant as defined in s. 288.11621 for a facility for a spring
 248 training franchise. However, not more than \$416,670 may be
 249 distributed monthly in the aggregate to all certified applicants
 250 for facilities for spring training franchises. Distributions
 251 begin 60 days after such certification and continue for not more
 252 than 30 years, except as otherwise provided in s. 288.11621. A
 253 certified applicant identified in this sub-subparagraph may not
 254 receive more in distributions than expended by the applicant for
 255 the public purposes provided for in s. 288.1162 ~~288.1162(5)~~ or
 256 s. 288.11621(3).

257 c. Beginning 30 days after notice by the Department of
 258 Economic Opportunity to the Department of Revenue that an
 259 applicant has been certified as the professional golf hall of
 260 fame pursuant to s. 288.1168 and is open to the public, \$166,667
 261 must shall be distributed monthly, for up to 300 months, to the

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 262 applicant.
 263 d. Beginning 30 days after notice by the Department of
 264 Economic Opportunity to the Department of Revenue that the
 265 applicant has been certified as the International Game Fish
 266 Association World Center facility pursuant to s. 288.1169, and
 267 the facility is open to the public, \$83,333 must shall be
 268 distributed monthly, for up to 168 months, to the applicant.
 269 This distribution is subject to reduction pursuant to s.
 270 288.1169. A lump sum payment of \$999,996 must shall be made,
 271 after certification and before July 1, 2000.

272 7. All other proceeds must remain in the General Revenue
 273 Fund.

274 Section 3. Paragraph (a) of subsection (3) of section
 275 218.64, Florida Statutes, is amended to read:

276 218.64 Local government half-cent sales tax; uses;
 277 limitations.—

278 (3) Subject to ordinances enacted by the majority of the
 279 members of the county governing authority and by the majority of
 280 the members of the governing authorities of municipalities
 281 representing at least 50 percent of the municipal population of
 282 such county, counties may use up to \$2 million annually of the
 283 local government half-cent sales tax allocated to that county
 284 for funding for any of the following applicants:

285 (a) A certified applicant as a facility for a new or
 286 retained professional sports franchise under s. 288.1162 or a
 287 certified applicant as defined in s. 288.11621 for a facility
 288 for a spring training franchise. It is the Legislature's intent
 289 that the provisions of s. 288.1162, including, but not limited
 290 to, the evaluation process by the Department of Economic

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 291 Opportunity except for the limitation on the number of certified
 292 applicants or facilities as provided in that section and the
 293 restrictions set forth in s. ~~288.1162(9)~~ ~~288.1162(8)~~, shall
 294 apply to an applicant's facility to be funded by local
 295 government as provided in this subsection.

296 Section 4. Section 288.1162, Florida Statutes, is amended
 297 to read:

298 288.1162 Professional sports franchises; duties.—

299 (1) The department shall serve as the state agency for
 300 screening applicants for state funding under s. 212.20 and for
 301 certifying an applicant as a facility for a new or retained
 302 professional sports franchise or a professional sports franchise
 303 renovation facility.

304 (2) The department shall develop rules for the receipt and
 305 processing of applications for funding under s. 212.20.

306 (3) As used in this section, the term:

307 (a) "New professional sports franchise" means a
 308 professional sports franchise that was not based in this state
 309 before April 1, 1987.

310 (b) "Professional sports franchise renovation facility"
 311 means a sports facility that has continuously been a league-
 312 authorized location for a professional sports franchise for 20
 313 years or more and that otherwise meets the requirements for
 314 certification of such a facility pursuant to this section.

315 ~~(c)~~ ~~(b)~~ "Retained professional sports franchise" means a
 316 professional sports franchise that has had a league-authorized
 317 location in this state on or before December 31, 1976, and has
 318 continuously remained at that location, and has never been
 319 located at a facility that has been previously certified under

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 320 any provision of this section.

321 (4) Before certifying an applicant as a facility for a new
 322 or retained professional sports franchise, the department must
 323 determine that:

324 (a) A "unit of local government" as defined in s. 218.369
 325 is responsible for the construction, management, or operation of
 326 the professional sports franchise facility or holds title to the
 327 property on which the professional sports franchise facility is
 328 located.

329 (b) The applicant has a verified copy of a signed agreement
 330 with a new professional sports franchise for the use of the
 331 facility for a term of at least 10 years, or in the case of a
 332 retained professional sports franchise, an agreement for use of
 333 the facility for a term of at least 20 years.

334 (c) The applicant has a verified copy of the approval from
 335 the governing authority of the league in which the new
 336 professional sports franchise exists authorizing the location of
 337 the professional sports franchise in this state after April 1,
 338 1987, or in the case of a retained professional sports
 339 franchise, verified evidence that it has had a league-authorized
 340 location in this state on or before December 31, 1976. As used
 341 in this section, the term "league" means the National League or
 342 the American League of Major League Baseball, the National
 343 Basketball Association, the National Football League, or the
 344 National Hockey League.

345 (d) The applicant has projections, verified by the
 346 department, which demonstrate that the new or retained
 347 professional sports franchise will attract a paid attendance of
 348 more than 300,000 annually.

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349 (e) The applicant has an independent analysis or study,
 350 verified by the department, which demonstrates that the amount
 351 of the revenues generated by the taxes imposed under chapter 212
 352 with respect to the use and operation of the professional sports
 353 franchise facility will equal or exceed \$2 million annually.

354 (f) The municipality in which the facility for a new or
 355 retained professional sports franchise is located, or the county
 356 if the facility for a new or retained professional sports
 357 franchise is located in an unincorporated area, has certified by
 358 resolution after a public hearing that the application serves a
 359 public purpose.

360 (g) The applicant has demonstrated that it has provided, is
 361 capable of providing, or has financial or other commitments to
 362 provide more than one-half of the costs incurred or related to
 363 the improvement and development of the facility.

364 (h) An applicant previously certified as a new or retained
 365 professional sports facility under ~~any provision of~~ this section
 366 who has received funding under such certification is not
 367 eligible for an additional certification except as a
 368 professional sports franchise renovation facility.

369 (5) Before certifying an applicant as a professional sports
 370 franchise renovation facility, the department shall determine
 371 that the following requirements are met:

372 (a) A county, municipality, or other public entity is
 373 responsible for the construction, management, or operation of
 374 the professional sports franchise facility or holds title to the
 375 property on which the professional sports franchise facility is
 376 located.

377 (b) The applicant has a verified copy of a signed agreement

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378 with a professional sports franchise for the use of the facility
 379 for a term of at least the next 20 years.

380 (c) The applicant has an independent analysis or study,
 381 verified by the department, which demonstrates that the amount
 382 of the revenues generated by the taxes imposed under chapter 212
 383 with respect to the use and operation of the renovated
 384 professional sports franchise facility will equal or exceed \$3
 385 million annually.

386 (d) The county or municipality in which the professional
 387 sports franchise renovation facility is located has certified by
 388 resolution after a public hearing that the application serves a
 389 public purpose.

390 (e) The applicant has demonstrated that the cost to
 391 renovate the facility will be more than \$250 million, including
 392 permitting, architectural, and engineering fees, and that at
 393 least a majority of the total construction cost, exclusive of
 394 in-kind contributions, will be paid for by the ownership group
 395 of the professional sports franchise or other private sources.

396 (6)(5) An applicant certified as a facility for a new or
 397 retained professional sports franchise may use funds provided
 398 under s. 212.20 only for the public purpose of paying for the
 399 acquisition, construction, reconstruction, or renovation of a
 400 facility for a new or retained professional sports franchise to
 401 pay or pledge for the payment of debt service on, or to fund
 402 debt service reserve funds, arbitrage rebate obligations, or
 403 other amounts payable with respect to, bonds issued for the
 404 acquisition, construction, reconstruction, or renovation of such
 405 facility or for the reimbursement of such costs or the
 406 refinancing of bonds issued for such purposes. An applicant

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 407 certified as a professional sports franchise renovation facility
 408 may use funds provided under s. 212.20 for the public purpose of
 409 renovating the facility only to pay or pledge for the debt
 410 service on, or to fund debt service reserve funds, arbitrage
 411 rebate obligations, or other amounts payable with respect to
 412 bonds issued for the renovation of the facility or for the
 413 reimbursement of the costs or the refinancing of bonds issued
 414 for that purpose.

415 ~~(7)(6)~~ The department shall notify the Department of
 416 Revenue of any facility certified as a facility qualified
 417 pursuant to this section for a new or retained professional
 418 sports franchise. The department shall certify no more than
 419 eight facilities as facilities for a new professional sports
 420 franchise or as facilities for a retained professional sports
 421 franchise, including in the total any facilities certified by
 422 the former Department of Commerce before July 1, 1996. The
 423 department may not certify more than one facility as a
 424 professional sports franchise renovation may make no more than
 425 one certification for any facility.

426 ~~(8)(7)~~ The Auditor General may conduct audits as provided
 427 in s. 11.45 to verify that the distributions under this section
 428 are expended as required in this section. If the Auditor General
 429 determines that the distributions under this section are not
 430 expended as required by this section, the Auditor General shall
 431 notify the Department of Revenue, which may pursue recovery of
 432 the funds under the laws and rules governing the assessment of
 433 taxes.

434 ~~(9)(8)~~ For new or retained professional sport franchise
 435 facilities, an applicant is not qualified for certification

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 436 under this section if the franchise formed the basis for a
 437 previous certification, unless the previous certification was
 438 withdrawn by the facility or invalidated by the department or
 439 the former Department of Commerce before any funds were
 440 distributed under s. 212.20. This subsection does not disqualify
 441 an applicant if the previous certification occurred between May
 442 23, 1993, and May 25, 1993; however, any funds to be distributed
 443 under s. 212.20 for the second certification must shall be
 444 offset by the amount distributed to the previous certified
 445 facility. Distribution of funds for the second certification may
 446 shall not be made until all amounts payable for the first
 447 certification are distributed.

448 Section 5. Paragraph (c) of subsection (1) of section
 449 288.11621, Florida Statutes, is amended to read:

450 288.11621 Spring training baseball franchises.—

451 (1) DEFINITIONS.—As used in this section, the term:

452 (c) "Certified applicant" means a facility for a spring
 453 training franchise that was certified before July 1, 2010, under
 454 s. 288.1162 ~~288.1162(5)~~, Florida Statutes 2009, or a unit of
 455 local government that is certified under this section.

456 Section 6. 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)

3-14-13

Meeting Date

Topic Sports Incentives Bill Number 306
Name Abigail MacIver Amendment Barcode _____ (if applicable)
Job Title Director of Policy, Americans for Prosperity (if applicable)
Address Po Box 185 Phone 407-754-6400
Street
Tallahassee FL E-mail amaciver@afphq.org
City State Zip

Speaking: For Against Information

Representing Americans for Prosperity

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

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

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)

3/14/13
Meeting Date

Topic Sports Facilities

Bill Number SB 304
(if applicable)

Name Shira Kastan

Amendment Barcode _____
(if applicable)

Job Title Asst. Vice President

Address 1320 S. Dixie Hwy #325

Phone 305-284-2618

Street

Coral Gables

FL

33146

City

State

Zip

E-mail skastan@miami.edu

Speaking: For Against Information

Representing University of Miami

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3-14-13

Meeting Date

Topic SMALL BUSINESS - TRIAS FLOWERS

Bill Number 306
(if applicable)

Name MARTI BUESO

Amendment Barcode _____
(if applicable)

Job Title CORP MARKETING

Address 6520 SW 40 ST
Street

Phone 305-

MIAMI FL 33176
City State Zip

E-mail MARTI@TRIASFLOWERS.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

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

3/14/13

Meeting Date

Topic Stadium

Bill Number SB 306
(if applicable)

Name Ron Book

Amendment Barcode _____
(if applicable)

Job Title _____

Address 104 W. Jefferson
Street

Phone _____

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing SUNLIFE Stadium | Dolphins

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak 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)

3/14/13

Meeting Date

Topic SB 300

Bill Number 306
(if applicable)

Name MICHAEL DRE

Amendment Barcode _____
(if applicable)

Job Title CEO

Address 347 DON STULA DR
Street

Phone 305 943-6517

MIAMI GARDENS FL
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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THE FLORIDA SENATE
APPEARANCE RECORD

3-14-13

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

Meeting Date

Topic _____

Bill Number 306
(if applicable)

Name JESS MCCARTY

Amendment Barcode _____
(if applicable)

Job Title ASSIST COUNTY CLERK

Address 111 NW 1ST ST 2810

Phone 305-979-7110

Street
MIAMI 33128
City State Zip

E-mail JMM2@MIAMIDADE.GOV

Speaking: For Against Information

Representing MIAMI-DADE COUNTY

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/14/13

Meeting Date

Topic SPORTS facilities

Bill Number 306
(if applicable)

Name ALBERT E. DOTSON JR

Amendment Barcode _____
(if applicable)

Job Title PAST PRESIDENT OBC

Address 14360 NW 77th CT

Phone 786-412-2103

Street

Miami LAKES FL 33016

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing ORANGE BOWC Committee

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak 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)

3/14/13
Meeting Date

Topic Sports Facilities

Bill Number SB 306
(if applicable)

Name Carol Bowen

Amendment Barcode _____
(if applicable)

Job Title Vice President - Gov't Affairs

Address 3730 Coconut Creek Parkway
Street
Coconut Creek FL 33066
City State Zip

Phone 954-984-0075

E-mail cbowen@abcoastflorida.com

Speaking: For Against Information

Representing Associated Builders & Contractors

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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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)

3/14/13

Meeting Date

Topic Sports Facilities Bill Number SB 306
Name MIKE KOVENSKY Amendment Barcode _____ (if applicable)
Job Title DIRECTOR OF SALES + MARKETING INTERCONTINENTAL HOTEL MIAMI (if applicable)
Address 2000 N. BAYSHORE Phone 305 372 4429
Street _____
City MIAMI State FL Zip 33137 E-mail MIKE.KOVENSKY@ihg.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.

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)

3/14/2013

Meeting Date

Topic _____

Bill Number 306
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

WAVES IN SUPPORT
THE FLORIDA SENATE

APPEARANCE RECORD

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

3/14/13

Meeting Date

Topic _____

Bill Number 306
(if applicable)

Name Mario J. Bailey

Amendment Barcode _____
(if applicable)

Job Title Lobbyist

Address 2700 N. Main Ave Apt 211

Phone 205-246-3932

Street

Miami FL 33127

City

State

Zip

E-mail MarioJbailey@gmail.com

Speaking: For Against Information

Representing City of Miami Gardens

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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)

3/14/13

Meeting Date

Topic Int'l Banker Facility Exemption

Bill Number 306
(if applicable)

Name Anthony DiMarco

Amendment Barcode 863426
(if applicable)

Job Title VP

Address 1001 Thomasville Rd

Phone 850-228-2265

Bellevue FL 32303
Street City State Zip

E-mail adimarco@firstbankers.com

Speaking: For Against Information

Representing Florida Bankers 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)

2/14/2013
Meeting Date

Topic Anti banking Facility exemption Bill Number 306

Name FERNANDO CAPABLANCA Amendment Barcode 863426
(if applicable)

Job Title BANK DIRECTOR

Address 2525 Ponce de Leon Phone 786-594-4123

Street
Coral Gables FL 33167
City State Zip

E-mail FCAPABLANCA@GMAIL.COM

Speaking: For Against Information

Representing INTERNATIONAL BANKERS-

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/SB 322

INTRODUCER: Judiciary Committee and Senator Brandes

SUBJECT: Eminent Domain Proceedings

DATE: March 14, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Cibula	JU	Fav/CS
2.	Anderson	Yeatman	CA	Favorable
3.	Carey	Hansen	AP	Favorable
4.				
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 322 requires a clerk of court to pay 90 percent of the interest earned on the deposit securing payment for the property taken by eminent domain to the property owner or the petitioner, or both, depending upon the outcome of the case. Under existing law, the clerk must pay 90 percent of the interest earned exclusively to the petitioner.

The remaining ten percent of interest earned on deposits is retained by the clerk; this bill does not change the share of the interest retained by the clerk.

This bill only affects interest earned on deposits in quick, or accelerated takings. A quick taking occurs when a governmental entity takes physical possession of property prior to a final judgment in an eminent domain case. Currently, the defendant, or property owner, receives none of the interest, although the defendant has already been deprived of the use of the property.

There will be an indeterminate, but insignificant, negative impact to the State Transportation Trust Fund from interest earned on deposits in eminent domain proceedings.

This bill substantially amends section 74.051, Florida Statutes.

II. Present Situation:

Constitutional Provisions on Takings

The Fifth Amendment of the United States Constitution applies to the states through the Fourteenth Amendment and provides, in part: “nor shall private property be taken for public use, without just compensation.¹”

Similarly, the Florida Constitution states that: “No private property shall be taken except for a public purpose and with full compensation therefor paid to each owner or secured by deposit in the registry of the court and available to the owner.²”

Florida Law on Eminent Domain

Florida affords generous treatment to private property owners, or defendants in eminent domain proceedings. In Florida, the owner is entitled to full and fair compensation.³ Compensation is generally the payment of the fair market value of the property.⁴ Fair market value is considered to be based upon what a willing buyer would pay to a willing seller.⁵ Also, the petitioner must always pay attorney’s fees and reasonable costs to the defendant.⁶ Reasonable costs include appraisal fees and, if business damages are involved, an accountant’s fee.⁷ Defendants also have the right to a jury trial.⁸

Eminent domain is effected in one of two ways. The first is through the traditional eminent domain process. The second is considered a quick taking, and occurs when the governmental entity takes immediate possession of the property before the completion of the judicial procedure. A “taking” of property is considered to result from a physical invasion or a regulatory imposition.⁹

Traditional Eminent Domain

The process for traditional eminent domain is as follows:

- Upon the filing of the petition, the clerk of the court issues a summons to the defendants (private property owners) listed in the filing. The defendants must show cause why the identified property should not be taken.¹⁰
- If a defendant challenges the action, the parties proceed to jury trial. The trial is given priority scheduling over other civil actions.¹¹

¹ U.S.C.A. CONST. AMEND V.

² FLA. CONST., art. X., s. 6(a).

³ Debra Herman and Jorge Martinez-Esteve, *The Admissibility of Dedication Requirements in Condemnation Cases: No Longer the Road Less Traveled*, 85 Nov. FLA. B.J. 20, 21 (Nov. 2011).

⁴ *Id.*

⁵ *Id.*

⁶ Section 73.091(1), F.S.

⁷ *Id.*

⁸ Section 73.071(1), F.S.

⁹ *Alachua Land Investors, LLC v. City of Gainesville*, 2013 WL 363376, at *2 (Fla. 1st DCA 2013).

¹⁰ Section 73.031(1), F.S.

- At the trial, the jury determines the amount of compensation to be paid.¹² The amount of compensation is determined as of the earlier of the date of trial, or the date that title passes.¹³
- The judgment of the court provides that the title to the property vests in the petitioner when the money listed on the jury verdict is paid or secured by deposit.¹⁴
- Within 20 days after the date of judgment, the petitioner must deposit the amount of the verdict into the court registry.¹⁵

Eminent Domain Through a Quick Taking

The second type of eminent domain is called a “quick taking.” Public entities that have the right to take possession and title before the entry of final judgment in the case must file a declaration of taking. The declaration must contain a good faith estimate of the value of the property.¹⁶

If the court determines that the petitioner is entitled to possession of the property before final judgment, it must enter an order requiring the petitioner to deposit money into the court registry in an amount that will fully secure and compensate the defendant. The order of taking is not effective until the deposit is made in the court registry¹⁷. The clerk is authorized to invest the deposit before its release to earn the highest interest rate possible. Ninety percent of any interest earned is paid to the petitioner.¹⁸ The remaining interest remains in the registry of the court.¹⁹

The procedures are the same for both traditional and quick takings regarding service of process, opportunity for hearing, due process, and other rights of the defendant.²⁰

Case Law on Interest on Deposits in a Court Registry

In 2008 in *Mallards Cove v. Pittman (Mallard’s Cove)*, the circuit court struck down as unconstitutional the part of s. 74.051(4), F.S., which requires that the 90 percent of the interest earned on the deposit be paid to the petitioner.²¹ There, the clerk distributed interest to the public entity. The *Mallard’s Cove* court found, specifically, that the requirement to pay the interest to the petitioner constitute an unconstitutional taking under the Fifth and Fourteenth Amendments of the United States Constitution. As such, the defendant was entitled to the interest. The court based its decision on the reasoning of the United States Supreme Court in its review of a Florida Supreme Court decision in *Webb’s Fabulous Pharmacies v. Beckwith*.²²

¹¹ Section 73.071(1), F.S.

¹² Section 73.071(3), F.S.

¹³ Section 73.071(2), F.S.

¹⁴ Section 73.101, F.S.

¹⁵ Section 73.111, F.S.

¹⁶ Section 74.031, F.S.

¹⁸ Section 74.051(4), F.S.

¹⁸ Section 74.051(4), F.S.

¹⁹ *Brock v. Bowein*, 99 So. 3d 580, 582 (Fla. 2d DCA 2012). Section 28.33, F.S., authorizes the clerk to retain 10 percent of the interest earned on deposits in the registry of the court, as a “reasonable management investment fee.”

²⁰ Sections 74.021, 74.041, and 74.051, F.S.

²¹ *Mallards Cove LLP v. Jed Pittman, Clerk of the Circuit Ct. of Pasco County*, Case No. 51-2008-CA-7689 (2011).

²² *Webb’s Fabulous Pharmacies v. Beckwith*, 449 U.S. 155 (1980).

In *Webb's*, the clerk exacted a fee for court services in addition to retaining the interest earned on deposits in the court registry. This case involved a sale of assets between two companies. The court required an interpleader²³ fund to be set up to protect monies for creditors, as the seller's debts appeared to exceed the purchase price of the assets at the time of closing.²⁴

At the time of the case, the clerk had access to monies under two different provisions in law:

- Section 28.24, F.S. This statute authorized a clerk's fee through an administrative fee in the amount of 1 percent of the first \$500 and ½ percent of the remainder for receiving funds into the registry.²⁵ In this case, the fee came to \$9,228.74. That amount came out at the time of deposit.
- Section 28.33, F.S. Regarding interest on the deposit, this section of law provided that "All interest accruing from moneys deposited shall be deemed income of the office of the clerk."²⁶ The interest in this case totaled more than \$100,000.²⁷

The Court took issue with the clerk exacting, in essence, two fees for the same deposit. In declaring the interest earned on the money while it was in the registry of the court private property, the Court ruled that the deposit "was property held only for the ultimate benefit of Webb's creditors, not for the benefit of the court and not for the benefit of the county. And it was held only for the purpose of making a fair distribution among those creditors."²⁸

Mallard's Cove was not appealed.

III. Effect of Proposed Changes:

Currently, s. 74.051, F.S., requires that 90 percent of the interest earned on security deposits with the court registry in eminent domain cases be paid to the petitioner. This bill changes the recipient of the interest from the petitioner to the ultimate owner of the deposit.

The clerk can pay either the petitioner or the defendant interest from the deposit, depending upon the outcome of the case. The clerk can also distribute interest to both the petitioner and the defendant, if the petitioner overpaid the deposit into the court registry as compared to the final judgement in the eminent domain proceeding. If each party is entitled to a share of the deposit, the amount of interest will be allocated accordingly, based on the ownership interests in the deposit.

This bill takes effect July 1, 2013.

²³ The term "interpleader" is defined as "A suit to determine a right to property held by a usually disinterested third party (called a *stakeholder*) who is in doubt about ownership and who therefore deposits the property with the court to permit interested parties to litigate ownership. Typically, a stakeholder initiates an interpleader both to determine who should receive the property and to avoid multiple liability." BLACK'S LAW DICTIONARY (9th ed. 2009).

²⁴ *Webb's Fabulous Pharmacies v. Beckwith*, 449 U.S. at 156.

²⁵ Section 28.24(14), F.S. This provision is no longer in the law. Instead, s. 28.24, F.S., provides a laundry list of set fees for various clerk services.

²⁶ Section 28.33, F.S. (enacted as ch. 73-282, §1, L.O.F.)

²⁷ *Webb's Fabulous Pharmacies v. Beckwith*, 449 U.S. at 158.

²⁸ *Id.* at 161, 165.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Article VII, s. 18 (b) of the Florida Constitution, prohibits the Legislature from “enacting, amending, or repealing any general law if the anticipated effect” is to reduce county or municipal aggregate revenue generating authority as it existed on February 1, 1989.

Subsection (d) provides an exemption from this prohibition. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (which is \$1.9 million for FY 2012-13) are exempt.

As is discussed below in Section V, the bill’s effect on revenues is uncertain. If the bill is not exempt as having an insufficient fiscal impact, it may require a two-thirds vote of the membership of each chamber to become law.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

According to the Florida Department of Transportation (FDOT), since 1986, the FDOT has collected \$8,177,860 in interest earned on deposits in eminent domain proceedings. In the last 3 years, however, collections have declined significantly to \$17,452.²⁹ The fiscal impact on local entities is unknown as of the date of this analysis.

B. Private Sector Impact:

This bill may have a positive fiscal impact on private property owners whose property is taken through eminent domain. They will receive the benefit of some, or all, depending on the outcome of the eminent domain proceeding, of the interest earned on deposits made into a clerk’s registry during quick takings.

C. Government Sector Impact:

Under this bill, governmental entities that are parties to a taking will receive less money from interest earned on deposits made into a clerk’s registry.

²⁹ Florida Dept. of Transportation, *SB 322 Bill Analysis* (2013) (on file with the Senate Committee on Judiciary).

The bill does not affect the portion or amount of interest that may be retained by a clerk of court.

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 Judiciary on February 19, 2013:

The committee substitute provides for distributions of interest earned on deposits made in the court registry to be allocated, rather than apportioned, based on the ultimate ownership in the deposit.

- B. **Amendments:**

None.

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

By the Committee on Judiciary; and Senator Brandes

590-01693-13

2013322c1

1 A bill to be entitled
2 An act relating to eminent domain proceedings;
3 amending s. 74.051, F.S.; revising the distribution of
4 interest on certain deposits held by clerks of court
5 in eminent domain proceedings; providing an effective
6 date.
7
8 Be It Enacted by the Legislature of the State of Florida:
9
10 Section 1. Subsection (4) of section 74.051, Florida
11 Statutes, is amended to read:
12 74.051 Hearing on order of taking.-
13 (4) The court may fix the time within which and the terms
14 upon which the defendants shall be required to surrender
15 possession to the petitioner, which time of possession shall be
16 upon deposit for those defendants failing to file a request for
17 hearing as provided herein. The order of taking shall not become
18 effective unless the deposit of the required sum is made in the
19 registry of the court. If the deposit is not made within 20 days
20 from the date of the order of taking, the order shall be void
21 and of no further effect. The clerk is authorized to invest such
22 deposits so as to earn the highest interest obtainable under the
23 circumstances in state or national financial institutions in
24 Florida insured by the Federal Government. Ninety percent of the
25 interest earned shall be allocated in accordance with the
26 ultimate ownership in the deposit ~~paid to the petitioner.~~
27 Section 2. This act shall take effect July 1, 2013.



The Florida Senate

Committee Agenda Request

To: Senator Joe Negron, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: March 7, 2013

I respectfully request that **Senate Bill #322**, relating to eminent domain proceedings, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes".

Senator Jeff Brandes
Florida Senate, District 22

Cc: Mike Hansen

SENT TO CHAIRMAN
STAFF DIR. STAFF
13 MAR -8 AM 9:38
SENATE APPROPRIATIONS
RECEIVED

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 520

INTRODUCER: Senator Bradley

SUBJECT: Emergency Medical Services

DATE: March 14, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Looke	Stovall	HP	Favorable
2.	Anderson	Yeatman	CA	Favorable
3.	Brown	Hansen	AP	Favorable
4.				
5.				
6.				

I. Summary:

SB 520 amends various sections of law regarding the provision of emergency medical services (EMS) to:

- Remove emergency personnel certified under ch. 401, F.S., from the instruction requirements on human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) contained in s 381.0034, F.S.
- Delete the requirement that any curricula for training emergency medical technicians (EMT) and paramedics include four hours of HIV/AIDS instruction.
- Link the definitions of advanced life support and basic life support to the EMT-Paramedic National Standard and the EMT-Basic National Standard, respectively, as well as the National EMS Education Standards of the United States Department of Transportation (USDOT).
- Add those National EMS Education Standards approved by the Department of Health (DOH) to the allowed standards on which EMS trainers may base their curricula.
- Increase, from one year to two years, the period of time within which an EMT or a paramedic must pass their required certification exam after completing their training program.
- Increase, from two years to five years, the period of time within which the DOH must revise its comprehensive state plan for basic and advanced life support systems.

The DOH will incur minor costs for rule development as a result of the bill that can be absorbed within existing resources.

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

This bill substantially amends sections 381.0034, 401.23, 401.24, 401.27, and 401.2701, Florida Statutes.

II. Present Situation:

EMT and Paramedic Training and Examination

The EMT-Basic¹ and the EMT-Paramedic² National Standard Curricula, as well as the EMS Education Standards,³ lay out national standards for training emergency personnel. These curricula were developed by the USDOT and are the educational standards that must be met before an EMT or paramedic can be nationally certified by the National Registry of Emergency Medical Technicians (NREMT).⁴ By rule, the DOH requires all EMTs and paramedics to meet the training requirements of the 1994 EMT-Basic National Standard Curricula⁵ and the 1998 EMT-Paramedic National Standard Curricula,⁶ respectively. The USDOT updated those curricula most recently in 2010.⁷

The EMS Education Standards were completed in 2009 and define minimum entry level competencies for each level of EMS personnel. The Standards are meant to phase out the older National Standard Curricula and are less rigid in format than the National Standard Curricula. This less rigid format supports diverse implementation methods and more frequent content updates.⁸

Currently, Florida has reciprocity with the NREMT for the administration of the EMT certification exam and the DOH develops and administers the certification exam for paramedics.^{9,10} Florida requires that EMTs and paramedics sit for their examination within one year of completing their training requirements. Under national standards, EMTs and paramedics are allowed to sit for their exam within two years of completing their training.¹¹

HIV/AIDS Training

Persons listed in s. 381.0034(1), F.S., including those certified under ch. 401, F.S., (EMTs, paramedics, and 911 public safety telecommunicators) are required to complete training on the transmission, infection control procedures, clinical management, and prevention of HIV and AIDS. To comply with s. 381.0034, F.S., and s. 401.2701, F.S., any public or private institution in Florida that conducts an approved program for the education of EMTs and paramedics must

¹ Found at: <http://www.nhtsa.gov/people/injury/ems/pub/emtbnscc.pdf>, last visited on Feb. 14, 2013.

² Found at: <http://www.health.ny.gov/professionals/ems/original/intro/intro.pdf>, last visited on Feb. 14, 2013.

³ Found at: <http://www.ems.gov/pdf/811077a.pdf>, last visited on Feb. 14, 2013.

⁴ Entry requirements for EMT-Basic found at: https://www.nremt.org/nremt/about/reg_basic_history.asp, last visited on Feb. 15, 2013.

⁵ Rule 64J-1.008(1)(a).

⁶ Rule 64J-1.009(1)(a).

⁷ Department of Health Bill Analysis of SB 520, Jan. 31, 2013, *on file with the Senate Committee on Health Policy*.

⁸ *Education*, National Highway Safety and Transportation Administration – Emergency Medical Services, found at <http://www.ems.gov/EducationStandards.htm>, last visited on Feb. 18, 2013.

⁹ <http://doh.state.fl.us/mqa/EMT-Paramedic/emt-lic-requirements.html#>, last visited on Feb. 15, 2013.

¹⁰ <http://doh.state.fl.us/mqa/Exam/schedule-pmd.htm>, last visited on Feb. 15, 2013.

¹¹ *Supra* 7.

include in its curricula four hours of instruction on HIV/AIDS. According to the DOH, these HIV/AIDS training requirements for EMTs and paramedics are duplicative because EMTs and paramedics are also required to complete separate training on blood-borne pathogens which includes HIV/AIDS.¹²

Florida's EMS Strategic Plan

Section 401.24, F.S., requires that the DOH develop a comprehensive state plan¹³ for basic and advanced life support services. This plan must be updated every two years and must include, at a minimum:

- Emergency medical systems planning, including the prehospital and hospital phases of patient care, injury control efforts, and the unification of such services into a total delivery system to include air, water, and land transport.
- Requirements for the operation, coordination and ongoing development of emergency medical services which include: basic life support or advanced life support vehicles, equipment, and supplies; communications; personnel; training; public education; state trauma system; injury control; and other medical care components; and
- The definition of areas of responsibility for regulating and planning the ongoing and developing delivery service requirements.

III. Effect of Proposed Changes:

Section 1 amends s. 381.0034, F.S., to remove persons certified under ch. 401, F.S., from those people who are required to complete a course on the modes of transmission, infection control procedures, clinical management, and prevention of HIV and AIDS.

Section 2 amends s. 401.23, F.S., to modify the definitions of “advanced life support” and “basic life support” to:

- Include assessment by qualified persons as part of the definitions in order to update the law to current practice standards.
- Link the techniques used for advanced life support to those listed in the EMT-Paramedic National Standard Curriculum and the National EMS Education Standards, pursuant to the DOH rules.
- Link the techniques used for basic life support to the techniques listed in the EMT-Basic National Standard Curriculum and the National EMS Education Standards which are approved by the DOH.

Section 3 amends s. 401.24, F.S., to increase the period of time within which the DOH must revise their EMS state plan from every two years to every five years.

¹² *Id.*

¹³ The state plan for 2012-2014 can be found at http://www.doh.state.fl.us/demo/ems/Stratplan/2012-2014EMS_StratPlanFinalCopy.pdf, last visited on Feb. 15, 2013.

Section 4 amends s. 401.27, F.S., to require training programs for EMTs and paramedics (including those programs taken by EMTs and paramedics trained outside of the state who wish to become certified in Florida) be programs approved by the DOH which are equivalent to the most recent EMT-Basic National Standard Curriculum (for EMTs), the most recent EMT-Paramedic National Standard Curriculum (for paramedics), or to the National EMS Education Standards (for both EMTs and paramedics). This section also increases, from one year to two years, the amount of time that EMTs and paramedics are allowed to pass their certification exam after completing their training.

Section 5 amends s. 401.2701, F.S., to allow EMS training programs to use those EMS Education Standards approved by the DOH in developing their curricula and course examinations. This section also deletes the requirement for EMS training programs to include four hours of HIV/AIDS training in their courses.

Section 6 provides an effective date of July 1, 2013.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 520 will likely have an indeterminate positive fiscal effect on EMTs, paramedics, and trainers by removing duplicative HIV/AIDS training provisions.

C. Government Sector Impact:

The DOH places the total government sector costs for implementation of this bill at \$3,790, which will be used for the promulgation of new rules. This cost can be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

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

None.

B. Amendments:

None.

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

By Senator Bradley

7-00941-13

2013520__

1 A bill to be entitled
 2 An act relating to emergency medical services;
 3 amending s. 381.0034, F.S.; deleting a requirement
 4 that emergency medical technicians, paramedics, and
 5 911 public safety telecommunicators complete an
 6 educational course on HIV and AIDS; amending s.
 7 401.23, F.S.; redefining the terms "basic life
 8 support" and "advanced life support" for purposes of
 9 the Raymond H. Alexander, M.D., Emergency Medical
 10 Transportation Services Act; amending s. 401.24, F.S.;
 11 revising the period for review of the comprehensive
 12 state plan for emergency medical services and
 13 programs; amending s. 401.27, F.S.; revising
 14 requirements for the certification and recertification
 15 of emergency medical technicians and paramedics;
 16 revising requirements for the certification of
 17 emergency medical technicians and paramedics trained
 18 outside the state; revising the time limit by which
 19 applicants trained outside the state must complete the
 20 certification examination without having to submit a
 21 new application and meet all eligibility and fee
 22 requirements; amending s. 401.2701, F.S.; revising
 23 requirements for institutions that conduct approved
 24 programs for the education of emergency medical
 25 technicians and paramedics; revising requirements that
 26 students must meet in order to receive a certificate
 27 of completion from an approved program; providing an
 28 effective date.
 29

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

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30 Be It Enacted by the Legislature of the State of Florida:
 31
 32 Section 1. Subsection (1) of section 381.0034, Florida
 33 Statutes, is amended to read:
 34 381.0034 Requirement for instruction on HIV and AIDS.—
 35 (1) The Department of Health shall require each person
 36 licensed or certified under ~~chapter 401~~, chapter 467, part IV of
 37 chapter 468, or chapter 483, as a condition of biennial
 38 relicensure, to complete an educational course approved by the
 39 department on the modes of transmission, infection control
 40 procedures, clinical management, and prevention of human
 41 immunodeficiency virus and acquired immune deficiency syndrome.
 42 Such course shall include information on current state Florida
 43 law on acquired immune deficiency syndrome and its impact on
 44 testing, confidentiality of test results, and treatment of
 45 patients. Each such licensee or certificateholder shall submit
 46 confirmation of having completed the ~~said~~ course, on a form
 47 provided by the department, when submitting fees or application
 48 for each biennial renewal.
 49 Section 2. Subsections (1) and (7) of section 401.23,
 50 Florida Statutes, are amended to read:
 51 401.23 Definitions.—As used in this part, the term:
 52 (1) "Advanced life support" means assessment or treatment
 53 by a person qualified under this part of life-threatening
 54 medical emergencies through the use of techniques such as
 55 endotracheal intubation, the administration of drugs or
 56 intravenous fluids, telemetry, cardiac monitoring, ~~and~~ cardiac
 57 defibrillation, and other techniques described in the EMT-
 58 Paramedic National Standard Curriculum or the National EMS

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59 Education Standards by a qualified person, pursuant to rules of
60 the department.

61 (7) "Basic life support" means the assessment or treatment
62 by a person qualified under this part of medical emergencies by
63 a qualified person through the use of techniques such as patient
64 assessment, cardiopulmonary resuscitation (CPR), splinting,
65 obstetrical assistance, bandaging, administration of oxygen,
66 application of medical antishock trousers, administration of a
67 subcutaneous injection using a premeasured autoinjector of
68 epinephrine to a person suffering an anaphylactic reaction, and
69 other techniques described in the EMT-Basic National Standard
70 Emergency Medical Technician Basic Training Course Curriculum or
71 the National EMS Education Standards of the United States
72 Department of Transportation and approved by the department. The
73 term ~~"basic life support"~~ also includes the administration of
74 oxygen and other techniques that ~~which~~ have been approved and
75 are performed under conditions specified by rules of the
76 department.

77 Section 3. Section 401.24, Florida Statutes, is amended to
78 read:

79 401.24 Emergency medical services state plan.—The
80 department is responsible, at a minimum, for the improvement and
81 regulation of basic and advanced life support programs. The
82 department shall develop, and ~~biennially~~ revise every 5 years, a
83 comprehensive state plan for basic and advanced life support
84 services, the emergency medical services grants program, trauma
85 centers, the injury control program, and medical disaster
86 preparedness. The state plan shall include, but need not be
87 limited to:

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88 (1) Emergency medical systems planning, including the
89 prehospital and hospital phases of patient care, and injury
90 control effort and unification of such services into a total
91 delivery system to include air, water, and land services.

92 (2) Requirements for the operation, coordination, and
93 ongoing development of emergency medical services, which
94 includes: basic life support or advanced life support vehicles,
95 equipment, and supplies; communications; personnel; training;
96 public education; state trauma system; injury control; and other
97 medical care components.

98 (3) The definition of areas of responsibility for
99 regulating and planning the ongoing and developing delivery
100 service requirements.

101 Section 4. Subsections (4) and (12) of section 401.27,
102 Florida Statutes, are amended to read:

103 401.27 Personnel; standards and certification.—

104 (4) An applicant for certification or recertification as an
105 emergency medical technician or paramedic must:

106 (a) Have completed an appropriate training program ~~course~~
107 as follows:

108 1. For an emergency medical technician, an emergency
109 medical technician training program approved by the department
110 as course equivalent to the most recent EMT-Basic National
111 Standard Curriculum or the National EMS Education Standards
112 ~~emergency medical technician basic training course~~ of the United
113 States Department of Transportation ~~as approved by the~~
114 ~~department;~~

115 2. For a paramedic, a paramedic training program approved
116 by the department as equivalent to the most recent EMT-Paramedic

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117 National Standard Curriculum or the National EMS Education
 118 Standards paramedic course of the United States Department of
 119 Transportation ~~as approved by the department;~~

120 (b) Certify under oath that he or she is not addicted to
 121 alcohol or any controlled substance;

122 (c) Certify under oath that he or she is free from any
 123 physical or mental defect or disease that might impair the
 124 applicant's ability to perform his or her duties;

125 (d) Within 2 years ~~1 year~~ after program course completion
 126 have passed an examination developed or required by the
 127 department;

128 (e)1. For an emergency medical technician, hold ~~either~~ a
 129 current American Heart Association cardiopulmonary resuscitation
 130 course card or an American Red Cross cardiopulmonary
 131 resuscitation course card or its equivalent as defined by
 132 department rule;

133 2. For a paramedic, hold a certificate of successful course
 134 completion in advanced cardiac life support from the American
 135 Heart Association or its equivalent as defined by department
 136 rule;

137 (f) Submit the certification fee and the nonrefundable
 138 examination fee prescribed in s. 401.34, which examination fee
 139 will be required for each examination administered to an
 140 applicant; and

141 (g) Submit a completed application to the department, which
 142 application documents compliance with paragraphs (a), (b), (c),
 143 (e), (f), (g), and, if applicable, (d). The application must be
 144 submitted so as to be received by the department at least 30
 145 calendar days before the next regularly scheduled examination

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146 for which the applicant desires to be scheduled.

147 (12) An applicant for certification ~~as who is an out-of-~~
 148 ~~state trained~~ emergency medical technician or paramedic who is
 149 trained outside the state must provide proof of current
 150 emergency medical technician or paramedic certification or
 151 registration based upon successful completion of a training
 152 program approved by the department as equivalent to the most
 153 recent EMT-Basic or EMT-Paramedic National Standard Curriculum
 154 or the National EMS Education Standards of the United States
 155 Department of Transportation ~~emergency medical technician or~~
 156 ~~paramedic training curriculum~~ and hold a current certificate of
 157 successful course completion in cardiopulmonary resuscitation
 158 (CPR) or advanced cardiac life support for emergency medical
 159 technicians or paramedics, respectively, to be eligible for the
 160 certification examination. The applicant must successfully
 161 complete the certification examination within 2 years ~~1 year~~
 162 after the date of the receipt of his or her application by the
 163 department. After 2 years ~~1 year~~, the applicant must submit a
 164 new application, meet all eligibility requirements, and submit
 165 all fees to reestablish eligibility to take the certification
 166 examination.

167 Section 5. Paragraph (a) of subsection (1) and subsection
 168 (5) of section 401.2701, Florida Statutes, are amended to read:
 169 401.2701 Emergency medical services training programs.—

170 (1) Any private or public institution in Florida desiring
 171 to conduct an approved program for the education of emergency
 172 medical technicians and paramedics shall:

173 (a) Submit a completed application on a form provided by
 174 the department, which must include:

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

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- 175 1. Evidence that the institution is in compliance with all
176 applicable requirements of the Department of Education.
- 177 2. Evidence of an affiliation agreement with a hospital
178 that has an emergency department staffed by at least one
179 physician and one registered nurse.
- 180 3. Evidence of an affiliation agreement with a current
181 ~~Florida-licensed~~ emergency medical services provider that is
182 licensed in this state. Such agreement shall include, at a
183 minimum, a commitment by the provider to conduct the field
184 experience portion of the education program.
- 185 4. Documentation verifying faculty, including:
- 186 a. A medical director who is a licensed physician meeting
187 the applicable requirements for emergency medical services
188 medical directors as outlined in this chapter and rules of the
189 department. The medical director shall have the duty and
190 responsibility of certifying that graduates have successfully
191 completed all phases of the education program and are proficient
192 in basic or advanced life support techniques, as applicable.
- 193 b. A program director responsible for the operation,
194 organization, periodic review, administration, development, and
195 approval of the program.
- 196 5. Documentation verifying that the curriculum:
- 197 a. Meets the ~~course guides and instructor's lesson plans in~~
198 ~~the most recent~~ Emergency Medical Technician-Basic National
199 Standard Curriculum or the National EMS Education Standards
200 approved by the department ~~Curricula~~ for emergency medical
201 technician programs and Emergency Medical Technician-Paramedic
202 National Standard Curriculum or the National EMS Education
203 Standards approved by the department ~~Curricula~~ for paramedic

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- 204 programs.
- 205 b. Includes 2 hours of instruction on the trauma scorecard
206 methodologies for assessment of adult trauma patients and
207 pediatric trauma patients as specified by the department by
208 rule.
- 209 ~~e. Includes 4 hours of instruction on HIV/AIDS training~~
210 ~~consistent with the requirements of chapter 381.~~
- 211 6. Evidence of sufficient medical and educational equipment
212 to meet emergency medical services training program needs.
- 213 (5) Each approved program must notify the department within
214 30 days after ~~of~~ any change in the professional or employment
215 status of faculty. Each approved program must require its
216 students to pass a comprehensive final written and practical
217 examination evaluating the skills described in the current
218 United States Department of Transportation EMT-Basic or EMT-
219 Paramedic, National Standard Curriculum or the National EMS
220 Education Standards and approved by the department. Each
221 approved program must issue a certificate of completion to
222 program graduates within 14 days after ~~of~~ completion.
- 223 Section 6. This act shall take effect July 1, 2013.

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THE FLORIDA SENATE
APPEARANCE RECORD

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

3/14/13

Meeting Date

Topic EMS

Bill Number 520
(if applicable)

Name Daniel Griffin

Amendment Barcode _____
(if applicable)

Job Title President Elect

Address 4621 NW 46 CT

Phone 352-494-1178

Street

Gainesville FL 32606

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing Florida EMS EDUCATORS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard 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

Committee Agenda Request

To: Senator Joe Negron, Chair
Committee on Appropriations

Subject: Committee Agenda Request

Date: March 7, 2013

I respectfully request that **Senate Bill # 520**, relating to Emergency Medical Services, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley".

Senator Rob Bradley
Florida Senate, District 7

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: CS/CS/SB 878

INTRODUCER: Committee on Appropriations; Committee on Education; and Senator Galvano

SUBJECT: Education Accountability

DATE: March 15, 2013 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Fav/CS
2.	Elwell	Hansen	AP	Fav/CS
3.	_____	_____	_____	_____
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/CS/SB 878 addresses performance accountability for public schools by improving and strengthening access to quality data, and aligning school grading and school improvement rating criteria and systems.

The bill does not change the current process regarding how the Florida Department of Education (DOE or department) provides data to researchers. The bill formalizes procedures for accessing and reporting data pursuant to the federal Family Educational Rights and Privacy Act (FERPA).

The bill will require the DOE to reprioritize its use of existing funding to implement the new web-based interface and Research Engine of the K-20 data warehouse.

The bill requires the Commissioner of Education to improve and streamline access to data maintained in the K-20 data warehouse by creating and fully implementing, by June 30, 2014, the following:

- A web-based interface designed to serve as a single location for public to access aggregated data from the K-20 data warehouse.

- A self-service, restricted access component of the K-20 data warehouse called the “Research Engine” that is capable of providing student-level data to organizations and authorized representatives under FERPA.

Additionally, the bill:

- Identifies authorized representatives and outlines specific guidelines regarding the Research Engine and prescribes specific duties of the Articulation Coordinating Committee, the Higher Education Coordinating Council, public and private postsecondary institutions, and the Commissioner of Education to streamline the data accessibility and reporting process.
- Aligns school accountability mechanisms by defining colocated schools, prescribing conditions for determining and assigning school grade and school improvement rating, and requiring clearly specified criteria for assigning master school identification number.
- Repeals section 1008.31(3)(d) and (e), Florida Statutes, relating to Paperwork Reduction.

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

The bill amends the following sections of the Florida Statutes: 1002.22, 1004.015, 1005.22, 1007.01, 1008.31, 1008.34, 1008.341, and 1008.385.

II. Present Situation:

CS/SB 878 is comprised of two key components:

- K-20 data warehouse
- K-12 school performance accountability

K-20 Data Warehouse

Florida’s K-20 education performance accountability system

In 2001, the Legislature created the K-20 education performance accountability system “to assess the effectiveness of Florida’s seamless K-20 education delivery system.”¹ The K-20 education performance accountability system is established as a “single, unified accountability system” consisting of state and sector-specific performance measures and standards to assess student outcomes.² The Commissioner of Education (commissioner) determines the standards for the data that are collected, monitors data quality, and measures improvements.³

Data reporting systems

The DOE receives data from a variety of sources including:

¹ Section 1008.31(1)(a), F.S. Section 9, ch. 2001-170, L.O.F., was initially codified at s. 229.007, F.S., and was redesignated in 2002 as s. 1008.31, F.S.

² Section 1008.31(1)-(2), F.S.

³ Section 1008.31(3)(c), F.S.

- School districts and public postsecondary educational institutions must maintain information systems to provide to the State Board of Education (SBE), the Board of Governors of the State University System (BOG), and the Legislature, information regarding Florida's K-20 education system. All data collected from the state universities must be integrated into the K-20 data warehouse and the commissioner must have unlimited access to such data solely for the purposes of conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation. All public educational institutions must provide data to the K-20 data warehouse in a format specified by the commissioner.⁴
- Not-for-profit independent colleges and universities which are eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant (FRAG) Program must report student-level data for each student who receives state funds in a format prescribed by the DOE. At a minimum, the data must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates.⁵
- The Commission for Independent Education (CIE) which regulates independent postsecondary educational institutions⁶ must collect, and all the institutions licensed by the commission must report, student-level data for each student who receives state funds.⁷ The CIE serves as a central agency for collecting and distributing current information regarding the independent postsecondary educational institutions licensed by the commission. The data must be reported annually and at a minimum, must include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earnings of graduates.⁸

Data access procedures

The K-20 data warehouse is designed to serve the education information interests of the state and the general public by providing data that follows student cohorts over time to determine trends in education research.

Effective July 1, 2011, the DOE established a Research Agenda to encourage research in areas of specific interest to the department and amended the process for providing researchers access to data maintained by the K-20 data warehouse.⁹ Researchers who wish to gain access to the data maintained by the K-20 data warehouse must meet the following criteria established by the DOE:¹⁰

⁴ Section 1008.31(3)(a), F.S.

⁵ Section 1008.31(3)(b), F.S.

⁶ The Commission for Independent Education regulates independent postsecondary educational institutions that operate in Florida or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government. Section 1005.02(11), F.S.

⁷ The CIE is responsible for matters concerning consumer protection, program improvement, and licensure for institutions under the purview of the commission. The granting of diplomas and degrees by independent postsecondary educational institutions under CIE's jurisdiction must be authorized by the CIE. Sections 1005.21(1) and (2) and 1005.22(1)(i), F.S.

⁸ Section 1005.22(1)(i), F.S.

⁹ Florida Department of Education, *Research*, <http://www.fldoehub.org/Research/Pages/default.aspx> (last visited Jan. 28, 2013).

¹⁰ Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

- Complete forms specified by the DOE and submit data requests by close-of-business on October 1, February 1, or June 1 of each year.¹¹
- Indicate how the request for data supports the DOE's Research Agenda.

If the DOE's Data Request Review Committee determines that a data request meets the department's Research Agenda but the committee determines that the DOE lacks sufficient staff resources to fulfill the data request within an evaluation period, such data request is automatically placed for reconsideration by the DOE's Data Request Review Committee during the next evaluation period. The data request may not be carried forward for reconsideration to more than one evaluation period.¹²

The DOE provides status of data requests to researchers after the department's Data Request Review Committee completes a review of all the data requests that the DOE receives within an evaluation period. After approving a data request, the department places the data request in a queue of approved data requests. However, the DOE routinely adjusts the timeline for providing data to researchers because requests for data by the Governor, the Legislature, and the SBE are prioritized over data requests by researchers.¹³

Family Educational Rights and Privacy Act

The Family Educational Rights and Privacy Act (FERPA), 20 U.S.C., s. 1232g, is a Federal privacy law¹⁴ that protects the privacy of students' education records.¹⁵ FERPA is administered by the Family Policy Compliance Office (FPCO) in the United States Department of Education (U.S. DOE). FERPA permits the disclosure education records of students that may contain personally identifiable information (PII) to following entities:¹⁶

- Organizations conducting studies for, or on behalf of, schools, school districts, or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.
- Authorized representatives of the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, and State or local educational authorities (FERPA-permitted entities) conducting audits or evaluations of Federal-or State-supported education programs to ensure that these programs comply with Federal legal requirements.^{17,18, 19}

¹¹ DOE requires researchers to fill-out and submit either the Unit Data Request Packet or the Additional Years Request Form to place a data request. Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

¹² Florida Department of Education, *The Florida Department of Education's Research Agenda for 2012-13*, at 4, available at <http://www.fldoehub.org/Research/Pages/default.aspx>.

¹³ *Id.*

¹⁴ 73 FR 74834 (Dec. 9, 2008)

¹⁵ 34 C.F.R., s. 99.2

¹⁶ 34 C.F.R., Part 99; see also United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-1and A-2, <http://www2.ed.gov/policy/gen/guid/fpc/hottopics/index.html> (last visited Jan. 28, 2013).

¹⁷ The U.S. DOE interprets state and local educational authority to refer to a State educational agency (SEA), a State postsecondary commission, United States Department of the Interior's Bureau of Indian Education (BIE), or any other entity that is responsible for and authorized under local, State, or Federal law to supervise, plan, coordinate, advise, audit, or evaluate elementary, secondary, or postsecondary Federal- or State-supported educational programs and services in the State.

FERPA requires organizations conducting a study or authorized representatives conducting an audit or an evaluation to publish results in a way that protects the privacy and confidentiality of students and their parents.²⁰

Both the studies and the audit or evaluation exceptions, under FERPA, specifically require the educational authority and the organization or authorized representative to execute a written agreement to protect the PII from education records of students.^{21,22}

Articulation Coordinating Committee

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and the BOG on postsecondary transition issues. The committee provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement. The ACC reports to the commissioner and comprises of the following members: two members each representing the State University System (SUS), the Florida College System (FCS), public career and technical education, public K-12 education, and non-public education, and one member representing students.²³ The ACC is responsible for reviewing and monitoring the different components of Florida's articulation system and making policy recommendations to facilitate seamless articulation between and

U.S. DOE's current interpretation of state and local educational authority does not include tribal education agencies (TEAs). An educational agency, under 34 C.F.R., s. 99.1(a)(2), "is an entity that is authorized to direct and control public elementary or secondary schools or postsecondary institutions. 76 FR 75606, 75607, and 75615 (Dec. 2, 2011).

¹⁸ The U.S. DOE permits "State and local educational authorities, the Secretary of Education, the Comptroller General, and the Attorney General of the United States to have greater flexibility and discretion to designate authorized representatives who may access PII from education records as needed to conduct an audit, evaluation, or enforcement or compliance activity specified in [34 C.F.R.,] s. 99.35". In adopting the definition of the term "Authorized Representative", the U.S. DOE "is not delegating its statutory authority to address violations of FERPA under 20 U.S.C. 1232g(f). The [U.S. DOE] is simply delegating the authority to the entities specified in 20 U.S.C. 1232g(b)(1)(C) and (b)(3) to determine who may serve as their authorized representatives to conduct an audit, evaluation, or enforcement or compliance activity." 76 FR 75617 and 75618 (Dec. 2, 2011).

¹⁹ 34 C.F.R., s. 99.3. An education program must be "principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution. United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-2, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

²⁰ United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-4, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

²¹ The U.S. DOE "defers to State law governing contracts and written agreements, including the imposition of allowable sanctions." The U.S. DOE encourages "FERPA-permitted entities to consider specifying additional remedies or sanctions as part of the written agreements with their authorized representatives under [34 C.F.R.,] s. 99.35 in order to protect PII from education records." 76 FR 75620 and 75624 (Dec. 2, 2011).

²² 76 FR 75619 (Dec. 2, 2011); *see also* United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-2, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013). The U.S. DOE recommends consideration of items for inclusion in a written agreement for work under both the studies and the audit or evaluation exceptions (i.e., items regarding limits and requirements for using PII, review and approval of requests, conditions and penalties for using PII, and conflict resolution and termination). United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-7, A-8, and A-9, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

²³ Section 1007.01(2)-(3), F.S. The ACC was initially codified at 229.551, F.S., but was repealed January 7, 2003, by s. 3(7), ch. 2000-321. In 2011, the ACC was again codified in law by amending s. 1007.01, F.S. Section 7, ch. 2011-177, L.O.F.

among public schools, career and technical education centers, FCS institutions, state universities, and nonpublic postsecondary institutions.²⁴

Higher Education Coordinating Council

The Legislature created the Higher Education Coordinating Council (HECC) in 2010 to identify unmet needs and facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.²⁵ The council comprises of the following members: the commissioner; the Chancellor of the SUS; the Chancellor of the FCS; the Executive Director of the Commission for Independent Education (CIE); the President of the Independent Colleges and Universities of Florida (ICUF); and two members of the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.²⁶ The HECC serves as an advisory board to the Legislature, the SBE, and the BOG, and makes policy recommendations regarding fostering an integrated continuum of education for Florida's students from kindergarten through graduate school.²⁷ By December 31 of each year, the HECC must submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE outlining ways to align education policies and outcomes to state goals.²⁸

K-12 School Performance Accountability

All students attending public schools are required to take statewide assessments, except as otherwise provided by law.²⁹ By assessing how well students have mastered the standards, parents and educators are able to determine whether the student needs remediation, is ready for the next grade level, or is equipped to pursue college or career study.³⁰ Based on student performance data from statewide assessments, the schools are assigned a school grade.³¹ Alternative schools, may, however choose to receive either a school grade or a school improvement rating.³²

An alternative school is any school that provides dropout prevention and academic intervention services. Alternative schools may serve students in grades 1-12 who:³³

- Are academically unsuccessful as evidenced by low test scores, retention, failing grades, low grade point average, falling behind in earning credits, or not meeting the state or district proficiency levels in reading, mathematics, or writing;

²⁴ Section 1007.01((3), F.S.

²⁵ Section 1004.015(1), F.S.; *see* s. 13, ch. 2010-78, L.O.F.

²⁶ Section 1004.015(2), F.S.

²⁷ Section 1004.015(3), F.S.

²⁸ Section 1004.015(4), F.S.

²⁹ Section 1008.22(3)(c)8., F.S. Statewide assessments include the FCAT and all statewide, standardized end-of-course (EOC) assessments.

³⁰ Section 1008.22(1), F.S.

³¹ Section 1008.34(2), F.S.

³² Sections 1008.34(3)(a)2. and 1008.341(2), F.S. For charter schools that meet the definition of an alternative school, i.e., charter alternative schools, the decision to receive a school grade is the decision of the charter school governing board. Section 1008.34(3)(a)2., F.S.

³³ Sections 1008.341(2) and 1003.53(1)(b)-(c), F.S.

- Have a pattern of excessive absenteeism or are habitual truants; or
- Have a history of disruptive behavior in school or has committed an offense that warrants out-of-school suspension or expulsion from school.³⁴

However, for accountability purposes, the definition of an alternative school excludes “second chance schools”, educational programs operated or contracted by Department of Juvenile Justice facilities, and district school board programs that serve students officially enrolled in dropout retrieval programs.^{35,36}

If an alternative school chooses to receive a school improvement rating instead of a school grade, student performance is also included in the school grade of the student’s home school.^{37,38}

School Grades

The DOE assigns school grades to all public schools, including charter schools, with at least 30 full-year-enrolled students with valid Florida Comprehensive Assessment Test (FCAT) scores in reading for the current and prior years and at least 30 full-year-enrolled students with valid FCAT scores in mathematics for the current and prior years.³⁹ For the mathematics portion of the school grade, high schools must have at least 10 students with valid Algebra 1 end-of-course (EOC) assessment scores in 2011-12 and, beginning in 2012-13, at least 10 students with valid Geometry EOC assessment scores or Florida Alternate Assessment (FAA) scores in the current and previous years to receive a school grade.⁴⁰ Because learning gains for high school students may be measured using FCAT 2.0 Mathematics scores for the prior-year scores, these scores are also counted toward the minimum cell-size requirements. Department of Juvenile Justice schools are not graded.⁴¹

To qualify for a school grade of “A,” a school must test at least 95 percent of the school’s eligible students. To qualify for a grade of “B,” “C,” or “D,” a school must test at least 90 percent of the school’s eligible students.⁴² If less than 90 percent of the eligible students are assessed, an “I” (Incomplete) is assigned.⁴³

³⁴ For the purposes of this program, “disruptive behavior” is behavior that interferes with the student’s own learning or that of others and requires a degree of individual attention that is not practicable in a traditional program or results in frequent conflicts of a disruptive nature or that severely threatens the general welfare of students or others. Section 1003.53(1)(c)3.a.-b., F.S.

³⁵ A “second chance school” means district school board programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other state agencies for students who have been disruptive or violent or who have committed serious offenses. Section 1003.53(1)(d)1., F.S.

³⁶ Section 1008.341(2), F.S.; Rule 6A-1.099822(2)(a), F.A.C.; cf. s. 1008.341(3), F.S. (stating that the assessment scores of students who are subject to district school board policies for expulsion for repeated or serious offenses, who are in dropout retrieval programs serving students who have officially been designated as dropouts, or who are in programs operated or contracted by the Department of Juvenile Justice may not be included in an alternative school’s school improvement rating.)

³⁷ “Home school” means the school to which the student would be assigned if the student were not assigned to an alternative school. Section 1008.34(3)(c)3., F.S.

³⁸ Section 1008.34(3)(c)3., F.S.; see also s. 1008.341, F.S.

³⁹ Rule 6A-1.09981(3)(a), F.A.C.; see also s. 1008.34(3)(a)1., F.S.

⁴⁰ Rule 6A-1.09981(3)(a), F.A.C.; see also s. 1008.34(3)(a)1., F.S.

⁴¹ Section 1008.34 (3)(c)3., F.S.

⁴² Rule 6A-1.09981(1)(a)4., F.A.C.

⁴³ Rule 6A-1.09981(8)(b)2., F.A.C.

School Improvement Ratings

School improvement ratings are indicators of whether an alternative school's performance has improved, remained the same, or declined compared to the prior year based on student statewide, standardized assessment scores.⁴⁴ The school improvement rating must include:

- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have FCAT or comparable scores for the preceding school year;⁴⁵ and
- The aggregate scores on statewide assessments for all eligible students who were assigned to and enrolled in the school during the October or February FTE count and who have scored in the lowest 25th percentile of students in the state on FCAT Reading.⁴⁶

To receive a school improvement rating, an alternative school must have a minimum of 10 students with valid FCAT or FAA scores in reading for the current and previous two years and a minimum of 10 students with valid FCAT, FAA, or EOC assessment scores in mathematics for the current and previous two years.⁴⁷

An alternative school that earns a school improvement rating receives one of the following:⁴⁸

- “Improving” – students are making more academic progress at the alternative school than when the students were served in their home schools;
- “Maintaining” – students are making progress at the alternative school equivalent to academic progress made when the students were served in their home schools; or
- “Declining” – students are making less academic progress at the alternative school than when the students were served in their home schools.

The achievement scores and learning gains of eligible students attending alternative schools that provide dropout prevention and academic intervention services are credited back to the home school for inclusion in the home school's grade calculation.⁴⁹

Comprehensive Management Information Systems

The commissioner must develop and implement an integrated information system for educational management to collect and transfer student and school performance data required to determine the degree to which schools and school districts are meeting state performance standards.⁵⁰ The DOE maintains a Master School Identification (MSID) number to provide accurate identification

⁴⁴ Section 1008.341(2), F.S.; *see also* Rule 6A-1.099822, F.A.C.

⁴⁵ Section 1008.341(3)(a), F.S.

⁴⁶ Section 1008.341(3)(b), F.S.

⁴⁷ Rule 6A-1.099822(5)(a), F.A.C.

⁴⁸ Section 1008.341(2), F.S.

⁴⁹ Section 1008.34(3)(c)3., F.S.; *cf.* rule 6A-1.099822(6), F.A.C. (stating that the student performance of eligible students shall be included in the students' home school's grade as well as the school's school improvement rating, if the school is not a charter alternative school). This presumes that students are not assigned to charter alternative schools.

⁵⁰ Section 1008.385(2), F.S.

regarding each public school in the state of Florida. The MSID number is used to report data to the department's Student and Staff Automated Database Systems and provides the foundation for accountability reporting, including annual school grades, and reporting to the U.S. DOE.⁵¹

III. Effect of Proposed Changes:

K-20 Data Warehouse

K-20 education performance accountability system

CS/SB 878 does not change current process regarding how the DOE provides data to researchers.⁵² The bill formalizes procedures for accessing and reporting data pursuant to FERPA.

Data reporting systems

The bill updates the DOE procedures to reflect revised FERPA regulations and strengthens protocols and practices regarding access to and use of data by establishing the requirements listed below.⁵³

- All public educational institutions must annually provide data to the K-20 data warehouse in a format identified by the commissioner. The bill specifies that each year, the data must be reported from the prior year and the data that are reported must be based on data elements identified by the commissioner.
- The BOG must provide to the DOE data that must be integrated into the K-20 data warehouse. The bill specifies that the BOG must make available to the DOE, all data within the State University Database System (SUDS). The SUDS is a combination of several standard educational data subsystems regarding students, facilities, personnel, and finance.⁵⁴ The bill allows the commissioner to use such data to address data requests from organizations and authorized representatives in addition to the purposes for data usage that are specified under current law: conducting studies, reporting annual and longitudinal student outcomes, and improving college readiness and articulation.⁵⁵
- Colleges and universities which are eligible to participate in the FRAG Program must annually report to the DOE, in a format prescribed by the DOE, student-level data from the prior year for each student enrolled in such institutions who receives state funds. The bill requires the FRAG-eligible colleges and universities to annually report student-level data to

⁵¹ E-mail, Florida Department of Education, Division of Accountability, Research and Measurement (Feb. 28, 2013).

⁵² Before providing data to researchers, the DOE masks personally identifiable information. Additionally, the DOE also performs data matches in-house to protect data when addressing data requests that require matching data across multiple databases. However, the DOE does provide personally identifiable information to Florida state agencies that request such data to perform data matches regarding individuals who receive services under programs administered by multiple state agencies. Telephone interview with staff from the Division of Accountability, Research, and Measurement, Florida Department of Education (Feb. 26, 2013). The U.S. DOE provides guidance regarding statistical methods to protect PII. 76 FR 75620 (Dec. 2, 2011).

⁵³ The revised FERPA regulations are effective January 3, 2012. 76 FR 75604 (Dec. 2, 2011).

⁵⁴ E-mail, Board of Governors, Information Resource Management (Feb. 18, 2013), on file with the Committee on Education staff.

⁵⁵ Section 1008.31(3), F.S.

the DOE by October 1 of each year. For the 2012-2013 academic year, the bill extends the deadline for reporting of data by the FRAG-eligible colleges and universities to December 31, 2013.

- Institutions licensed by the CIE must annually report to the CIE, in a format prescribed by the DOE, student-level data from the prior year for each student enrolled in such institutions who receives state funds. CIE must annually collect student-level data from the institutions licensed by the CIE and by October 1 of each year report such data to the DOE. For the 2012-2013 academic year, the bill extends the deadline for reporting of data by the CIE to December 31, 2013.
- The commissioner must, pursuant to the bill, collaborate with the executive director of the Department of Economic Opportunity to develop procedures to link student-level data to student and workforce outcome data contained in the Wage Record Interchange System (WRIS)^{56,57}. Linking student education and workforce data will allow Florida to assess education and workforce outcomes to determine the state's return on investment and strategies to address specific concerns.
- By June 30, 2014, the commissioner must improve and streamline access to data maintained by the K-20 data warehouse by creating and fully implementing two systems:
 - A web-based interface designed to serve as a single location for public to access aggregated data from the K-20 data warehouse.
 - Currently, to access reports prepared by the DOE, researchers must navigate the DOE's Internet website extensively to find links to the reports that are housed in "multiple and disparate website locations".⁵⁸ To improve and streamline access to data, the DOE is in the process of developing a single, customer-friendly, Web-based interface.⁵⁹ The DOE estimates that the department will implement the Web-based interface by June 2014.⁶⁰ The bill codifies the Web-based interface.

⁵⁶ The WRIS "facilitates the exchange of wage data among participating states for the purpose of assessing and reporting on state and local employment and training program performance, evaluating training provider performance, and for other purposes allowed under the WRIS Data Sharing Agreement. The exchange permits state workforce program performance agencies to secure wage data of individuals who have participated in workforce investment programs in one state, then subsequently secured employment in another state. By participating in WRIS, states have a more robust picture of the effectiveness of their workforce investment programs, and are able to report more comprehensive outcomes against their performance measures." Currently, all 50 states, the District of Columbia, and Puerto Rico participate in the WRIS. United States Department of Labor, *Wage Record Interchange System (WRIS)*, <http://www.doleta.gov/performance/wris.cfm> (last visited Feb. 14, 2013).

⁵⁷ The WRIS Advisory Group developed the WRIS 2 Data Sharing Agreement for wage record data sharing with non-U.S. Department of Labor (U.S. DOL) programs. This Agreement was developed based on the interest expressed by some states regarding sharing aggregate outcomes with partner programs that are not covered under the terms of the WRIS Data Sharing Agreement. The WRIS 2 extends the WRIS data sharing model to One-Stop Career Center partner programs such as education programs and other programs that are not under the jurisdiction of the U.S. DOL, as well as other programs. United States Department of Labor, *Wage Record Interchange System (WRIS) 2*, <http://www.doleta.gov/performance/wris2.cfm> (last visited Feb. 14, 2013). Currently, 24 states and one territory participate in the WRIS 2: Arizona, Arkansas, Florida, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maryland, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Rhode Island, South Dakota, Tennessee, Texas, Utah, and Wyoming. E-mail, Florida Department of Economic Opportunity (Jan. 25, 2013), on file with the Committee on Education staff.

⁵⁸ Florida Department of Education, *Florida's Race To The Top Application for Initial Funding* (Jan. 19, 2010), at 90, available at <http://www.fldoe.org/arra/pdf/rttt-apbud.pdf>.

⁵⁹ Florida Department of Education, *Florida's Race To The Top Application for Initial Funding* (Jan. 19, 2010), at 93-94, available at <http://www.fldoe.org/arra/pdf/rttt-apbud.pdf>.

⁶⁰ Telephone interview with staff from the Division of Accountability, Research, and Measurement, Florida Department of Education (March 1, 2013).

- A self-service, restricted access component of the K-20 data warehouse called the “Research Engine” that is capable of providing student-level data to organizations and authorized representatives under FERPA. The Research Engine must be accessible at the DOE’s headquarters or by other secure means as agreed upon by the organizations or authorized representatives and the department.
- The DOE is in the process of developing a system to provide “authorized users with single sign-on access to confidential student and staff information” pursuant to the FERPA regulation. Additionally, the DOE is working to further enhance the availability of statewide longitudinal data systems by automating the approval process for gaining access to student-level data and by implementing a self-service, restricted access data repository called the “Sandbox” for authorized users.⁶¹ The DOE estimates that the Sandbox will be implemented by June 2014.⁶² The bill codifies the Research Engine.

The bill requires that authorized representatives include the Executive Office of the Governor, the Florida Legislature, the Florida Auditor General, the Office of Program Policy Analysis and Government Accountability, the district school boards, the Florida College System institutions, and Florida’s state universities or entities approved by the DOE. Requests from the Executive Office of the Governor, the Florida Legislature, the Florida Auditor General, the Office of Program Policy Analysis and Government Accountability must be given priority over other data requests and must be provided free of charge.

The bill requires the DOE to adopt procedures regarding implementation of the web-based interface and the Research Engine.

Data access procedures

The bill requires that access to the Research Engine must not be conditioned upon or limited to studies, audits, or evaluations that support the research agenda of the SBE, commissioner, or the DOE. The procedures to access data through the Research Engine are:

- The commissioner must create a website for organizations and authorized representatives to submit data requests. The website must generate an automated acknowledgement of each data request.
- Each acknowledgement of a data request must include a username and password to view the order and status of completion of that data request and a link to the directory of data elements which provides a detailed description of each data request.
- Within 90 days after acknowledging each data request, the DOE must provide technical assistance regarding the written agreement which organizations or authorized representatives must execute with the commissioner before access to data is granted by the department. However, the bill does not require organizations and authorized representatives to wait for 90 days to obtain access to data through the Research Engine. Organizations or authorized

⁶¹ Florida Department of Education, *Florida’s Race To The Top Application for Initial Funding* (Jan. 19, 2010), at 94-95 and 106, available at <http://www.fldoe.org/arra/pdf/rttt-apbud.pdf>; see also Florida Department of Education, *Statewide Longitudinal Data Systems*, <http://www.fldoe.org/arm/slds/default.asp> (last visited March 1, 2013).

⁶² Telephone interview with staff from the Division of Accountability, Research, and Measurement, Florida Department of Education (March 1, 2013).

representatives may execute the written agreement with the DOE at any time after submitting a data request.

- Data requests must be completed within 90 days after the written agreement is executed, unless the written agreement specifies otherwise. The bill authorizes organizations and authorized representatives to request additional data from the DOE after executing the written agreement with the department by amending the written agreement. The deadline for fulfilling such data request may be adjusted accordingly.
 - Based on the U.S. DOE's recommendations for items that should be considered for inclusion in a written agreement to protect data, the bill specifies the terms and conditions regarding data access and use that should be included in the written agreement.
 1. An explicit statement of the purpose, scope, and duration of the activity to clarify that the activity is permissible under FERPA and that the activity does not further a commercial, trade, or profit interest.
 2. Identification of data elements to complete a study, an audit, or an evaluation.
 3. Identification of the FERPA exception relied upon to obtain data.
 4. Requirements regarding procedures to secure data.
 5. Requirements limiting the use of data to meet only the purpose stated in the written agreement.
 6. Requirements regarding disciplinary policies for organizations and authorized representatives which violate FERPA or the written agreement.
 7. Prohibitions regarding unauthorized access to or use of data obtained pursuant to the written agreement.
 8. Requirements regarding destruction of PII data.
 9. Requirements regarding background screening of organizations and authorized representatives.
 10. Requirements regarding the assessment of liquidated damages for unauthorized disclosure of PII data or violation of the terms and conditions of the written agreement.
 11. Identification of deliverables (e.g., a copy of the final study, audit, or evaluation) to be provided by organizations or authorized representatives within 1 year after the date of execution of the written agreement, unless the written agreement specifies otherwise. If all the deliverables are not provided timely to the DOE, the commissioner may assess liquidated damages as specified in the written agreement.

The DOE must maintain a copy of reports prepared and submitted by such entities. This requirement will enable the DOE to confirm that organizations and authorized users use data for the purposes specified in the written agreement pursuant to the recommendations for best practices regarding FERPA⁶³.

12. Requirements regarding maintaining the confidentiality of information that are exempt from public disclosure pursuant to federal or state law.
13. Requirements regarding service charge to access data through the Research Engine. The DOE must create and implement a pricing structure that is self-sustainable to recover actual costs to fulfill a data request. This requirement will allow the DOE to

⁶³ United States Department of Education, *Guidance for Reasonable Methods and Written Agreements*, at A-3, A-5, and A-7, <http://www2.ed.gov/policy/gen/guid/fpco/hottopics/index.html> (last visited Jan. 28, 2013).

address workload and staffing issues regarding data requests. The bill authorizes the commissioner to waive or reduce the service charge. Funds collected from the service charge must be deposited in the Operating Trust Fund⁶⁴.

The DOE must maintain and continually update a list of organizations and authorized representatives that obtain data from the Research Engine on the web-based interface. The list must include the date of receipt of each data request, response time to address each data request, and current status of each data request. This requirement will promote greater transparency and accountability regarding access to and use of data maintained by the K-20 data warehouse. The bill provides to the DOE rulemaking authority regarding the written agreement and the service charge.

Articulation Coordinating Committee

The bill adds to the responsibilities of the ACC by specifying that the committee facilitate timely reporting of statewide education data by all educational delivery systems and make recommendations regarding access, quality, and reporting of data maintained by the K-20 data warehouse.

Higher Education Coordinating Council

The bill adds to the purposes of the HECC by specifying that the council must facilitate solutions to data issues identified by the ACC and promote the adoption of a common set of data elements identified by the National Center for Education Statistics to facilitate sharing of data within and across states.

K-12 SCHOOL PERFORMANCE ACCOUNTABILITY

School Grades

The bill defines a colocated school as one that has its own Master School Identification (MSID) number, provides the education for each of its enrolled students, and operates at a facility that is shared with another school that has its own unique MSID number and provides education for each of its enrolled students. If a colocated school does not receive a school grade or school improvement rating, the student performance data for all the schools located at that facility must be aggregated and assigned to each of the respective schools.

To increase the number of schools receiving a school grade, the bill requires all schools that meet or exceed the minimum sample size of 10 to receive a school grade.

Alternative Schools

The bill provides that if an alternative school serves at least 10 students who are tested on statewide assessments in the current and prior year, the alternative school must report to the parents of each enrolled student: learning gains; industry certification rate; college readiness rate;

⁶⁴ The Operating Trust Fund which is created within the DOE “is established for use as a depository for funds to be used for program operations funded by program revenues.” Section 1001.281(1) and (2), F.S.

dropout rate; graduation rate; and, the student's progress toward meeting high school graduation requirements. This additional information will enable parents to make informed decisions regarding the education of their students, especially for students who attend schools that do not receive a school grade or school improvement rating.

The bill authorizes an alternative school to receive a school improvement rating if at least 80% of the students in that alternative school are tested on statewide assessments. An alternative school that tests less than 90% of the students in the school may not receive a school improvement rating higher than "Maintaining."

The bill clarifies that for the purposes of determining school grade, the achievement scores and learning gains for a hospital- or homebound student must be assigned to the student's home school if the student was enrolled in the home school during the October and February FTE count in the prior school year.

Comprehensive Management Information Systems

The bill requires the DOE to develop criteria for issuing and revoking master school identification numbers to support the maintenance of education records, to enforce and support education accountability, and support the distribution of funds to school districts and school districts' financial reports, and assist the commissioner in carrying out the duties set forth in current law⁶⁵.

Finally, the bill repeals section 1008.31(3)(d) and (e), Florida Statutes, relating to Paperwork Reduction. Legislation enacted in 2010 required the commissioner to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements.⁶⁶ Although this provision is intended to reduce paperwork, it actually creates more paperwork for the DOE and school districts. The DOE and school district superintendents concur with the repeal of these provisions.⁶⁷

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

⁶⁵ Sections 1001.10 and 1001.11, F.S.

⁶⁶ Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

⁶⁷ Florida Department of Education, *School District Superintendent Survey* (Oct. 25, 2012), at 3, http://www.fldoe.org/news/2012/2012_11_05-2.asp (last visited March 1, 2013). The School District Superintendent Survey incorrectly references s. 1001.42(24), F.S. for reducing paperwork and data collection and reporting.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will require the DOE to reprioritize its use of existing funding to implement the new web-based interface and Research Engine of the K-20 data warehouse.

However, the SBE must adopt rules prescribing a pricing structure that is self-sustainable with the goal that the service charge for use of the Research Engine recovers the actual costs to fulfill the data request.

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/CS by Appropriations on March 14, 2013:

The committee substitute differs from CS/SB 878 in the following ways:

- Removes authority for the Commissioner of Education to interpret in the least restrictive manner the requirements of FERPA.
- Deletes “unlimited” from “unlimited access” for access by the Commissioner of Education to certain student data in the K-20 data warehouse.
- Deletes the term “not limited to” for certain provisions of FERPA. As amended the bill does not authorize exceptions to FERPA.

CS by Education on March 6, 2013:

The committee substitute differs from SB 878 in that the committee substitute:

- Clarifies legislative intent regarding the commissioner interpreting the FERPA in the least restrictive manner for the purposes of allowing data linkages among institutions across all education delivery systems and specifies that the intent does not abrogate the provisions of state and federal law.

- Authorizes the DOE to approve entities as authorized representatives in addition to the entities that are specified in the bill.
- Replaces K-12 accountability language regarding schools-within-a-school with language that is more specific to colocated schools and criteria for the determination of school grades and school improvement ratings for all public schools including alternative schools.
- Clarifies for the purposes of determining school grade, the scores for a hospital- or homebound student must be assigned to the student's home school if the student was enrolled in the home school during the October and February FTE count in the prior school year.
- Repeals s. 1008.31(3)(d) and (e), F.S. regarding paperwork reduction.

B. Amendments:

None.



877842

LEGISLATIVE ACTION

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

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment (with title amendment)

Delete lines 197 - 212
and insert:

Section 5. Present subsection (4) of section 1008.31, Florida Statutes, is renumbered as subsection (5), a new subsection (4) is added to that section, and subsection (3) of that section is amended, to read:

1008.31 Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.-



877842

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

14 And the title is amended as follows:

15 Delete lines 26 - 28

16 and insert:

17 education data; amending s. 1008.31, F.S.; requiring



297990

LEGISLATIVE ACTION

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

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment

Delete line 221
and insert:
The commissioner shall have ~~unlimited~~ access to such data ~~solely~~



764846

LEGISLATIVE ACTION

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

The Committee on Appropriations (Galvano) recommended the following:

Senate Amendment

Delete lines 409 - 423
and insert:

(4) ACCESS TO THE K-20 DATA WAREHOUSE.-Pursuant to the studies exception under FERPA, and the federal regulations issued pursuant thereto, organizations conducting studies for, or on behalf of, educational agencies and institutions as provided in 34 C.F.R. 99.31(a)(6), shall be given access to data maintained by the K-20 data warehouse in a manner consistent with this section, ss. 1002.22, 1002.221, 1006.52, and FERPA. Pursuant to the audit or evaluation exception under FERPA,



764846

13 authorized representatives conducting an audit or an evaluation
14 of a Federal- or state-supported education program as provided
15 in 34 C.F.R. 99.31(a)(3), shall be given access to the data
16 maintained by the K-20 data warehouse in a manner consistent
17 with this section, ss. 1002.22, 1002.221, 1006.52, and FERPA.

By the Committee on Education; and Senator Galvano

581-02004-13

2013878c1

1 A bill to be entitled
 2 An act relating to education accountability; amending
 3 s. 1002.22, F.S.; requiring the State Board of
 4 Education to notify the Legislature of any major
 5 changes in federal law which may affect the state's K-
 6 20 education performance accountability system;
 7 amending s. 1004.015, F.S.; providing that one of the
 8 purposes of the Higher Education Coordinating Council
 9 is to facilitate solutions to data issues identified
 10 by the Articulation Coordinating Committee to improve
 11 the K-20 education performance accountability system;
 12 revising the guiding principles for recommendations of
 13 the Higher Education Coordinating Council; amending s.
 14 1005.22, F.S.; revising the duties of the Commission
 15 for Independent Education with regard to collecting
 16 and distributing current data regarding institutions
 17 licensed by the commission; providing reporting
 18 requirements; requiring the commission to annually
 19 report the data to the department by a specified date;
 20 amending s. 1007.01, F.S.; requiring the Articulation
 21 Coordinating Committee to make recommendations related
 22 to statewide policies and issues regarding access,
 23 quality, and reporting of data maintained by the K-20
 24 data warehouse; revising the committee's duties
 25 related to collecting and reporting of statewide
 26 education data; amending s. 1008.31, F.S.; revising
 27 the legislative intent with regard to the state's K-20
 28 education performance accountability system; requiring
 29 the Board of Governors to make available to the

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

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30 Department of Education all data within the State
 31 University Database System which is to be integrated
 32 into the K-20 data warehouse; requiring the
 33 Commissioner of Education to have access to certain
 34 data for the added purpose of providing data to
 35 organizations and certain authorized representatives;
 36 requiring all public educational institutions to
 37 annually provide data from the prior year to the K-20
 38 data warehouse in a format based on data elements
 39 identified by the commissioner; requiring colleges and
 40 universities eligible to participate in the William L.
 41 Boyd, IV, Florida Resident Access Grant Program to
 42 report current data from the prior year for each
 43 student who receives state funds in a format
 44 prescribed by the Department of Education; providing
 45 reporting requirements; requiring these colleges and
 46 universities to annually report the data to the
 47 department by a specified date; requiring the
 48 commissioner to collaborate with the Department of
 49 Economic Opportunity to develop procedures for the
 50 ability to tie student-level data to student and
 51 workforce outcome data contained in the Wage Record
 52 Interchange System; deleting a provision that requires
 53 the commissioner to prepare a report that assists the
 54 school districts in eliminating or consolidating
 55 paperwork, data, and reports by providing suggestions,
 56 technical assistance, and guidance; requiring the
 57 commissioner to improve and streamline by a specified
 58 date access to data maintained by the K-20 data

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59 warehouse by creating and fully implementing a web-
 60 based interface and a self-service, restricted access
 61 component of the K-20 data warehouse called the
 62 "Research Engine"; providing requirements for the
 63 Research Engine; providing requirements for a written
 64 agreement to access the Research Engine; requiring the
 65 adoption of rules and procedures; deleting a provision
 66 that requires the commissioner to use existing data
 67 being collected to reduce duplication and minimize
 68 paperwork; requiring the Department of Education to
 69 share education records of students which may contain
 70 students' personally identifiable information with
 71 organizations and authorized representatives pursuant
 72 to the studies and audit and evaluation exceptions
 73 under the Family Educational Rights and Privacy Act;
 74 amending s. 1008.34, F.S.; revising provisions
 75 relating to schools that are assigned school grades,
 76 including colocated schools, and students whose
 77 assessment data is used in determining school grades;
 78 amending s. 1008.341, F.S.; revising provisions
 79 relating to alternative schools that are assigned a
 80 school improvement rating; revising the student data
 81 used in determining an alternative school's school
 82 improvement rating; providing requirements for the
 83 content and distribution of student report cards for
 84 alternative schools; amending s. 1008.385, F.S.;
 85 requiring the commissioner to provide information
 86 relating to master school identification numbers for
 87 purposes of the comprehensive management information

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88 system; providing an effective date.
 89
 90 Be It Enacted by the Legislature of the State of Florida:
 91
 92 Section 1. Paragraph (b) of subsection (3) of section
 93 1002.22, Florida Statutes, is amended to read:
 94 1002.22 Education records and reports of K-12 students;
 95 rights of parents and students; notification; penalty.-
 96 (3) DUTIES AND RESPONSIBILITIES.-The State Board of
 97 Education shall:
 98 (b) Monitor the FERPA and notify the Legislature of any
 99 significant change to the requirements of the FERPA or other
 100 major changes in federal law which may impact this section or s.
 101 1008.31.
 102 Section 2. Subsection (1) of section 1004.015, Florida
 103 Statutes, is amended, and paragraph (f) is added to subsection
 104 (3) of that section, to read:
 105 1004.015 Higher Education Coordinating Council.-
 106 (1) The Higher Education Coordinating Council is created
 107 for the purposes of identifying unmet needs; ~~and~~ facilitating
 108 solutions to disputes regarding the creation of new degree
 109 programs and the establishment of new institutes, campuses, or
 110 centers; and facilitating solutions to data issues identified by
 111 the Articulation Coordinating Committee pursuant to s. 1007.01
 112 to improve the K-20 education performance accountability system.
 113 (3) The council shall serve as an advisory board to the
 114 Legislature, the State Board of Education, and the Board of
 115 Governors. Recommendations of the council shall be consistent
 116 with the following guiding principles:

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117 (f) To promote adoption of a common set of data elements
 118 identified by the National Center for Education Statistics to
 119 support the effective exchange of data within and across states.

120 Section 3. Paragraph (i) of subsection (1) of section
 121 1005.22, Florida Statutes, is amended to read:

122 1005.22 Powers and duties of commission.—

123 (1) The commission shall:

124 (i) Serve as a central agency for collecting and
 125 distributing current information regarding institutions licensed
 126 by the commission. The commission shall annually collect, and
 127 all institutions licensed by the commission shall annually
 128 report, student-level data from the prior year for each student
 129 who receives state funds, in a format prescribed by the
 130 Department of Education. At a minimum, data from the prior year
 131 must ~~shall be reported annually and~~ include retention rates,
 132 transfer rates, completion rates, graduation rates, employment
 133 and placement rates, and earnings of graduates. By December 31,
 134 2013, the commission shall report the data for the 2012-2013
 135 academic year to the Department of Education. By October 1 of
 136 each year thereafter, the commission shall report the data to
 137 the department.

138 Section 4. Subsection (3) of section 1007.01, Florida
 139 Statutes, is amended to read:

140 1007.01 Articulation; legislative intent; purpose; role of
 141 the State Board of Education and the Board of Governors;
 142 Articulation Coordinating Committee.—

143 (3) The Commissioner of Education, in consultation with the
 144 Chancellor of the State University System, shall establish the
 145 Articulation Coordinating Committee which shall make

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146 recommendations related to statewide articulation policies and
 147 issues regarding access, quality, and reporting of data
 148 maintained by the K-20 data warehouse established pursuant to
 149 ss. 1001.10 and 1008.31, to the Higher Education Coordination
 150 Council, the State Board of Education, and the Board of
 151 Governors. The committee shall consist of two members each
 152 representing the State University System, the Florida College
 153 System, public career and technical education, public K-12
 154 education, and nonpublic education and one member representing
 155 students. The chair shall be elected from the membership. The
 156 committee shall:

157 (a) Monitor the alignment between the exit requirements of
 158 one education system and the admissions requirements of another
 159 education system into which students typically transfer and make
 160 recommendations for improvement.

161 (b) Propose guidelines for interinstitutional agreements
 162 between and among public schools, career and technical education
 163 centers, Florida College System institutions, state
 164 universities, and nonpublic postsecondary institutions.

165 (c) Annually recommend dual enrollment course and high
 166 school subject area equivalencies for approval by the State
 167 Board of Education and the Board of Governors.

168 (d) Annually review the statewide articulation agreement
 169 pursuant to s. 1007.23 and make recommendations for revisions.

170 (e) Annually review the statewide course numbering system,
 171 the levels of courses, and the application of transfer credit
 172 requirements among public and nonpublic institutions
 173 participating in the statewide course numbering system and
 174 identify instances of student transfer and admissions

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175 difficulties.

176 (f) Annually publish a list of courses that meet common
177 general education and common degree program prerequisite
178 requirements at public postsecondary institutions identified
179 pursuant to s. 1007.25.

180 (g) Foster timely collection and reporting of statewide
181 education data ~~Examine statewide data regarding articulation to~~
182 ~~identify issues and make recommendations to improve articulation~~
183 ~~throughout~~ the K-20 education performance accountability system
184 by:-

185 1. Facilitating timely reporting of data by all educational
186 delivery systems to the K-20 data warehouse established pursuant
187 to ss. 1001.10 and 1008.31.

188 2. Facilitating timely reporting of data by the K-20 data
189 warehouse to organizations and authorized representatives
190 pursuant to s. 1008.31.

191 3. Identifying data issues including, but not limited to,
192 data quality and accessibility.

193 (h) Recommend roles and responsibilities of public
194 education entities in interfacing with the single, statewide
195 computer-assisted student advising system established pursuant
196 to s. 1006.73.

197 Section 5. Paragraph (f) is added to subsection (1) of
198 section 1008.31, Florida Statutes, subsection (3) is amended,
199 present subsection (4) is redesignated as subsection (5), and a
200 new subsection (4) is added to that section, to read:

201 1008.31 Florida's K-20 education performance accountability
202 system; legislative intent; mission, goals, and systemwide
203 measures; data quality improvements.-

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204 (1) LEGISLATIVE INTENT.-It is the intent of the Legislature
205 that:

206 (f) The Commissioner of Education interpret the Family
207 Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
208 in the least restrictive manner possible to allow data linkage
209 among institutions across all educational delivery systems. This
210 intent does not abrogate the provisions of ss. 1002.22,
211 1002.221, and 1006.52, relating to student records or the
212 requirements of FERPA.

213 (3) K-20 EDUCATION DATA QUALITY IMPROVEMENTS.-To provide
214 data required to implement education performance accountability
215 measures in state and federal law, the commissioner ~~of Education~~
216 shall initiate and maintain strategies to improve data quality
217 and timeliness. The Board of Governors shall make available to
218 the department all data within the State University Database
219 System to ~~collected from state universities shall, as determined~~
220 by the commissioner, be integrated into the K-20 data warehouse.
221 The commissioner shall have unlimited access to such data ~~solely~~
222 for the purposes of conducting studies, reporting annual and
223 longitudinal student outcomes, ~~and~~ improving college readiness
224 and articulation, and providing data to organizations and
225 authorized representatives pursuant to subsection (4). All
226 public educational institutions shall annually provide data from
227 the prior year to the K-20 data warehouse in a format based on
228 data elements identified ~~specified~~ by the commissioner.

229 (a) School districts and public postsecondary educational
230 institutions shall maintain information systems that will
231 provide the State Board of Education, the Board of Governors of
232 the State University System, and the Legislature with

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 233 information and reports necessary to address the specifications
 234 of the accountability system. The level of comprehensiveness and
 235 quality ~~must shall~~ be no less than that which was available as
 236 of June 30, 2001.

237 (b) Colleges and universities eligible to participate in
 238 the William L. Boyd, IV, Florida Resident Access Grant Program
 239 shall annually report student-level data from the prior year for
 240 each student who receives state funds in a format prescribed by
 241 the Department of Education. At a minimum, data from the prior
 242 year must shall be reported annually to the department and
 243 include retention rates, transfer rates, completion rates,
 244 graduation rates, employment and placement rates, and earnings
 245 of graduates. By December 31, 2013, the colleges and
 246 universities described in this paragraph shall report the data
 247 for the 2012-2013 academic year to the department. By October 1
 248 of each year thereafter, the colleges and universities described
 249 in this paragraph shall report the data to the department.

250 (c) The Commissioner of Education shall determine the
 251 standards for the required data, monitor data quality, and
 252 measure improvements. The commissioner shall report annually to
 253 the State Board of Education, the Board of Governors of the
 254 State University System, the President of the Senate, and the
 255 Speaker of the House of Representatives data quality indicators
 256 and ratings for all school districts and public postsecondary
 257 educational institutions.

258 (d) The commissioner shall collaborate with the executive
 259 director of the Department of Economic Opportunity to develop
 260 procedures for the ability to tie student-level data to student
 261 and workforce outcome data contained in the Wage Record

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 262 Interchange System ~~The commissioner shall continuously monitor~~
 263 ~~and review the collection of paperwork, data, and reports by~~
 264 ~~school districts and complete an annual review of such~~
 265 ~~collection no later than June 1 of each year. The annual review~~
 266 ~~must include recommendations for consolidating paperwork, data,~~
 267 ~~and reports, wherever feasible, in order to reduce the burdens~~
 268 ~~on school districts.~~

269 (e) By June 30, 2014, the commissioner shall improve and
 270 streamline access to data maintained by the K-20 data warehouse
 271 by creating and fully implementing:

272 1. A web-based interface for parents, students, teachers,
 273 principals, local educational agency leaders, community members,
 274 researchers, policymakers, and other constituents which is
 275 engaging, informative, and customer-friendly.

276 a. The web-based interface must provide a single location
 277 for public access to aggregated data from the K-20 data
 278 warehouse which do not contain personally identifiable
 279 information or any other information that is confidential
 280 pursuant to applicable law.

281 b. Personally identifiable information from education
 282 records of students, or any other information that is
 283 confidential pursuant to applicable law, must be redacted or
 284 aggregated, or the confidentiality otherwise protected by de-
 285 identification, anonymization, or any combination thereof.

286 2. A self-service, restricted access component of the K-20
 287 data warehouse, called the "Research Engine," which is:

288 a. Restricted to organizations and authorized
 289 representatives pursuant to subsection (4). The commissioner
 290 shall create a website for organizations and authorized

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291 representatives to submit data requests. The website shall
 292 generate an automated acknowledgement of each data request. Each
 293 acknowledgement of a data request must include a username and
 294 password to view the order and status of completion of the data
 295 request and a link to the directory of data elements which
 296 provides a detailed description of each data element. Within 90
 297 days after acknowledging each data request, the department shall
 298 provide to organizations or authorized representatives technical
 299 assistance regarding the written agreement required under sub-
 300 paragraph d. However, organizations and authorized
 301 representatives may execute the written agreement with the
 302 department at any time after submitting a data request. Data
 303 requests must be completed within 90 days after the written
 304 agreement is executed, unless the written agreement specifies
 305 otherwise.

306 b. Capable of providing access to education records of
 307 students which may contain students' personally identifiable
 308 information in the K-20 data warehouse.

309 c. Accessible at the department's headquarters or by other
 310 secure means as agreed upon in writing by the parties.

311 d. Accessible after an organization or an authorized
 312 representative executes a written agreement with the
 313 commissioner. The written agreement must include, but need not
 314 be limited to:

315 (I) Identification of the purpose, scope, and duration of
 316 the activity with sufficient specificity to make clear that the
 317 activity falls within permissible uses authorized by FERPA and
 318 does not further a commercial, trade, or profit interest.

319 (II) Identification of the data elements necessary to

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320 complete a study, an audit, or an evaluation. The department
 321 shall provide assistance to organizations and authorized
 322 representatives regarding selection of data elements to fulfill
 323 data requests. Requests for additional data by an organization
 324 or an authorized representative may be made by amending the
 325 written agreement. The deadline for fulfilling a data request
 326 may be adjusted accordingly.

327 (III) Identification of the FERPA exception relied upon to
 328 obtain education records of students which may contain students'
 329 personally identifiable information.

330 (IV) Requirements regarding procedures for securing data,
 331 including, but not limited to, a data security plan. The
 332 Department of Education shall reserve the right to conduct
 333 security audits or reviews as necessary.

334 (V) Requirements limiting the use of education records of
 335 students which contain students' personally identifiable
 336 information to meet only the purpose stated in the written
 337 agreement.

338 (VI) Requirements establishing disciplinary policies for
 339 organizations and authorized representatives which violate FERPA
 340 or the written agreement.

341 (VII) Prohibitions regarding access to or use of education
 342 records of students which contain students' personally
 343 identifiable information obtained pursuant to the written
 344 agreement by anyone not authorized to have such access or use by
 345 the department.

346 (VIII) Requirements regarding destruction of all personally
 347 identifiable information from education records of students
 348 which are received pursuant to the written agreement and

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349 specification of when the information must be destroyed.
 350 (IX) Requirements regarding background screening of
 351 organizations and authorized representatives.
 352 (X) Requirements regarding the assessment of liquidated
 353 damages for unauthorized disclosure of education records of
 354 students which contain students' personally identifiable
 355 information or for violation of terms and conditions of the
 356 written agreement.
 357 (XI) Identification of deliverables to be provided by the
 358 organization or authorized representative. The deliverables must
 359 include, but are not limited to, as appropriate: a copy of the
 360 final study, audit, or evaluation or, if no study, audit, or
 361 evaluation is completed, a report identifying such with a copy
 362 of unfinished research; a copy of reports, publications, papers,
 363 theses, or similar documents; and certification by the
 364 organization or authorized representative stating the final
 365 status of deliverables and confirming compliance with all
 366 provisions of the written agreement. The deliverables shall be
 367 provided to the department within 1 year after the date of
 368 execution of the written agreement, unless the written agreement
 369 specifies otherwise. The Commissioner of Education may assess
 370 liquidated damages specified in the written agreement if all
 371 deliverables are not timely provided to the Department of
 372 Education.
 373 (XII) Requirements regarding maintaining the
 374 confidentiality of any information that is exempt from s.
 375 119.071(1) and s. 24(a), Art. I of the State Constitution, or
 376 that is otherwise made confidential by state or federal law.
 377 (XIII) Requirements regarding a service charge identified

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378 in sub-subparagraph e.
 379
 380 The Department of Education shall develop, and the State Board
 381 of Education shall adopt, rules regarding the written agreement.
 382 e. Funded by creating and implementing a pricing structure
 383 that is self-sustainable with the goal that the service charge
 384 for use of the Research Engine recovers actual costs to fulfill
 385 a data request. The commissioner may waive or reduce the service
 386 charge for fulfilling a data request. Funds collected from the
 387 service charge shall be deposited into the Operating Trust Fund.
 388 The department shall develop and the State Board of Education
 389 shall adopt rules regarding the service charge.
 390 f. Linked to a list of organizations and authorized
 391 representatives that obtain data from the Research Engine on the
 392 web-based interface in subparagraph 1. The list must include,
 393 but need not be limited to, the date of receipt of each data
 394 request, response time to address each data request, and current
 395 status of each data request. The department shall continually
 396 update the list and maintain a copy of reports prepared and
 397 submitted by the organizations and authorized representatives.
 398
 399 The department shall adopt procedures to implement the web-based
 400 interface and the Research Engine established pursuant to this
 401 subsection ~~By July 1 of each year, the commissioner shall~~
 402 ~~prepare a report assisting the school districts in eliminating~~
 403 ~~or consolidating paperwork, data, and reports by providing~~
 404 ~~suggestions, technical assistance, and guidance.~~
 405 (f) Before establishing any new reporting or data
 406 collection requirements, the commissioner of Education shall

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407 utilize existing data being collected to reduce duplication and
408 minimize paperwork.

409 (4) ACCESS TO THE K-20 DATA WAREHOUSE.-Pursuant to the
410 studies exception under FERPA, and the federal regulations
411 issued pursuant thereto, specifically, including, but not
412 limited to, organizations conducting studies for, or on behalf
413 of, educational agencies and institutions as provided in 34
414 C.F.R. 99.31(a)(6), shall be given access to data maintained by
415 the K-20 data warehouse in a manner consistent with ss. 1002.22,
416 1002.221, and 1006.52 and FERPA. Pursuant to the audit or
417 evaluation exception under FERPA, specifically including, but
418 not limited to, authorized representatives conducting an audit
419 or an evaluation of a Federal- or state-supported education
420 program as provided in 34 C.F.R. 99.31(a)(3), shall be given
421 access to the data maintained by the K-20 data warehouse in a
422 manner consistent with ss. 1002.22, 1002.221, and 1006.52 and
423 FERPA.

424 (a) Requests by organizations or authorized representatives
425 for access to education records of students which may contain
426 students' personally identifiable information, with the
427 exception of requests from the Executive Office of the Governor,
428 the Florida Legislature, the Florida Auditor General, and the
429 Office of Program Policy Analysis and Government Accountability,
430 shall be submitted through the Research Engine established
431 pursuant to subparagraph (3)(h)2. Access to the Research Engine
432 is not conditioned upon or limited to studies, audits, or
433 evaluations that support the research agenda, interests, or
434 priorities of the State Board of Education, the commissioner, or
435 the department.

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436 (b) Authorized representatives include the Executive Office
437 of the Governor, the Florida Legislature, the Florida Auditor
438 General, the Office of Program Policy Analysis and Government
439 Accountability, the Florida district school boards, Florida
440 College System institutions, and Florida state universities or
441 entities approved by the Department of Education.

442 (c) Requests for data from the Executive Office of the
443 Governor, the Florida Legislature, the Florida Auditor General,
444 and the Office of Program Policy Analysis and Government
445 Accountability, shall be given a priority over other data
446 requests and shall be provided free of charge.

447 Section 6. Subsection (1) and paragraphs (a) and (c) of
448 subsection (3) of section 1008.34, Florida Statutes, are amended
449 to read:

450 1008.34 School grading system; school report cards;
451 district grade.-

452 (1) ANNUAL REPORTS.-The Commissioner of Education shall
453 prepare annual reports of the results of the statewide
454 assessment program which describe student achievement in the
455 state, each district, and each school. The commissioner shall
456 prescribe the design and content of these reports, which must
457 include descriptions of the performance of all schools
458 participating in the assessment program and all of their major
459 student populations as determined by the commissioner. The
460 report must also include the percent of students performing at
461 or above grade level and making ~~a year's~~ learning gains growth
462 ~~in a year's time~~ in reading and mathematics. The provisions of
463 s. 1002.22 pertaining to student records apply to this section.

464 (3) DESIGNATION OF SCHOOL GRADES.-

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465 (a) Beginning with the 2013-2014 school year, each school
 466 that has students who are tested and included in the school
 467 grading system shall receive a school grade if the number of its
 468 students tested on statewide assessments pursuant to s. 1008.22
 469 meets or exceeds the minimum sample size of 10, except as
 470 follows:

471 ~~1. A school shall not receive a school grade if the number~~
 472 ~~of its students tested and included in the school grading system~~
 473 ~~is less than the minimum sample size necessary, based on~~
 474 ~~accepted professional practice, for statistical reliability and~~
 475 ~~prevention of the unlawful release of personally identifiable~~
 476 ~~student data under s. 1002.22 or 20 U.S.C. s. 1232g.~~

477 1.2. An alternative school may choose to receive a school
 478 grade under this section or a school improvement rating under s.
 479 1008.341. For charter schools that meet the definition of an
 480 alternative school pursuant to State Board of Education rule,
 481 the decision to receive a school grade is the decision of the
 482 charter school governing board.

483 ~~2.3.~~ A school that serves any combination of students in
 484 kindergarten through grade 3 which does not receive a school
 485 grade because its students are not tested and included in the
 486 school grading system shall receive the school grade designation
 487 of a K-3 feeder pattern school identified by the Department of
 488 Education and verified by the school district. A school feeder
 489 pattern exists if at least 60 percent of the students in the
 490 school serving a combination of students in kindergarten through
 491 grade 3 are scheduled to be assigned to the graded school.

492 3. If a colocated school does not earn a school grade or
 493 school improvement rating for the performance of its students,

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494 the student performance data of all schools operating at the
 495 same facility must be aggregated to develop a school grade that
 496 will be assigned to all schools at that location. A colocated
 497 school is a school that has its own unique master school
 498 identification number, provides for the education of each of its
 499 enrolled students, and operates at the same facility as another
 500 school that has its own unique master school identification
 501 number and provides for the education of each of its enrolled
 502 students.

503 (c) Student assessment data used in determining school
 504 grades shall include:

505 1. The aggregate scores of all eligible students enrolled
 506 in the school who have been assessed on the FCAT and statewide,
 507 standardized end-of-course assessments in courses required for
 508 high school graduation, including, beginning with the 2011-2012
 509 school year, the end-of-course assessment in Algebra I; and
 510 beginning with the 2012-2013 school year, the end-of-course
 511 assessments in geometry and Biology I; and beginning with the
 512 2014-2015 school year, on the statewide, standardized end-of-
 513 course assessment in civics education at the middle school
 514 level.

515 2. The aggregate scores of all eligible students enrolled
 516 in the school who have been assessed on the FCAT and statewide,
 517 standardized end-of-course assessments as described in s.
 518 1008.22(3)(c)2.a., and who have scored at or in the lowest 25th
 519 percentile of students in the school in reading and mathematics,
 520 unless these students are exhibiting satisfactory performance.

521 3. The achievement scores and learning gains of eligible
 522 students attending alternative schools that provide dropout

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523 prevention and academic intervention services pursuant to s.
 524 1003.53. The term "eligible students" in this subparagraph does
 525 not include students attending an alternative school who are
 526 subject to district school board policies for expulsion for
 527 repeated or serious offenses, who are in dropout retrieval
 528 programs serving students who have officially been designated as
 529 dropouts, or who are in programs operated or contracted by the
 530 Department of Juvenile Justice.

531
 532 The student performance data for eligible students identified in
 533 this subparagraph shall be included in the calculation of the
 534 home school's grade. As used in this subparagraph and s.
 535 1008.341, the term "home school" means the school to which the
 536 student would be assigned if the student were not assigned to an
 537 alternative school. If an alternative school chooses to be
 538 graded under this section, student performance data for eligible
 539 students identified in this subparagraph shall not be included
 540 in the home school's grade but shall be included only in the
 541 calculation of the alternative school's grade. A school district
 542 that fails to assign the FCAT and statewide, standardized end-
 543 of-course assessment as described in s. 1008.22(3)(c)2.a. scores
 544 of each of its students to his or her home school or to the
 545 alternative school that receives a grade shall forfeit Florida
 546 School Recognition Program funds for 1 fiscal year. School
 547 districts must require collaboration between the home school and
 548 the alternative school in order to promote student success. This
 549 collaboration must include an annual discussion between the
 550 principal of the alternative school and the principal of each
 551 student's home school concerning the most appropriate school

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552 assignment of the student.

553 4. The achievement scores and learning gains of students
 554 designated as hospital- or homebound. Student assessment data
 555 for a student ~~students~~ designated as hospital- or homebound
 556 shall be assigned to his or her ~~their~~ home school for the
 557 purposes of school grades if the student was enrolled in the
 558 home school during the October and February FTE count in the
 559 prior school year. As used in this subparagraph, the term "home
 560 school" means the school to which a student would be assigned if
 561 the student were not assigned to a hospital- or homebound
 562 program.

563 5. For schools comprised of high school grades 9, 10, 11,
 564 and 12, or grades 10, 11, and 12, the data listed in
 565 subparagraphs 1.-3. and the following data as the Department of
 566 Education determines such data are valid and available:

567 a. The high school graduation rate of the school as
 568 calculated by the department;

569 b. The participation rate of all eligible students enrolled
 570 in the school and enrolled in College Board Advanced Placement
 571 courses; International Baccalaureate courses; dual enrollment
 572 courses; Advanced International Certificate of Education
 573 courses; and courses or sequences of courses leading to national
 574 industry certification identified in the Industry Certification
 575 Funding List, pursuant to rules adopted by the State Board of
 576 Education;

577 c. The aggregate scores of all eligible students enrolled
 578 in the school in College Board Advanced Placement courses,
 579 International Baccalaureate courses, and Advanced International
 580 Certificate of Education courses;

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- 581 d. Earning of college credit by all eligible students
 582 enrolled in the school in dual enrollment programs under s.
 583 1007.271;
- 584 e. Earning of a national industry certification identified
 585 in the Industry Certification Funding List, pursuant to rules
 586 adopted by the State Board of Education;
- 587 f. The aggregate scores of all eligible students enrolled
 588 in the school in reading, mathematics, and other subjects as
 589 measured by the SAT, the ACT, the Postsecondary Education
 590 Readiness Test, and the common placement test for postsecondary
 591 readiness;
- 592 g. The high school graduation rate of all eligible at-risk
 593 students enrolled in the school who scored at Level 2 or lower
 594 on grade 8 FCAT Reading and FCAT Mathematics;
- 595 h. The performance of the school's students on statewide,
 596 standardized end-of-course assessments administered under s.
 597 1008.22(3)(c)2.c. and d.; and
- 598 i. The growth or decline in the data components listed in
 599 sub-subparagraphs a.-h. from year to year.

600
 601 The State Board of Education shall adopt appropriate criteria
 602 for each school grade. The criteria must also give added weight
 603 to student achievement in reading. Schools earning a grade of
 604 "C," making satisfactory progress, shall be required to
 605 demonstrate that adequate progress has been made by students in
 606 the school who are in the lowest 25th percentile in reading and
 607 mathematics on the FCAT and end-of-course assessments as
 608 described in s. 1008.22(3)(c)2.a., unless these students are
 609 exhibiting satisfactory performance. For schools comprised of

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610 high school grades 9, 10, 11, and 12, or grades 10, 11, and 12,
 611 the criteria for school grades must also give added weight to
 612 the graduation rate of all eligible at-risk students. In order
 613 for a high school to earn a grade of "A," the school must
 614 demonstrate that its at-risk students, as defined in this
 615 paragraph, are making adequate progress.

616 Section 7. Subsections (2), (3), and (5) of section
 617 1008.341, Florida Statutes, are amended to read:

618 1008.341 School improvement rating for alternative
 619 schools.—

620 (2) SCHOOL IMPROVEMENT RATING.—An alternative school is a
 621 school that provides dropout prevention and academic
 622 intervention services pursuant to s. 1003.53. An alternative
 623 school shall receive a school improvement rating pursuant to
 624 this section unless the school earns a school grade pursuant to
 625 s. 1008.34. Beginning with the 2013-2014 school year, each
 626 ~~However, an~~ alternative school that chooses to receive a school
 627 improvement rating shall not receive a school improvement rating
 628 if the number of its students for whom student performance data
 629 on statewide, standardized assessments pursuant to s. 1008.22
 630 which is available for the current year and previous year meets
 631 or exceeds is less than the minimum sample size of 10. An
 632 alternative school that tests at least 80 percent of its
 633 students may receive a school improvement rating. If an
 634 alternative school tests less than 90 percent of its students,
 635 the school may not earn a rating higher than "maintaining."
 636 ~~necessary, based on accepted professional practice, for~~
 637 ~~statistical reliability and prevention of the unlawful release~~
 638 ~~of personally identifiable student data under s. 1002.22 or 20~~

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639 ~~U.S.C. s. 1222g.~~ The school improvement rating shall identify an
 640 alternative school as having one of the following ratings
 641 defined according to rules of the State Board of Education:

642 (a) "Improving" means the students attending the school are
 643 making more academic progress than when the students were served
 644 in their home schools.

645 (b) "Maintaining" means the students attending the school
 646 are making progress equivalent to the progress made when the
 647 students were served in their home schools.

648 (c) "Declining" means the students attending the school are
 649 making less academic progress than when the students were served
 650 in their home schools.

651
 652 The school improvement rating shall be based on a comparison of
 653 student performance data for the current year and previous year.
 654 Schools that improve at least one level or maintain an
 655 "improving" rating pursuant to this section are eligible for
 656 school recognition awards pursuant to s. 1008.36.

657 (3) DESIGNATION OF SCHOOL IMPROVEMENT RATING.—Student data
 658 used in determining an alternative school's school improvement
 659 rating shall include:

660 (a) Student performance results based ~~The aggregate scores~~
 661 on statewide, standardized assessments, including retakes,
 662 administered under s. 1008.22 for all eligible students who were
 663 assigned to and enrolled in the school during the October or
 664 February FTE count and who have assessment scores ~~FCAT~~ or
 665 comparable scores for the preceding school year.

666 (b) Student performance results based ~~The aggregate scores~~
 667 on statewide, standardized assessments, including retakes,

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668 administered under s. 1008.22 for all eligible students who were
 669 assigned to and enrolled in the school during the October or
 670 February FTE count and who have scored in the lowest 25th
 671 percentile of students in the state on FCAT Reading.

672
 673 Student performance results ~~The assessment scores~~ of students
 674 who are subject to district school board policies for expulsion
 675 for repeated or serious offenses, who are in dropout retrieval
 676 programs serving students who have officially been designated as
 677 dropouts, or who are in programs operated or contracted by the
 678 Department of Juvenile Justice may not be included in an
 679 alternative school's school improvement rating.

680 (5) SCHOOL AND STUDENT REPORT CARDS ~~CARD~~.—The Department of
 681 Education shall annually develop, in collaboration with the
 682 school districts, a school report card for alternative schools
 683 to be delivered to parents throughout each school district. The
 684 report card shall include the school improvement rating,
 685 identification of student learning gains, student attendance
 686 data, information regarding school improvement, ~~an explanation~~
 687 ~~of school performance as evaluated by the federal No Child Left~~
 688 ~~Behind Act of 2001,~~ and indicators of return on investment. An
 689 alternative school that serves at least 10 students who are
 690 tested on the statewide, standardized assessments pursuant to s.
 691 1008.22 in the current year and previous year shall distribute
 692 an individual student report card to parents which includes the
 693 student's learning gains and progress toward meeting high school
 694 graduation requirements. The report card must also include the
 695 school's industry certification rate, college readiness rate,
 696 dropout rate, and graduation rate. This subsection does not

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697 abrogate the provisions of s. 1002.22 relating to student
 698 records or the requirements of 20 U.S.C. s. 1232g, the Family
 699 Educational Rights and Privacy Act.

700 Section 8. Paragraph (a) of subsection (2) of section
 701 1008.385, Florida Statutes, is amended to read:

702 1008.385 Educational planning and information systems.—

703 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.—The
 704 Commissioner of Education shall develop and implement an
 705 integrated information system for educational management. The
 706 system must be designed to collect, via electronic transfer, all
 707 student and school performance data required to ascertain the
 708 degree to which schools and school districts are meeting state
 709 performance standards, and must be capable of producing data for
 710 a comprehensive annual report on school and district
 711 performance. In addition, the system shall support, as feasible,
 712 the management decisions to be made in each division of the
 713 department and at the individual school and district levels.
 714 Similar data elements among divisions and levels shall be
 715 compatible. The system shall be based on an overall conceptual
 716 design; the information needed for such decisions, including
 717 fiscal, student, program, personnel, facility, community,
 718 evaluation, and other relevant data; and the relationship
 719 between cost and effectiveness. The system shall be managed and
 720 administered by the commissioner and shall include a district
 721 subsystem component to be administered at the district level,
 722 with input from the reports-and-forms control management
 723 committees. Each district school system with a unique management
 724 information system shall assure that compatibility exists
 725 between its unique system and the district component of the

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726 state system so that all data required as input to the state
 727 system is made available via electronic transfer and in the
 728 appropriate input format.

729 (a) The specific responsibilities of the commissioner shall
 730 include:

731 1. Consulting with school district representatives in the
 732 development of the system design model and implementation plans
 733 for the management information system for public school
 734 education management;

735 2. Providing operational definitions for the proposed
 736 system, including criteria for issuing and revoking master
 737 school identification numbers to support the maintenance of
 738 education records, to enforce and support education
 739 accountability, to support the distribution of funds to school
 740 districts, to support the preparation and analysis of school
 741 district financial reports, and to assist the commissioner in
 742 carrying out the duties specified in ss. 1001.10 and 1001.11;

743 3. Determining the information and specific data elements
 744 required for the management decisions made at each educational
 745 level, recognizing that the primary unit for information input
 746 is the individual school and recognizing that time and effort of
 747 instructional personnel expended in collection and compilation
 748 of data should be minimized;

749 4. Developing standardized terminology and procedures to be
 750 followed at all levels of the system;

751 5. Developing a standard transmittal format to be used for
 752 collection of data from the various levels of the system;

753 6. Developing appropriate computer programs to assure
 754 integration of the various information components dealing with

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755 students, personnel, facilities, fiscal, program, community, and
756 evaluation data;

757 7. Developing the necessary programs to provide statistical
758 analysis of the integrated data provided in subparagraph 6. in
759 such a way that required reports may be disseminated,
760 comparisons may be made, and relationships may be determined in
761 order to provide the necessary information for making management
762 decisions at all levels;

763 8. Developing output report formats which will provide
764 district school systems with information for making management
765 decisions at the various educational levels;

766 9. Developing a phased plan for distributing computer
767 services equitably among all public schools and school districts
768 in the state as rapidly as possible. The plan shall describe
769 alternatives available to the state in providing such computing
770 services and shall contain estimates of the cost of each
771 alternative, together with a recommendation for action. In
772 developing the plan, the feasibility of shared use of computing
773 hardware and software by school districts, Florida College
774 System institutions, and universities shall be examined. Laws or
775 administrative rules regulating procurement of data processing
776 equipment, communication services, or data processing services
777 by state agencies shall not be construed to apply to local
778 agencies which share computing facilities with state agencies;

779 10. Assisting the district school systems in establishing
780 their subsystem components and assuring compatibility with
781 current district systems;

782 11. Establishing procedures for continuous evaluation of
783 system efficiency and effectiveness;

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

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784 12. Initiating a reports-management and forms-management
785 system to ascertain that duplication in collection of data does
786 not exist and that forms and reports for reporting under state
787 and federal requirements and other forms and reports are
788 prepared in a logical and uncomplicated format, resulting in a
789 reduction in the number and complexity of required reports,
790 particularly at the school level; and

791 13. Initiating such other actions as are necessary to carry
792 out the intent of the Legislature that a management information
793 system for public school management needs be implemented. Such
794 other actions shall be based on criteria including, but not
795 limited to:

- 796 a. The purpose of the reporting requirement;
- 797 b. The origination of the reporting requirement;
- 798 c. The date of origin of the reporting requirement; and
- 799 d. The date of repeal of the reporting requirement.

800 Section 9. This act shall take effect July 1, 2013.

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



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Appropriations Subcommittee on Education, *Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Health
and Human Services
Education
Gaming
Health Policy
Regulated Industries
Rules

SENATOR BILL GALVANO

26th District

March 11, 2013

Senator Joe Negron
412 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Negron:

I respectfully request that CS/SB 878, Education Accountability, be scheduled for a hearing in the Committee on Appropriations at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me. Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill".

Bill Galvano

cc: Mike Hansen
Ann Roberts
Alicia Weiss

REPLY TO:

- 1023 Manatee Avenue West, Suite 201, Bradenton, Florida 34205
- 326 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5026

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

policies, and authority for the Commissioner of Education to grant exceptions to recommendations in educational plant surveys.

- Provisions that are not being implemented or contain outdated or expired statutory authority, including reporting of K-12 Foreign Language Curriculum plans, the Department of Education parent-response center, Florida School for the Deaf and the Blinds authority to create a direct-support organization, high school diploma designations related to high school major areas of interest, high school graduation requirements for students who entered 9th grade before the 2007-08 school year, certain substance abuse training programs, the Florida Teachers Lead Program electronic management system pilot project, provisions relating to reduction of energy consumption by public postsecondary institutions, and exceptions to Special Facilities Construction Account millage contribution requirements granted to three school districts.
- Burdensome, incorrect, or unnecessary reporting requirements relating to K-12 public school recycling efforts, school board family involvement rules, school wellness and physical education policies, and paperwork reduction.

By repealing redundant or unnecessary statutory requirements, the bill creates operational efficiencies and potential cost savings for school districts, higher education institutions, the Department of Education (DOE), and the Board of Governors (BOG) of the State University System.

The bill does not make an appropriation.

The bill takes effect upon becoming law except as otherwise expressly provided in this act.

This bill substantially amends the following sections of the Florida Statutes: 120.81, 250.115, 403.7032, 409.1451, 1001.11, 1002.20, 1002.33, 1002.34, 1002.45, 1003.03, 1003.429, 1003.438, 1003.49, 1004.435(5), 1004.45, 1004.70, 1004.71, 1006.025, 1006.15, 1007.263, 1007.271, 1008.22, 1008.23, 1009.40, 1009.531, 1009.85, 1009.94, 1011.61, 1013.35, 1013.356, 1013.41, 1013.64, 1013.69, and 1013.738.

The bill repeals the following sections of the Florida Statutes: 1001.26(3), 1001.435, 1002.23(4), (6), and (9), 1002.32(10), 1002.361, 1002.375, 1003.4285(1), 1003.43, 1003.433(5), 1003.453(2), 1003.496, 1004.05, 1004.62, 1004.77, 1006.02, 1006.035, 1006.051, 1006.09(1)(d), 1006.17, 1006.65, 1006.70, 1007.21, 1007.35(10), 1008.31(3)(d) and (e), 1009.68, 1012.58, 1012.71(6), 1013.231, 1013.32, 1013.42, 1013.72, 1013.502, 1013.721, 1013.64(7), and 1013.73.

II. Present Situation:

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

60 superintendents. The statutes proposed for repeal by this bill are the product of these combined efforts.¹

III. Effect of Proposed Changes:

Recycling

Legislation enacted in 2010 required, among others, each state agency, local government, and K-12 public school, public institution of higher learning, community college, and state university to annually report all recycled materials to the appropriate county.² The Department of Environmental Protection was directed to designate a reporting format, but has not done so.³ Thus, reporting by public sector entities has not yet commenced.

The bill amends s. 403.7032(3), F.S., eliminating the recycling reporting requirement for K-12 public schools, as requested by school district superintendents.⁴

K-12 Foreign Language Curriculum Plan Submittal

Legislation enacted in 2002 required each district school board to develop a K-12 foreign language curriculum plan to be submitted to the Commissioner of Education by June 30, 2004.⁵ Kindergarten through grade twelve foreign language curriculum plans were submitted to the commissioner in 2004 and subsequently implemented by school districts.

The bill repeals s. 1001.435, F.S., relating to the K-12 foreign language curriculum, as the purpose of this statute has been accomplished.

Family and School Partnership for Student Achievement Act

Enacted in 2003, the Family and School Partnership for Student Achievement Act established several requirements designed to strengthen collaboration among parents and school personnel.⁶ Among other things, the Act requires the DOE to establish a parent-response center; annual submission of family involvement rules by school boards to the DOE; and an annual State Board of Education review of school districts' compliance.⁷ The parent-response center does not exist, as the DOE uses other means to assist parents and the public.⁸ The DOE simply acknowledges receipt of school board family involvement rules, but does nothing further. State board review of school board compliance with the Act duplicates another law which provides the Commissioner

¹Press Release, Florida Department of Education, *Superintendents Recommend Ways to Reduce Red Tape, Regulations* (Nov. 5, 2012), http://www.fldoe.org/news/2012/2012_11_05-2.asp (last visited Jan. 8, 2013). The superintendents of Bay County, Broward County, Charlotte County, Highlands County, Orange County, St. Johns County, and Volusia County school districts participated on the governor's panel.

²Section 3, ch. 2010-143, L.O.F., *codified at* s. 403.7032(3), F.S.

³Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 20, 2012).

⁴Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵Section 1061, ch. 2002-387, L.O.F., *codified at* s. 1001.435, F.S.

⁶Section 2, ch. 2003-118, L.O.F., *codified at* s. 1002.23, F.S.

⁷Section 1002.23(4), (6), and (9), F.S.

⁸Telephone conversation, Florida Department of Education, Bureau of Family and Community Outreach (December 18, 2012).

of Education with the authority to investigate school board noncompliance with state law and the State Board of Education with the authority to withhold funds for such noncompliance.⁹

The bill repeals subsections (4), (6), and (9) of s. 1002.23, F.S., relating to the parent-response center, school board reporting of parent involvement rules, and state board review of compliance with the Act, respectively. The DOE and district school superintendents concur with these repeals.

Florida School for the Deaf and the Blind Direct-Support Organization

Legislation enacted in 2004 authorized the Florida School for the Deaf and the Blind (FSDB) board to establish a direct support organization (DSO). The DSO may receive, hold, invest, and administer property and make expenditures to or for the benefit of FSDB or the board.¹⁰

The bill repeals s. 1002.361, F.S., relating to a DSO for the FSDB, as no DSO exists and the FSDB has no future intent to create one. The FSDB concurs with repeal of this statute.

Alternative Credit for High School Courses Pilot Project

Legislation enacted in 2008 established the Alternative Credit for High School Courses Pilot Project to enable high school students enrolled in industry certification courses to simultaneously earn credit in Algebra, Geometry, or Biology without having to enroll in a separate course.¹¹ In order to earn such credit, students were required to pass an end-of-course (EOC) assessment. The legislation required the Commissioner of Education to select up to three school districts to participate in the pilot project, beginning in the 2008-09 school year, and authorized the DOE to approve eligible courses and EOC assessments.¹² Only one high school participated in the pilot project and no eligible students sought credit through the pilot program.¹³

The bill repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, which is no longer in existence, and has been made unnecessary by the Legislature's enactment of the Credit Acceleration Program (CAP) in 2010. Similar to the pilot project, CAP enables students to earn credit in courses tested by a statewide standardized EOC assessment without enrolling in the course. The bill also amends s. 1011.61, F.S., which is a conforming provision. The DOE and district school superintendents concur with repeal of this statute.¹⁴

⁹ See s. 1008.32, F.S.

¹⁰ Section 6, ch. 2004-331, L.O.F., *codified at* s. 1002.361, F.S.

¹¹ Section 1, ch. 2008-174, L.O.F., *codified at* s. 1002.375, F.S.

¹² Section 1002.375(1), (2), and (4), F.S. The law authorizes use of a statewide standardized EOC assessment or EOC assessment developed by the Florida Virtual School for assessing student mastery of Algebra, Geometry, or Biology. Section 1002.375(4), F.S.

¹³ Florida Department of Education, *Legislative Bill Analysis for HB 4185* (2011).

¹⁴ Florida Department of Education, *Legislative Report on Alternative Credit for High School Courses Pilot*, (2010).(on file with the Senate Committee on Education); Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012); see s. 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

Standard High School Diploma Designations

Legislation enacted in 2006 required high school students to select a major area of interest comprised of four credits in a career, academic, or fine or performing arts content area, in order to earn a standard high school diploma.¹⁵ Legislation enacted in 2008 created a standard high school diploma designation signifying the student's completion of a major.¹⁶ Legislation enacted in 2010 repealed the major area of interest graduation requirement, but did not eliminate the diploma designation.¹⁷

The bill repeals s. 1003.4285(1), F.S., relating to the major area of interest diploma designation, which is now obsolete due to the repeal of the corresponding graduation requirement.

General Requirements for High School Graduation

Since 2006, Florida has had two laws concerning high school graduation requirements. Section 1003.43, F.S., was enacted in 1978 and applies to students who entered 9th grade before the 2007-08 school year; s. 1003.428, F.S., applies to students entering the 9th grade in the 2007-08 school year and thereafter.¹⁸ Six school years have passed since entering 9th graders have been subject to s. 1003.43, F.S.

The bill repeals s. 1003.43, F.S., relating to the general requirements for high school graduation for students entering 9th grade before the 2007-08 school year. Despite repeal, these requirements will remain applicable to any students still enrolled in Florida public schools who were subject to them at the time they entered 9th grade.¹⁹ The DOE and district school superintendents concur with repeal of this statute.²⁰

School Wellness and Physical Education Policies

Legislation enacted in 2006 required each school district to provide the most recent version of its school wellness and physical education policy on its website. The DOE was required to post on its website links to these policies.²¹

School wellness policies are required by federal law governing child nutrition programs. Legislation enacted in 2011 transferred oversight of federal child nutrition programs from the DOE to the Department of Agriculture and Consumer Services (DACCS).²² Accordingly, the

¹⁵ Section 23, ch. 2006-74, L.O.F., *codified at* s. 1003.428(2)(b)1., F.S.

¹⁶ Section 8, ch. 2008-235, L.O.F., *codified at* s. 1003.4285(1), F.S.

¹⁷ Section 3, ch. 2010-22, L.O.F.

¹⁸ Chapter 78-424, L.O.F., *initially codified at* s. 232.246, F.S., *redesignated in* 2002 as s. 1003.43, F.S., and s. 23, ch. 2006-74, L.O.F., *codified as* s. 1003.428, F.S.

¹⁹ *Memorial Hospital-West Volusia, Inc. v. News-Journal Corp.*, 784 So. 2d 438 (Fla. 2001). The general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively.

²⁰ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²¹ Section 18, ch. 2006-301, L.O.F., *codified at* s. 1003.453(2), F.S.

²² *See* Healthy, Hunger Free Kids Act of 2010, Pub. L. No.111-296, 124 Stat. 3183; s. 8, ch. 2011-217, L.O.F.; Florida Department of Agriculture and Consumer Services, *Wellness*, <http://www.freshforfloridakids.com/Sponsors/Programs/Wellness.aspx> (last visited Jan. 7, 2013)(*see* Florida Links to Local Wellness Policies).

DACS, not the DOE, posts school wellness policies on its website. However, the law was never changed to reflect this.

The DOE website includes a page devoted entirely to physical education.²³ The webpage includes online links to school district physical education policies and numerous additional resources. Posting of physical education policies is the only resource that is statutorily required.²⁴

The bill repeals s. 1003.453(2), F.S., relating to online posting of school wellness and physical education policies, thereby removing the outdated requirement that the DOE post links to school wellness policies on its website. The DOE and district school superintendents requested repeal of this outdated and unnecessary reporting requirement.²⁵

High School to Business Career Enhancement Program

Legislation enacted in 2007 established the High School to Business Career Enhancement Program, which authorizes school boards to adopt policies for providing high school students internships with local employers.²⁶ Among other things, participating students must earn at least a 2.0 GPA, internships must be between 8 and 20 consecutive weeks in duration, and participants are limited to 20 work hours weekly and one internship annually.²⁷ No school districts have participated in this program in recent years.

The bill repeals s. 1003.496, F.S., relating to the High School to Business Career Enhancement Program, as the program is not currently being implemented by school districts.

Substance Abuse Training Programs

Legislation enacted in 1993 authorized state universities and the Florida College System (FCS) institutions to develop courses designed to train public school teachers, counselors, physicians, law enforcement personnel, and other professionals in recognizing symptoms of substance abuse impairment.²⁸ These programs are inactive and unfunded.

The bill repeals s. 1004.05, F.S., which created the Substance Abuse Training Programs. The DOE and the BOG concur with the repeal of this statute.²⁹

Incentives for Urban or Socially and Economically Disadvantaged Area Internships

Legislation enacted in 1994 established the Incentives for Urban or Socially and Economically Disadvantaged Area Internships program to give university students the opportunity to study the social, economic, educational, and political life of inner cities and economically disadvantaged

²³ See, Florida Department of Education, *Physical Education*, http://www.fldoe.org/BII/CSHP/Education/Physical_Ed/default.asp (last visited Jan. 7, 2013) (see Links to Florida School District's Physical Education Policies); see ss. 1003.453 and 1003.455, F.S.

²⁴ *Id.*

²⁵ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

²⁶ Section 1, ch. 2007-122, L.O.F., *codified at* s. 1003.496, F.S.

²⁷ Section 1003.496(2), F.S.

²⁸ Section 12, ch. 93-39, L.O.F., *initially codified at* s. 240.70, F.S., *redesignated in* 2002 as s. 1004.05, F.S.

²⁹ Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 11, 2012).

areas of the state.³⁰ This program is not currently being implemented and has not received funding since FY 1999-2000.

The bill repeals s. 1004.62, F.S., relating to Incentives for Urban or Socially and Economically Disadvantaged Area Internships. The BOG concurs with the repeal of this inactive program.³¹

Centers of Technology Innovation

Legislation enacted in 1994 authorized individual FCS institutions, consortia of multiple FCS institutions, or consortia of FCS institutions and other educational institutions to establish centers of technology innovation.³² These centers were authorized to perform various functions, including curriculum and faculty development; research, testing, and technology transfer; instructional materials development; and the formation of partnerships with technology industries seeking to update or expand existing technology.³³ According to the DOE, no such centers exist.³⁴

The bill repeals s. 1004.77, F.S., relating to Centers of Technology Innovation, as the program is inactive. The DOE concurs with repeal of this statute.³⁵

Provision of Information to Students and Parents Regarding School-to-Work Transition

Legislation enacted in 1994 required, among other things, each K-12 public school to document actions taken to prepare students for the workforce. Each public high school was required to assess each student's preparation for employment before graduation and provide the student and the student's parent with the results of the assessment.³⁶

Subsequent legislation has increased the state's focus on workforce preparation. Among other things, each school district, in collaboration with the local workforce board and public postsecondary institutions serving the district, must develop a 3-year strategic plan for identifying high-demand career fields and creating career academies in those fields, recruiting students to enroll in career academies; providing personalized student advisement with parent participation, supporting education planning, and coordinating middle school and high school career education programs.³⁷ Additionally, middle school students must complete a career and education planning course which results in completion of an academic and career plan for the student.³⁸

The bill repeals s. 1006.02, F.S., relating to Provision of Information to Students and Parents Regarding School-to-Work Transition and amends s. 1006.025, F.S. which is a conforming

³⁰ Section 38, ch. 94-230, L.O.F., *initially codified at s. 240.701, F.S., redesignated in 2002 as s. 1004.62, F.S.*

³¹ Email, Board of Governors, State University System of Florida, General Counsel (Dec. 20, 2012).

³² Section 39, ch. 94-230, L.O.F., *initially codified at s. 240.3335, F.S., redesignated in 2002 as s. 1004.77, F.S.*

³³ Section 1004.77(2), F.S.

³⁴ Telephone conversation, Division of Florida Colleges, Staff (Jan. 5, 2013).

³⁵ *Id.*

³⁶ Section 5, ch. 94-319, L.O.F., *initially codified at s. 229.595, F.S., redesignated in 2002 as s. 1006.02, F.S.*

³⁷ Section 1003.491(3), F.S.; *see e.g.* s. 1, ch. 2007-216 and s. 13, ch. 2012-191, L.O.F.

³⁸ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

provision. These requirements have been supplanted by other provisions governing workforce preparation and education planning.³⁹

Dropout Reentry and Mentor Project

Legislation enacted in 1990 created the Dropout Reentry and Mentoring Project, a pilot project to be implemented by the Florida Agricultural and Mechanical University National Alumni Association in Tallahassee, Jacksonville, Daytona Beach, and Miami.⁴⁰ The project assisted 15 African American students in each of these four locations who had dropped out of high school for reasons unrelated to academic difficulty. Participants received mentoring; academic evaluation for, and enrollment in, a regular high school, General Educational Development (GED) program, career center, or alternative school; and instruction regarding test-taking, study, goal setting, conflict management, and time management skills.⁴¹ This project is no longer operational and has received no funding in over 10 years.

The bill repeals s. 1006.035, F.S., which created the Dropout Reentry and Mentor Project. The Florida Agricultural and Mechanical University and district school superintendents concur with repeal of this statute.

Sunshine Workforce Solutions Grant Program

Legislation enacted in 2002 created the Sunshine Workforce Solutions Grant Program, to provide school districts with grants for establishing nursing-themed middle school and high school career education programs.⁴² The program was never implemented or funded.

The bill repeals s. 1006.051, F.S., which created the Sunshine Workforce Solutions Grant Program. The DOE and district school superintendents concur with repeal of this statute.⁴³

Duties of School Principal relating to Student Discipline and School Safety

Section 1006.09(1)(d), F.S., requires each school principal (or designee) to include an analysis of suspensions and expulsions in the annual report of school progress. Subsection (6) of s. 1006.09, F.S., requires each school principal to report data concerning school safety and discipline to the DOE.⁴⁴ The discipline data reported to DOE includes information regarding suspensions and expulsions. Thus, these two provisions are redundant.⁴⁵

The bill repeals s. 1006.09(1)(d), F.S., relating to duties of school principals for student discipline and school safety, as the information reported under this paragraph duplicates that reported under s. 1006.09(6), F.S. DOE and district school superintendents concur with repeal of this statute.⁴⁶

³⁹ Telephone conversation, Board of Governors, State University System of Florida, Staff (Dec. 11, 2012).

⁴⁰ Section 11, ch. 90-365, L.O.F., *initially codified at s. 228.503, F.S., redesignated in 2002 as s. 1006.035, F.S.*

⁴¹ Section 1006.035(2), (5), and (7), F.S.

⁴² Section 4, ch. 2002-230, L.O.F., *codified at s. 1006.051, F.S.*

⁴³ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁴⁴ Section 279, ch. 2002-387, L.O.F., *codified at s. 1006.09(1)(d) and (6), F.S.*

⁴⁵ Telephone conversation, Florida Department of Education, Staff, (Dec. 11, 2012).

⁴⁶ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

Sponsorship of Athletic Activities

Two substantially identical statutes enacted in 1986 required public high schools, FCS institutions, and state universities to align their sports offerings to enable opportunities for students to play sports for which collegiate scholarships are offered.⁴⁷ The law was specifically enacted in order to induce public schools to transition from slow pitch softball to fast pitch softball.⁴⁸

The bill repeals ss. 1006.17 and 1006.70, F.S., relating to sponsorship of athletic activities similar to those for which scholarships offered. Fast-pitch softball is the version of softball currently sponsored by the Florida High School Athletic Association (FHSAA), the Florida College System Athletic Association (FCSAA), and the National Collegiate Athletic Association.⁴⁹ The FHSAA and the FCSAA concur with these repeals.⁵⁰

Safety Issues in Courses Offered by Public Postsecondary Educational Institutions

Legislation enacted in 2002 required the State Board of Education and the BOG to adopt policies for protecting the health and safety of students, instructional personnel, and visitors who participate in courses offered by the FCS institutions or state universities, respectively.⁵¹

According to the DOE, these safety policies are already required by federal law and accrediting bodies and included in affiliation contracts with hospitals and law enforcement agencies.⁵²

The bill repeals s. 1006.65, F.S., relating to safety issues in courses offered by public postsecondary institutions. The DOE concurs with repeal of this statute.

Readiness for Postsecondary Education and the Workplace

Legislation enacted in 1997 required that entering 9th graders and their parents develop a four to five year academic and career plan while the student is in middle school, based upon the student's postsecondary and career goals.⁵³ Legislation enacted subsequently required middle school students to complete a career and education planning course which results in completion of an academic and career plan for the student.⁵⁴

⁴⁷ Section 4, ch. 86-172, L.O.F., initially codified at s. 232.426, F.S., redesignated in 2002 as ss. 1006.17 and 1006.70, F.S.

⁴⁸ Florida House of Representatives, *Legislative Bill Analysis for CS/HB 90*(1986).

⁴⁹ Florida High School Athletic Association, *Sports and Programs*, <http://www.fhsaa.org/sports> (last visited Jan. 8, 2013);

Florida College System Activities Association, *Athletics*, <http://www.thefcsaa.com/> (last visited Jan. 8, 2013); National

Collegiate Athletic Association, *Championships List*,

<http://www.ncaa.org/wps/wcm/connect/public/ncaa/championships/championships+list> (last visited Jan. 8, 2013).

⁵⁰ Florida Department of Education, *Legislative Bill Analysis for HB 4041* (2012).

⁵¹ Section 335, ch. 2002-387, L.O.F., codified at s. 1006.65, F.S.

⁵² Email, Board of Governors, State University System of Florida (Dec. 20, 2012); see 20 U.S.C. s. 1092(f), requiring disclosure of campus security policies and crime statistics by postsecondary institutions participating federal financial aid programs.

⁵³ Section 1, ch. 97-21, L.O.F., initially codified at s. 232.2451, F.S., redesignated in 2002 as s. 1007.21, F.S.

⁵⁴ Section 1003.4156(1)(a)5., F.S.; s. 21, ch. 2006-74, L.O.F.

The bill repeals s. 1007.21, F.S., relating to readiness for postsecondary education and the workplace, as this provision is duplicative. The DOE and district school superintendents concur with repeal of this statute.⁵⁵

Paperwork Reduction

Legislation enacted in 2010 required the Commissioner of Education to annually monitor and review paperwork, data collection, and reporting requirements and report recommendations for eliminating or consolidating such requirements to school districts.⁵⁶ Although this provision is intended to reduce paperwork, it actually creates more paperwork for DOE and school districts.⁵⁷

The bill repeals s. 1008.31(3)(d) and (e), F.S., relating to paperwork reduction. The DOE and school district superintendents concur with repeal of these provisions.⁵⁸

Florida Minority Medical Education Program

Legislation enacted in 1991 established a scholarship program for minority students pursuing medical education at the University of Florida, the University of South Florida, Florida State University, and the University of Miami, or Southeastern University Health Sciences, for the purpose of addressing the primary health care needs of underserved groups.⁵⁹ According to the DOE, the program has not been funded in 15 years.⁶⁰

The bill repeals s. 1009.68, F.S., relating to the Florida minority medical education program. The DOE concurs with repeal of this statute.⁶¹

Transition to Teaching Program

Legislation enacted in 2001 created the Transition to Teaching Program to award grants for establishing programs to facilitate the transition of midcareer professionals into the teaching profession.⁶² An individual participating in programs created under the grant was eligible for financial assistance, upon condition that he or she commit to teach in a Florida school district for at least three years. The award of grants was contingent upon legislative funding. The DOE was awarded federal Transition to Teaching grants in 2003 and 2007. However, these grants expired in October 2011.

The bill repeals s. 1012.58, F.S. creating the Transition to Teaching Program, which is inactive and no longer funded. The DOE concurs with the repeal of this statute.

⁵⁵ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁵⁶ Section 199, ch. 2010-102, L.O.F., *codified at* s. 1008.31(3)(d)-(e), F.S.

⁵⁷ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012)

⁵⁸ *Id.*

⁵⁹ Section 1, ch. 91-203, L.O.F., *initially codified at* s. 240.4987, F.S., *redesignated in* 2002 as s. 1009.68, F.S.

⁶⁰ Telephone conversation, Florida Department of Education, Staff (Jan. 15, 2013).

⁶¹ *Id.*

⁶² Sections 1 and 2, ch. 2001-219, L.O.F., *initially codified at* s. 229.604, F.S., *redesignated in* 2002 as s. 1012.58, F.S.

The Florida Teachers Lead Program

The Florida Teachers Lead program provides a classroom materials and supplies stipend to each public school classroom teacher.⁶³ Legislation enacted in 2009, authorized the DOE to establish a pilot program to study the feasibility of creating a centralized electronic system for managing Florida Teachers Lead Program disbursements. The program was authorized only for FY 2009-10. School district participation was voluntary and the DOE was not required to implement the program if school district participation was insufficient to measure the viability of an electronic management system.⁶⁴ According to the DOE, no school districts agreed to participate and the program was never implemented.⁶⁵

The bill repeals s. 1012.71(6), F.S., relating to the Florida Teachers Lead Program centralized electronic management system pilot program, as authority for the program has expired.

Florida College System Institution and University Energy Consumption

Legislation enacted in 2010 required each FCS institution and state university to strive to reduce campus-wide energy consumption by ten percent and submit a report to the Governor, Speaker of the House of Representatives, and President of the Senate by January 1, 2011, describing how this goal was met or providing a plan for meeting the goal in the future.⁶⁶ While this statute requires a plan, it does not require that the institutions actually meet this goal. Furthermore, the report submission deadline of January 1, 2011, has passed.⁶⁷

The bill repeals s. 1013.231, F.S., relating to reduction in energy consumption by the FCS institutions and universities, as the purpose of this statute has been served.

Exception to Recommendations in Educational Plant Survey

Legislation enacted in 1977 authorized school districts to request exceptions to recommendations made in an educational plant survey based upon potential cost savings or other educational benefits. These exceptions must be approved by the Commissioner of Education.⁶⁸ A separate provision of law similarly authorizes the commissioner to waive survey requirements upon school district request.⁶⁹

The bill repeals s. 1013.32, F.S., relating to exceptions to recommendations in educational plant surveys. The DOE concurs with repeal of this statute.⁷⁰

⁶³ Section 1012.71, F.S.

⁶⁴ *Id.*

⁶⁵ Section 37, ch. 2009-59, L.O.F., *codified at* s. 1012.71(6), F.S.

⁶⁶ Section 30, ch. 2010-155, L.O.F., *codified at* s. 1013.321, F.S.

⁶⁷ Section. 1013.231, F.S.

⁶⁸ Section 9, ch. 77-458, L.O.F., *initially codified at* s. 235.155, F.S., *redesignated in* 2002 as s. 1013.32, F.S.

⁶⁹ Section 1013.03(10), F.S.

⁷⁰ Telephone conversation, Florida Department of Education, Staff (Dec. 11, 2012).

School Infrastructure Thrift Program

Legislation enacted in 1997 established the School Infrastructure Thrift (SIT) program, which was designed to reward school districts that achieved construction cost savings.⁷¹ Among other things, the legislation required the DOE to identify for elimination obsolete, excessively restrictive, and unnecessary education facilities regulations and practices.⁷² School districts that achieved reduced costs per student station specified in statute were eligible to apply for SIT program awards.⁷³ The SIT program has not been funded since FY 2004-05, when funding was awarded to the Orange and Osceola County school districts.⁷⁴ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁷⁵

The bill repeals ss. 1013.42 and 1013.72, F.S., relating to the SIT program. DOE concurs with these repeals.

A Business-Community School Program

The A Business-Community (ABC) School Program encourages the formation of business and education partnership schools which operate in facilities owned or operated by a local business.⁷⁶ The ABC schools may serve students in kindergarten through 3rd grade. Children of employees of the business must be given first preference for enrollment.⁷⁷ School districts are not required to establish an ABC school, nor do they need statutory authority to do so.

The bill repeals ss. 1013.502 and 1013.721, F.S., relating to the ABC School Program. School district superintendents concur with these repeals.⁷⁸

Exceptions to Special Facilities Construction Account requirements

The Special Facility Construction Account (SFCA) provides funding to school districts with urgent construction needs that cannot be met by existing resources or resources anticipated in the next three year period.⁷⁹ In addition to other provisions, school districts receiving SFCA funding must levy the maximum authorized discretionary millage for capital outlay (1.5 mills), or its equivalent from the school capital outlay surtax.⁸⁰ Legislation enacted in 2009 reduced this millage contribution for the school districts of Wakulla county (1 mill for FY 2009-10 and .5 mill for FY 2010-11), Liberty county (1 mill for FYs 2009-10 to 2011-12), and Calhoun county (1.125 mills for FYs 2009-10 to 2012-13).⁸¹ This provision will be obsolete as of June 30, 2013,

⁷¹ Section 22 ch. 97-153, L.O.F., *initially codified at s. 235.2155, F.S., redesignated in 2002 as s. 1013.42, F.S.*; Section 23, ch. 97-153, L.O.F., *initially codified at s. 235.216, F.S., redesignated in 2002 as s. 1013.72, F.S.*

⁷² Section 1013.42(2), F.S.

⁷³ Section 1013.72(2), F.S.

⁷⁴ Telephone conversation, Florida Department of Education, Staff (Dec. 11, 2012).

⁷⁵ Chapter 2010-70, L.O.F.

⁷⁶ Section 21, ch. 2003-391, L.O.F., *initially codified at s. 1013.501, F.S., redesignated in 2006 as s. 1013.721, F.S.* Initially known as the Florida Business and Education in School Together (Florida BEST) Program, the name of the program was changed to the ABC Schools Program in 2006.

⁷⁷ Section 1013.721(2) and (5)(a), F.S.

⁷⁸ Florida Department of Education, *School District Superintendent Deregulation Survey* (Oct. 25, 2012).

⁷⁹ Section 1013.64(2)(a), F.S.

⁸⁰ Section 1013.64(2)(a)8., F.S.; *see s. 1011.71(2), F.S.*

⁸¹ Section 40, ch. 2009-59, L.O.F., *codified at s. 1013.64(7), F.S.*

when Calhoun County's exception expires. Wakulla County's exception expired June 30, 2011, and Liberty County's exception expired June 30, 2012.

The bill repeals s. 1013.64(7), F.S., relating to exceptions to SFCA millage contribution requirements, as the last exception expires June 30, 2013 rendering the provision obsolete. The DOE concurs with repeal of this provision.⁸²

Effort Index Grants

Legislation enacted in 1997 provided grants to school districts which met a specified level of local effort funding, but still had a need for new student stations or core facilities to meet student demand.⁸³ The legislation provided a one-time appropriation of \$300 million for the grants, the last of which was disbursed in 2008.⁸⁴ A related program, the SMART Schools Clearinghouse, was repealed in 2010.⁸⁵

The bill repeals s. 1013.73(7), F.S., relating to effort index grants, which are no longer funded. The DOE concurs with the repeal of this statute.

Rulemaking Authority

- The DOE states that the rulemaking authority of ss. 1001.26(3), 1002.32(10), 1007.35(10), and 1009.85, F.S. is unnecessary because the statutes are self-executing.⁸⁶
- The DOE further states that s. 1003.433(5), F.S., is unnecessary due to duplicative statutory authority.⁸⁷
- The BOG states that the rulemaking authority of s. 1004.435(5)(c) and (d), F.S., is unnecessary and no rules have been created.⁸⁸
- Florida State University states that the rulemaking authority of s. 1004.45(2)(g), F.S. is unnecessary because the property in question belongs to the Ringling estate and not to the university.⁸⁹
- The bill repeals the rulemaking authority in these statutes previously identified as duplicative, redundant, or unused pursuant to s. 11.242(5)(j), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁸² *Id.*

⁸³ Section 5, ch. 97-384, L.O.F., initially codified at s. 235.186, F.S., redesignated in 2002 as s. 1013.73, F.S.

⁸⁴ Section 870, ch. 2002-387, L.O.F.

⁸⁵ Chapter 2010-70, L.O.F.

⁸⁶ Telephone conversation, Florida Department of Education, Staff (Dec. 18, 2012).

⁸⁷ *Id.*

⁸⁸ Telephone conversation, Board of Governors, State University System of Florida (Dec. 20, 2012).

⁸⁹ Telephone conversation, Florida State University, Office of General Counsel (December 18, 2012).

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:

By repealing redundant or unnecessary statutory requirements, the bill creates operational efficiencies and potential cost savings for school districts, higher education institutions, the DOE, and the BOG.

The bill does not make an appropriation.

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 6, 2013:

The committee substitute retains the original provisions of SB 1096 and:

- Repeals s. 1002.375, F.S., relating to the Alternative Credit for High School Courses Pilot Project, s. 1006.02, F. S., relating to the provision of information to students and parents regarding school-to-work transition, s. 1006.051, F.S., relating to the Sunshine Workforce Solutions Grant Program, and the rulemaking authority in ss. 1001.26(3), 1002.32(10), 1003.433(5), 1004.435(5)(c) and (d), 1004.45(2)(g), 1007.35(10), and 1009.85 of the Florida Statutes.
- Amends s. 1006.025, F.S., which is a conforming provision for s. 1006.02, F.S., and s. 1011.61, F.S., which is a conforming provision for s. 1002.375, F.S.

- Amends s. 1013.64(7), F.S., providing for an effective date that corresponds with the exception granted to Calhoun County.

B. Amendments:

None.

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

By the Committee on Education; and Senator Montford

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1 A bill to be entitled
 2 An act relating to the repeal of education provisions;
 3 amending s. 403.7032, F.S.; removing a requirement
 4 that each K-12 public school annually report to the
 5 county on recycled materials; repealing s. 1001.26(3),
 6 F.S.; removing duplicative, redundant, or unused
 7 rulemaking authority; repealing s. 1001.435, F.S.,
 8 relating to a K-12 foreign language curriculum plan;
 9 repealing s. 1002.23(4), (6), and (9), F.S., relating
 10 to a parent-response center, submission of family
 11 involvement and empowerment rules by district school
 12 boards, and State Board of Education compliance review
 13 and enforcement under the Family and School
 14 Partnership for Student Achievement Act; repealing s.
 15 1002.32(10), F.S.; removing duplicative, redundant, or
 16 unused rulemaking authority; repealing s. 1002.361,
 17 F.S., relating to a direct-support organization for
 18 the Florida School for the Deaf and the Blind;
 19 repealing s. 1002.375, F.S., relating to a pilot
 20 project to award alternative credit for high school
 21 courses; repealing s. 1003.4285(1), F.S., relating to
 22 a standard high school diploma designation that
 23 indicates a student's major area of interest;
 24 repealing s. 1003.43, F.S., relating to general
 25 requirements for high school graduation; repealing s.
 26 1003.433(5), F.S.; removing duplicative, redundant, or
 27 unused rulemaking authority; repealing s. 1003.453(2),
 28 F.S., relating to information on school wellness and
 29 physical education policies posted on Department of

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30 Education and school district websites; repealing s.
 31 1003.496, F.S., relating to the High School to
 32 Business Career Enhancement Program; repealing s.
 33 1004.05, F.S., relating to substance abuse training
 34 programs for specified public school personnel;
 35 amending s. 1004.435, F.S.; removing duplicative,
 36 redundant, or unused rulemaking authority; amending s.
 37 1004.45, F.S.; removing unnecessary rulemaking
 38 authority; repealing s. 1004.62, F.S., relating to
 39 incentives for state university student internships to
 40 study urban or socially and economically disadvantaged
 41 areas; repealing s. 1004.77, F.S., relating to centers
 42 of technology innovation; repealing s. 1006.02, F.S.,
 43 relating to provision of information to students and
 44 parents regarding school-to-work transition; repealing
 45 s. 1006.035, F.S., relating to a dropout reentry and
 46 mentor project; repealing s. 1006.051, F.S., relating
 47 to the Sunshine Workforce Solutions Grant Program;
 48 repealing s. 1006.09(1)(d), F.S., relating to duties
 49 of school principals with respect to annual reporting
 50 and analysis of student suspensions and expulsions;
 51 repealing ss. 1006.17 and 1006.70, F.S., relating to
 52 sponsorship of athletic activities similar to those
 53 for which scholarships are offered; repealing s.
 54 1006.65, F.S., relating to safety issues in courses
 55 offered by public postsecondary educational
 56 institutions; repealing s. 1007.21, F.S., relating to
 57 readiness for postsecondary education and the
 58 workplace; repealing s. 1007.35(10), F.S.; removing

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59 duplicative, redundant, or unused rulemaking
 60 authority; repealing s. 1008.31(3)(d) and (e), F.S.,
 61 relating to review and reporting duties of the
 62 Commissioner of Education with respect to
 63 consolidating paperwork under Florida's K-20 education
 64 performance accountability system; repealing s.
 65 1009.68, F.S., relating to the Florida Minority
 66 Medical Education Program; amending s. 1009.85, F.S.;
 67 removing duplicative, redundant, or unused rulemaking
 68 authority; repealing s. 1012.58, F.S., relating to the
 69 Transition to Teaching Program; repealing s.
 70 1012.71(6), F.S., relating to a pilot program for
 71 establishing an electronic management system for the
 72 Florida Teachers Lead Program; repealing s. 1013.231,
 73 F.S., relating to Florida College System institution
 74 and state university energy consumption reduction;
 75 repealing s. 1013.32, F.S., relating to exceptions to
 76 recommendations in educational plant surveys;
 77 repealing ss. 1013.42 and 1013.72, F.S., relating to
 78 the School Infrastructure Thrift (SIT) Program;
 79 repealing ss. 1013.502 and 1013.721, F.S., relating to
 80 A Business-Community (ABC) School Program; repealing
 81 s. 1013.64(7), F.S., relating to exceptions from
 82 Special Facility Construction Account requirements;
 83 repealing s. 1013.73, F.S., relating to effort index
 84 grants for school district facilities; amending ss.
 85 120.81, 250.115, 409.1451, 1001.11, 1002.20, 1002.33,
 86 1002.34, 1002.45, 1003.03, 1003.429, 1003.438,
 87 1003.49, 1004.70, 1004.71, 1006.025, 1006.15,

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88 1007.263, 1007.271, 1008.22, 1008.23, 1009.40,
 89 1009.531, 1009.94, 1011.61, 1013.35, 1013.356,
 90 1013.41, 1013.64, 1013.69, and 1013.738, F.S.;
 91 conforming provisions; providing effective dates.
 92

93 Be It Enacted by the Legislature of the State of Florida:
 94

95 Section 1. Subsection (3) of section 403.7032, Florida
 96 Statutes, is amended to read:

97 403.7032 Recycling.—

98 (3) Each state agency, ~~K-12 public school~~, public
 99 institution of higher learning, community college, and state
 100 university, including all buildings that are occupied by
 101 municipal, county, or state employees and entities occupying
 102 buildings managed by the Department of Management Services,
 103 must, at a minimum, annually report all recycled materials to
 104 the county using the department's designated reporting format.
 105 Private businesses, other than certified recovered materials
 106 dealers, that recycle paper, metals, glass, plastics, textiles,
 107 rubber materials, and mulch, are encouraged to report the amount
 108 of materials they recycle to the county annually beginning
 109 January 1, 2011, using the department's designated reporting
 110 format. Using the information provided, the department shall
 111 recognize those private businesses that demonstrate outstanding
 112 recycling efforts. Notwithstanding any other provision of state
 113 or county law, private businesses, other than certified
 114 recovered materials dealers, shall not be required to report
 115 recycling rates. Cities with less than a population of 2,500 and
 116 per capita taxable value less than \$48,000 and cities with a per

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117 capita taxable value less than \$30,000 are exempt from the
118 reporting requirement specified in this subsection.

119 Section 2. Subsection (3) of section 1001.26, Florida
120 Statutes, is repealed.

121 Section 3. Section 1001.435, Florida Statutes, is repealed.

122 Section 4. Subsections (4), (6), and (9) of section
123 1002.23, Florida Statutes, are repealed.

124 Section 5. Subsection (10) of section 1002.32, Florida
125 Statutes, is repealed.

126 Section 6. Section 1002.361, Florida Statutes, is repealed.

127 Section 7. Section 1002.375, Florida Statutes, is repealed.

128 Section 8. Subsection (1) of section 1003.4285, Florida
129 Statutes, is repealed.

130 Section 9. Section 1003.43, Florida Statutes, is repealed.

131 Section 10. Subsection (5) of section 1003.433, Florida
132 Statutes, is repealed.

133 Section 11. Subsection (2) of section 1003.453, Florida
134 Statutes, is repealed.

135 Section 12. Section 1003.496, Florida Statutes, is
136 repealed.

137 Section 13. Section 1004.05, Florida Statutes, is repealed.

138 Section 14. Paragraphs (c) and (d) of subsection (5) of
139 section 1004.435, Florida Statutes, are amended to read:

140 1004.435 Cancer control and research.—

141 (5) RESPONSIBILITIES OF THE BOARD OF GOVERNORS, THE H. LEE
142 MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC., AND THE
143 STATE SURGEON GENERAL.—

144 ~~(c) The Board of Governors or the State Surgeon General,~~
145 ~~after consultation with the council, may adopt rules necessary~~

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146 ~~for the implementation of this section.~~

147 ~~(c)(d) The State Surgeon General, after consultation with~~
148 ~~the council, shall make rules specifying to what extent and on~~
149 ~~what terms and conditions cancer patients of the state may~~
150 ~~receive financial aid for the diagnosis and treatment of cancer~~
151 ~~in any hospital or clinic selected.~~ The department may furnish
152 to citizens of this state who are afflicted with cancer
153 financial aid to the extent of the appropriation provided for
154 that purpose in a manner which in its opinion will afford the
155 greatest benefit to those afflicted and may make arrangements
156 with hospitals, laboratories, or clinics to afford proper care
157 and treatment for cancer patients in this state.

158 Section 15. Paragraph (g) of subsection (2) of section
159 1004.45, Florida Statutes, is amended to read:

160 1004.45 Ringling Center for Cultural Arts.—

161 (2)

162 (g) The university, in consultation with the direct-support
163 organization, shall establish policies ~~and may adopt rules~~ for
164 the sale or exchange of works of art.

165 Section 16. Section 1004.62, Florida Statutes, is repealed.

166 Section 17. Section 1004.77, Florida Statutes, is repealed.

167 Section 18. Section 1006.02, Florida Statutes, is repealed.

168 Section 19. Section 1006.035, Florida Statutes, is
169 repealed.

170 Section 20. Section 1006.051, Florida Statutes, is
171 repealed.

172 Section 21. Paragraph (d) of subsection (1) of section
173 1006.09, Florida Statutes, is repealed.

174 Section 22. Sections 1006.17 and 1006.70, Florida Statutes,

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175 are repealed.176 Section 23. Section 1006.65, Florida Statutes, is repealed.177 Section 24. Section 1007.21, Florida Statutes, is repealed.178 Section 25. Subsection (10) of section 1007.35, Florida
179 Statutes, is repealed.180 Section 26. Paragraphs (d) and (e) of subsection (3) of
181 section 1008.31, Florida Statutes, are repealed.182 Section 27. Section 1009.68, Florida Statutes, is repealed.183 Section 28. Section 1009.85, Florida Statutes, is amended
184 to read:

185 1009.85 Participation in guaranteed student loan program.—
 186 ~~The State Board of Education shall adopt rules necessary for~~
 187 ~~participation in the guaranteed student loan program, as~~
 188 ~~provided by the Higher Education Act of 1965 (20 U.S.C. ss. 1071~~
 189 ~~et seq.), as amended or as may be amended.~~ The intent of this
 190 act is to authorize student loans when this state, through the
 191 Department of Education, has become an eligible lender under the
 192 provisions of the applicable federal laws providing for the
 193 guarantee of loans to students and the partial payment of
 194 interest on such loans by the United States Government.

195 Section 29. Section 1012.58, Florida Statutes, is repealed.196 Section 30. Subsection (6) of section 1012.71, Florida
197 Statutes, is repealed.198 Section 31. Section 1013.231, Florida Statutes, is
199 repealed.200 Section 32. Section 1013.32, Florida Statutes, is repealed.201 Section 33. Sections 1013.42 and 1013.72, Florida Statutes,
202 are repealed.203 Section 34. Sections 1013.502 and 1013.721, Florida

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204 Statutes, are repealed.205 Section 35. Effective July 1, 2013, subsection (7) of
206 section 1013.64, Florida Statutes, is repealed.207 Section 36. Section 1013.73, Florida Statutes, is repealed.208 Section 37. Paragraph (c) of subsection (1) of section
209 120.81, Florida Statutes, is amended to read:

210 120.81 Exceptions and special requirements; general areas.—

211 (1) EDUCATIONAL UNITS.—

212 (c) Notwithstanding s. 120.52(16), any tests, test scoring
 213 criteria, or testing procedures relating to student assessment
 214 which are developed or administered by the Department of
 215 Education pursuant to s. 1003.428 ~~1003.43~~, s. 1003.429, s.
 216 1003.438, s. 1008.22, or s. 1008.25, or any other statewide
 217 educational tests required by law, are not rules.

218 Section 38. Subsection (5) of section 250.115, Florida
219 Statutes, is amended to read:220 250.115 Department of Military Affairs direct-support
221 organization.—

222 (5) ACTIVITIES; RESTRICTIONS.—Any transaction or agreement
 223 between the direct-support organization organized pursuant to
 224 this section and another direct-support organization ~~or center~~
 225 ~~of technology innovation designated under s. 1004.77~~ must be
 226 approved by the Department of Military Affairs.

227 Section 39. Paragraph (b) of subsection (5) of section
228 409.1451, Florida Statutes, is amended to read:

229 409.1451 Independent living transition services.—

230 (5) SERVICES FOR YOUNG ADULTS FORMERLY IN FOSTER CARE.—

231 Based on the availability of funds, the department shall provide
 232 or arrange for the following services to young adults formerly

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233 in foster care who meet the prescribed conditions and are
 234 determined eligible by the department. The department, or a
 235 community-based care lead agency when the agency is under
 236 contract with the department to provide the services described
 237 under this subsection, shall develop a plan to implement those
 238 services. A plan shall be developed for each community-based
 239 care service area in the state. Each plan that is developed by a
 240 community-based care lead agency shall be submitted to the
 241 department. Each plan shall include the number of young adults
 242 to be served each month of the fiscal year and specify the
 243 number of young adults who will reach 18 years of age who will
 244 be eligible for the plan and the number of young adults who will
 245 reach 23 years of age and will be ineligible for the plan or who
 246 are otherwise ineligible during each month of the fiscal year;
 247 staffing requirements and all related costs to administer the
 248 services and program; expenditures to or on behalf of the
 249 eligible recipients; costs of services provided to young adults
 250 through an approved plan for housing, transportation, and
 251 employment; reconciliation of these expenses and any additional
 252 related costs with the funds allocated for these services; and
 253 an explanation of and a plan to resolve any shortages or
 254 surpluses in order to end the fiscal year with a balanced
 255 budget. The categories of services available to assist a young
 256 adult formerly in foster care to achieve independence are:

257 (b) *Road-to-Independence Program.*—

258 1. The Road-to-Independence Program is intended to help
 259 eligible students who are former foster children in this state
 260 to receive the educational and vocational training needed to
 261 achieve independence. The amount of the award shall be based on

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262 the living and educational needs of the young adult and may be
 263 up to, but may not exceed, the amount of earnings that the
 264 student would have been eligible to earn working a 40-hour-a-
 265 week federal minimum wage job.

266 2. A young adult who has earned a standard high school
 267 diploma or its equivalent as described in s. 1003.428, s.
 268 1003.429, ~~1003.43~~ or s. 1003.435, has earned a special diploma
 269 or special certificate of completion as described in s.
 270 1003.438, or has reached 18 years of age but is not yet 21 years
 271 of age is eligible for the initial award, and a young adult
 272 under 23 years of age is eligible for renewal awards, if he or
 273 she:

274 a. Was a dependent child, under chapter 39, and was living
 275 in licensed foster care or in subsidized independent living at
 276 the time of his or her 18th birthday or is currently living in
 277 licensed foster care or subsidized independent living, or, after
 278 reaching the age of 16, was adopted from foster care or placed
 279 with a court-approved dependency guardian and has spent a
 280 minimum of 6 months in foster care immediately preceding such
 281 placement or adoption;

282 b. Spent at least 6 months living in foster care before
 283 reaching his or her 18th birthday;

284 c. Is a resident of this state as defined in s. 1009.40;
 285 and

286 d. Meets one of the following qualifications:

287 (I) Has earned a standard high school diploma or its
 288 equivalent as described in s. 1003.428, s. 1003.429, ~~1003.43~~ or
 289 s. 1003.435, or has earned a special diploma or special
 290 certificate of completion as described in s. 1003.438, and has

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291 been admitted for full-time enrollment in an eligible
 292 postsecondary education institution as defined in s. 1009.533;
 293 (II) Is enrolled full time in an accredited high school; or
 294 (III) Is enrolled full time in an accredited adult
 295 education program designed to provide the student with a high
 296 school diploma or its equivalent.

297 3. A young adult applying for the Road-to-Independence
 298 Program must apply for any other grants and scholarships for
 299 which he or she may qualify. The department shall assist the
 300 young adult in the application process and may use the federal
 301 financial aid grant process to determine the funding needs of
 302 the young adult.

303 4. An award shall be available to a young adult who is
 304 considered a full-time student or its equivalent by the
 305 educational institution in which he or she is enrolled, unless
 306 that young adult has a recognized disability preventing full-
 307 time attendance. The amount of the award, whether it is being
 308 used by a young adult working toward completion of a high school
 309 diploma or its equivalent or working toward completion of a
 310 postsecondary education program, shall be determined based on an
 311 assessment of the funding needs of the young adult. This
 312 assessment must consider the young adult's living and
 313 educational costs and other grants, scholarships, waivers,
 314 earnings, and other income to be received by the young adult. An
 315 award shall be available only to the extent that other grants
 316 and scholarships are not sufficient to meet the living and
 317 educational needs of the young adult, but an award may not be
 318 less than \$25 in order to maintain Medicaid eligibility for the
 319 young adult as provided in s. 409.903.

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320 5. The amount of the award may be disregarded for purposes
 321 of determining the eligibility for, or the amount of, any other
 322 federal or federally supported assistance.

323 6.a. The department must advertise the criteria,
 324 application procedures, and availability of the program to:
 325 (I) Children and young adults in, leaving, or formerly in
 326 foster care.
 327 (II) Case managers.
 328 (III) Guidance and family services counselors.
 329 (IV) Principals or other relevant school administrators.
 330 (V) Guardians ad litem.
 331 (VI) Foster parents.

332 b. The department shall issue awards from the program for
 333 each young adult who meets all the requirements of the program
 334 to the extent funding is available.

335 c. An award shall be issued at the time the eligible
 336 student reaches 18 years of age.

337 d. A young adult who is eligible for the Road-to-
 338 Independence Program, transitional support services, or
 339 aftercare services and who so desires shall be allowed to reside
 340 with the licensed foster family or group care provider with whom
 341 he or she was residing at the time of attaining his or her 18th
 342 birthday or to reside in another licensed foster home or with a
 343 group care provider arranged by the department.

344 e. If the award recipient transfers from one eligible
 345 institution to another and continues to meet eligibility
 346 requirements, the award must be transferred with the recipient.

347 f. Funds awarded to any eligible young adult under this
 348 program are in addition to any other services or funds provided

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349 to the young adult by the department through transitional
350 support services or aftercare services.

351 g. The department shall provide information concerning
352 young adults receiving funding through the Road-to-Independence
353 Program to the Department of Education for inclusion in the
354 student financial assistance database, as provided in s.
355 1009.94.

356 h. Funds are intended to help eligible young adults who are
357 former foster children in this state to receive the educational
358 and vocational training needed to become independent and self-
359 supporting. The funds shall be terminated when the young adult
360 has attained one of four postsecondary goals under subsection
361 (3) or reaches 23 years of age, whichever occurs earlier. In
362 order to initiate postsecondary education, to allow for a change
363 in career goal, or to obtain additional skills in the same
364 educational or vocational area, a young adult may earn no more
365 than two diplomas, certificates, or credentials. A young adult
366 attaining an associate of arts or associate of science degree
367 shall be permitted to work toward completion of a bachelor of
368 arts or a bachelor of science degree or an equivalent
369 undergraduate degree. Road-to-Independence Program funds may not
370 be used for education or training after a young adult has
371 attained a bachelor of arts or a bachelor of science degree or
372 an equivalent undergraduate degree.

373 i. The department shall evaluate and renew each award
374 annually during the 90-day period before the young adult's
375 birthday. In order to be eligible for a renewal award for the
376 subsequent year, the young adult must:

377 (I) Complete the number of hours, or the equivalent

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378 considered full time by the educational institution, unless that
379 young adult has a recognized disability preventing full-time
380 attendance, in the last academic year in which the young adult
381 earned an award, except for a young adult who meets the
382 requirements of s. 1009.41.

383 (II) Maintain appropriate progress as required by the
384 educational institution, except that, if the young adult's
385 progress is insufficient to renew the award at any time during
386 the eligibility period, the young adult may restore eligibility
387 by improving his or her progress to the required level.

388 j. Funds may be terminated during the interim between an
389 award and the evaluation for a renewal award if the department
390 determines that the award recipient is no longer enrolled in an
391 educational institution as defined in sub-subparagraph 2.d., or
392 is no longer a state resident. The department shall notify a
393 recipient who is terminated and inform the recipient of his or
394 her right to appeal.

395 k. An award recipient who does not qualify for a renewal
396 award or who chooses not to renew the award may subsequently
397 apply for reinstatement. An application for reinstatement must
398 be made before the young adult reaches 23 years of age, and a
399 student may not apply for reinstatement more than once. In order
400 to be eligible for reinstatement, the young adult must meet the
401 eligibility criteria and the criteria for award renewal for the
402 program.

403 Section 40. Subsection (7) of section 1001.11, Florida
404 Statutes, is amended to read:

405 1001.11 Commissioner of Education; other duties.-

406 (7) The commissioner shall make prominently available on

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407 the department's website the following: links to the Internet-
 408 based clearinghouse for professional development regarding
 409 physical education; the school wellness and physical education
 410 policies and other resources required under s. 1003.453(1) and
 411 ~~(2)~~; and other Internet sites that provide professional
 412 development for elementary teachers of physical education as
 413 defined in s. 1003.01(16). These links must provide elementary
 414 teachers with information concerning current physical education
 415 and nutrition philosophy and best practices that result in
 416 student participation in physical activities that promote
 417 lifelong physical and mental well-being.

418 Section 41. Paragraph (f) of subsection (3) and subsection
 419 (8) of section 1002.20, Florida Statutes, are amended to read:

420 1002.20 K-12 student and parent rights.—Parents of public
 421 school students must receive accurate and timely information
 422 regarding their child's academic progress and must be informed
 423 of ways they can help their child to succeed in school. K-12
 424 students and their parents are afforded numerous statutory
 425 rights including, but not limited to, the following:

426 (3) HEALTH ISSUES.—

427 (f) *Career education courses involving hazardous*
 428 *substances.*—High school students must be given plano safety
 429 glasses or devices in career education courses involving the use
 430 of hazardous substances likely to cause eye injury, ~~in~~
 431 ~~accordance with the provisions of s. 1006.65.~~

432 (8) STUDENTS WITH DISABILITIES.—Parents of public school
 433 students with disabilities and parents of public school students
 434 in residential care facilities are entitled to notice and due
 435 process in accordance with the provisions of ss. 1003.57 and

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436 1003.58. Public school students with disabilities must be
 437 provided the opportunity to meet the graduation requirements for
 438 a standard high school diploma in accordance with the provisions
 439 of s. 1003.428(3) ~~1003.43(4)~~. Certain public school students
 440 with disabilities may be awarded a special diploma upon high
 441 school graduation.

442 Section 42. Paragraph (a) of subsection (7) of section
 443 1002.33, Florida Statutes, is amended to read:

444 1002.33 Charter schools.—

445 (7) CHARTER.—The major issues involving the operation of a
 446 charter school shall be considered in advance and written into
 447 the charter. The charter shall be signed by the governing board
 448 of the charter school and the sponsor, following a public
 449 hearing to ensure community input.

450 (a) The charter shall address and criteria for approval of
 451 the charter shall be based on:

452 1. The school's mission, the students to be served, and the
 453 ages and grades to be included.

454 2. The focus of the curriculum, the instructional methods
 455 to be used, any distinctive instructional techniques to be
 456 employed, and identification and acquisition of appropriate
 457 technologies needed to improve educational and administrative
 458 performance which include a means for promoting safe, ethical,
 459 and appropriate uses of technology which comply with legal and
 460 professional standards.

461 a. The charter shall ensure that reading is a primary focus
 462 of the curriculum and that resources are provided to identify
 463 and provide specialized instruction for students who are reading
 464 below grade level. The curriculum and instructional strategies

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465 for reading must be consistent with the Sunshine State Standards
466 and grounded in scientifically based reading research.

467 b. In order to provide students with access to diverse
468 instructional delivery models, to facilitate the integration of
469 technology within traditional classroom instruction, and to
470 provide students with the skills they need to compete in the
471 21st century economy, the Legislature encourages instructional
472 methods for blended learning courses consisting of both
473 traditional classroom and online instructional techniques.
474 Charter schools may implement blended learning courses which
475 combine traditional classroom instruction and virtual
476 instruction. Students in a blended learning course must be full-
477 time students of the charter school and receive the online
478 instruction in a classroom setting at the charter school.
479 Instructional personnel certified pursuant to s. 1012.55 who
480 provide virtual instruction for blended learning courses may be
481 employees of the charter school or may be under contract to
482 provide instructional services to charter school students. At a
483 minimum, such instructional personnel must hold an active state
484 or school district adjunct certification under s. 1012.57 for
485 the subject area of the blended learning course. The funding and
486 performance accountability requirements for blended learning
487 courses are the same as those for traditional courses.

488 3. The current incoming baseline standard of student
489 academic achievement, the outcomes to be achieved, and the
490 method of measurement that will be used. The criteria listed in
491 this subparagraph shall include a detailed description of:

492 a. How the baseline student academic achievement levels and
493 prior rates of academic progress will be established.

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494 b. How these baseline rates will be compared to rates of
495 academic progress achieved by these same students while
496 attending the charter school.

497 c. To the extent possible, how these rates of progress will
498 be evaluated and compared with rates of progress of other
499 closely comparable student populations.

500
501 The district school board is required to provide academic
502 student performance data to charter schools for each of their
503 students coming from the district school system, as well as
504 rates of academic progress of comparable student populations in
505 the district school system.

506 4. The methods used to identify the educational strengths
507 and needs of students and how well educational goals and
508 performance standards are met by students attending the charter
509 school. The methods shall provide a means for the charter school
510 to ensure accountability to its constituents by analyzing
511 student performance data and by evaluating the effectiveness and
512 efficiency of its major educational programs. Students in
513 charter schools shall, at a minimum, participate in the
514 statewide assessment program created under s. 1008.22.

515 5. In secondary charter schools, a method for determining
516 that a student has satisfied the requirements for graduation in
517 s. 1003.428 ~~or~~ s. 1003.429, ~~or s. 1003.43.~~

518 6. A method for resolving conflicts between the governing
519 board of the charter school and the sponsor.

520 7. The admissions procedures and dismissal procedures,
521 including the school's code of student conduct.

522 8. The ways by which the school will achieve a

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523 racial/ethnic balance reflective of the community it serves or
 524 within the racial/ethnic range of other public schools in the
 525 same school district.

526 9. The financial and administrative management of the
 527 school, including a reasonable demonstration of the professional
 528 experience or competence of those individuals or organizations
 529 applying to operate the charter school or those hired or
 530 retained to perform such professional services and the
 531 description of clearly delineated responsibilities and the
 532 policies and practices needed to effectively manage the charter
 533 school. A description of internal audit procedures and
 534 establishment of controls to ensure that financial resources are
 535 properly managed must be included. Both public sector and
 536 private sector professional experience shall be equally valid in
 537 such a consideration.

538 10. The asset and liability projections required in the
 539 application which are incorporated into the charter and shall be
 540 compared with information provided in the annual report of the
 541 charter school.

542 11. A description of procedures that identify various risks
 543 and provide for a comprehensive approach to reduce the impact of
 544 losses; plans to ensure the safety and security of students and
 545 staff; plans to identify, minimize, and protect others from
 546 violent or disruptive student behavior; and the manner in which
 547 the school will be insured, including whether or not the school
 548 will be required to have liability insurance, and, if so, the
 549 terms and conditions thereof and the amounts of coverage.

550 12. The term of the charter which shall provide for
 551 cancellation of the charter if insufficient progress has been

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552 made in attaining the student achievement objectives of the
 553 charter and if it is not likely that such objectives can be
 554 achieved before expiration of the charter. The initial term of a
 555 charter shall be for 4 or 5 years. In order to facilitate access
 556 to long-term financial resources for charter school
 557 construction, charter schools that are operated by a
 558 municipality or other public entity as provided by law are
 559 eligible for up to a 15-year charter, subject to approval by the
 560 district school board. A charter lab school is eligible for a
 561 charter for a term of up to 15 years. In addition, to facilitate
 562 access to long-term financial resources for charter school
 563 construction, charter schools that are operated by a private,
 564 not-for-profit, s. 501(c)(3) status corporation are eligible for
 565 up to a 15-year charter, subject to approval by the district
 566 school board. Such long-term charters remain subject to annual
 567 review and may be terminated during the term of the charter, but
 568 only according to the provisions set forth in subsection (8).

569 13. The facilities to be used and their location.

570 14. The qualifications to be required of the teachers and
 571 the potential strategies used to recruit, hire, train, and
 572 retain qualified staff to achieve best value.

573 15. The governance structure of the school, including the
 574 status of the charter school as a public or private employer as
 575 required in paragraph (12)(i).

576 16. A timetable for implementing the charter which
 577 addresses the implementation of each element thereof and the
 578 date by which the charter shall be awarded in order to meet this
 579 timetable.

580 17. In the case of an existing public school that is being

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581 converted to charter status, alternative arrangements for
 582 current students who choose not to attend the charter school and
 583 for current teachers who choose not to teach in the charter
 584 school after conversion in accordance with the existing
 585 collective bargaining agreement or district school board rule in
 586 the absence of a collective bargaining agreement. However,
 587 alternative arrangements shall not be required for current
 588 teachers who choose not to teach in a charter lab school, except
 589 as authorized by the employment policies of the state university
 590 which grants the charter to the lab school.

591 18. Full disclosure of the identity of all relatives
 592 employed by the charter school who are related to the charter
 593 school owner, president, chairperson of the governing board of
 594 directors, superintendent, governing board member, principal,
 595 assistant principal, or any other person employed by the charter
 596 school who has equivalent decisionmaking authority. For the
 597 purpose of this subparagraph, the term "relative" means father,
 598 mother, son, daughter, brother, sister, uncle, aunt, first
 599 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
 600 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
 601 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 602 stepsister, half brother, or half sister.

603 19. Implementation of the activities authorized under s.
 604 1002.331 by the charter school when it satisfies the eligibility
 605 requirements for a high-performing charter school. A high-
 606 performing charter school shall notify its sponsor in writing by
 607 March 1 if it intends to increase enrollment or expand grade
 608 levels the following school year. The written notice shall
 609 specify the amount of the enrollment increase and the grade

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610 levels that will be added, as applicable.

611 Section 43. Paragraph (g) of subsection (4) of section
 612 1002.34, Florida Statutes, is amended to read:

613 1002.34 Charter technical career centers.—

614 (4) CHARTER.—A sponsor may designate centers as provided in
 615 this section. An application to establish a center may be
 616 submitted by a sponsor or another organization that is
 617 determined, by rule of the State Board of Education, to be
 618 appropriate. However, an independent school is not eligible for
 619 status as a center. The charter must be signed by the governing
 620 body of the center and the sponsor and must be approved by the
 621 district school board and Florida College System institution
 622 board of trustees in whose geographic region the facility is
 623 located. If a charter technical career center is established by
 624 the conversion to charter status of a public technical center
 625 formerly governed by a district school board, the charter status
 626 of that center takes precedence in any question of governance.
 627 The governance of the center or of any program within the center
 628 remains with its board of directors unless the board agrees to a
 629 change in governance or its charter is revoked as provided in
 630 subsection (15). Such a conversion charter technical career
 631 center is not affected by a change in the governance of public
 632 technical centers or of programs within other centers that are
 633 or have been governed by district school boards. A charter
 634 technical career center, or any program within such a center,
 635 that was governed by a district school board and transferred to
 636 a Florida College System institution prior to the effective date
 637 of this act is not affected by this provision. An applicant who
 638 wishes to establish a center must submit to the district school

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639 board or Florida College System institution board of trustees,
 640 or a consortium of one or more of each, an application on a form
 641 developed by the Department of Education which includes:

642 (g) A method for determining whether a student has
 643 satisfied the requirements for graduation specified in s.
 644 1003.428 or s. 1003.429 ~~1003.43~~ and for completion of a
 645 postsecondary certificate or degree.

646
 647 Students at a center must meet the same testing and academic
 648 performance standards as those established by law and rule for
 649 students at public schools and public technical centers. The
 650 students must also meet any additional assessment indicators
 651 that are included within the charter approved by the district
 652 school board or Florida College System institution board of
 653 trustees.

654 Section 44. Paragraph (b) of subsection (4) of section
 655 1002.45, Florida Statutes, is amended to read:

656 1002.45 Virtual instruction programs.—

657 (4) CONTRACT REQUIREMENTS.—Each contract with an approved
 658 provider must at minimum:

659 (b) Provide a method for determining that a student has
 660 satisfied the requirements for graduation in s. 1003.428 or s.
 661 1003.429, ~~or s. 1003.43~~ if the contract is for the provision of
 662 a full-time virtual instruction program to students in grades 9
 663 through 12.

664 Section 45. Paragraph (e) of subsection (3) of section
 665 1003.03, Florida Statutes, is amended to read:

666 1003.03 Maximum class size.—

667 (3) IMPLEMENTATION OPTIONS.—District school boards must

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668 consider, but are not limited to, implementing the following
 669 items in order to meet the constitutional class size maximums
 670 described in subsection (1):

671 (e) Use innovative methods to reduce the cost of school
 672 construction by using prototype school designs, using SMART
 673 Schools designs, ~~participating in the School Infrastructure~~
 674 ~~Thrift Program~~, or any other method not prohibited by law.

675 Section 46. Subsection (1), paragraph (c) of subsection
 676 (7), and subsection (8) of section 1003.429, Florida Statutes,
 677 are amended to read:

678 1003.429 Accelerated high school graduation options.—

679 (1) Students who enter grade 9 in the 2006-2007 school year
 680 and thereafter may select, upon receipt of each consent required
 681 by this section, one of the following three high school
 682 graduation options:

683 (a) Completion of the general requirements for high school
 684 graduation pursuant to s. 1003.428 ~~or s. 1003.43~~, as applicable;

685 (b) Completion of a 3-year standard college preparatory
 686 program requiring successful completion of a minimum of 18
 687 academic credits in grades 9 through 12. At least 6 of the 18
 688 credits required for completion of this program must be received
 689 in classes that are offered pursuant to the International
 690 Baccalaureate Program, the Advanced Placement Program, dual
 691 enrollment, Advanced International Certificate of Education, or
 692 specifically listed or identified by the Department of Education
 693 as rigorous pursuant to s. 1009.531(3). The 18 credits required
 694 for completion of this program shall be primary requirements and
 695 shall be distributed as follows:

696 1. Four credits in English, with major concentration in

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697 composition and literature;

698 2. Three credits and, beginning with students entering
699 grade 9 in the 2010-2011 school year, four credits in
700 mathematics at the Algebra I level or higher from the list of
701 courses that qualify for state university admission. Beginning
702 with students entering grade 9 in the 2010-2011 school year, in
703 addition to the Algebra I credit requirement, one of the four
704 credits in mathematics must be geometry or a series of courses
705 equivalent to geometry as approved by the State Board of
706 Education. Beginning with students entering grade 9 in the 2010-
707 2011 school year, the end-of-course assessment requirements
708 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
709 to earn the required credit in Algebra I. Beginning with
710 students entering grade 9 in the 2011-2012 school year, the end-
711 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
712 must be met in order for a student to earn the required credit
713 in geometry. Beginning with students entering grade 9 in the
714 2012-2013 school year, in addition to the Algebra I and geometry
715 credit requirements, one of the four credits in mathematics must
716 be Algebra II or a series of courses equivalent to Algebra II as
717 approved by the State Board of Education;

718 3. Three credits in science, two of which must have a
719 laboratory component. Beginning with students entering grade 9
720 in the 2011-2012 school year, one of the three credits in
721 science must be Biology I or a series of courses equivalent to
722 Biology I as approved by the State Board of Education. Beginning
723 with students entering grade 9 in the 2011-2012 school year, the
724 end-of-course assessment requirements under s.
725 1008.22(3)(c)2.a.(II) must be met in order for a student to earn

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726 the required credit in Biology I. Beginning with students
727 entering grade 9 in the 2013-2014 school year, one of the three
728 credits must be Biology I or a series of courses equivalent to
729 Biology I as approved by the State Board of Education, one
730 credit must be chemistry or physics or a series of courses
731 equivalent to chemistry or physics as approved by the State
732 Board of Education, and one credit must be an equally rigorous
733 course, as approved by the State Board of Education;

734 4. Three credits in social sciences, which must include one
735 credit in United States history, one credit in world history,
736 one-half credit in United States government, and one-half credit
737 in economics;

738 5. Two credits in the same second language unless the
739 student is a native speaker of or can otherwise demonstrate
740 competency in a language other than English. If the student
741 demonstrates competency in another language, the student may
742 replace the language requirement with two credits in other
743 academic courses; and

744 6. Three credits in electives and, beginning with students
745 entering grade 9 in the 2010-2011 school year, two credits in
746 electives; or

747 (c) Completion of a 3-year career preparatory program
748 requiring successful completion of a minimum of 18 academic
749 credits in grades 9 through 12. The 18 credits shall be primary
750 requirements and shall be distributed as follows:

751 1. Four credits in English, with major concentration in
752 composition and literature;

753 2. Three credits and, beginning with students entering
754 grade 9 in the 2010-2011 school year, four credits in

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755 mathematics, one of which must be Algebra I. Beginning with
 756 students entering grade 9 in the 2010-2011 school year, in
 757 addition to the Algebra I credit requirement, one of the four
 758 credits in mathematics must be geometry or a series of courses
 759 equivalent to geometry as approved by the State Board of
 760 Education. Beginning with students entering grade 9 in the 2010-
 761 2011 school year, the end-of-course assessment requirements
 762 under s. 1008.22(3)(c)2.a.(I) must be met in order for a student
 763 to earn the required credit in Algebra I. Beginning with
 764 students entering grade 9 in the 2011-2012 school year, the end-
 765 of-course assessment requirements under s. 1008.22(3)(c)2.a.(I)
 766 must be met in order for a student to earn the required credit
 767 in geometry. Beginning with students entering grade 9 in the
 768 2012-2013 school year, in addition to the Algebra I and geometry
 769 credit requirements, one of the four credits in mathematics must
 770 be Algebra II or a series of courses equivalent to Algebra II as
 771 approved by the State Board of Education;

772 3. Three credits in science, two of which must have a
 773 laboratory component. Beginning with students entering grade 9
 774 in the 2011-2012 school year, one of the three credits in
 775 science must be Biology I or a series of courses equivalent to
 776 Biology I as approved by the State Board of Education. Beginning
 777 with students entering grade 9 in the 2011-2012 school year, the
 778 end-of-course assessment requirements under s.
 779 1008.22(3)(c)2.a.(II) must be met in order for a student to earn
 780 the required credit in Biology I. Beginning with students
 781 entering grade 9 in the 2013-2014 school year, one of the three
 782 credits must be Biology I or a series of courses equivalent to
 783 Biology I as approved by the State Board of Education, one

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784 credit must be chemistry or physics or a series of courses
 785 equivalent to chemistry or physics as approved by the State
 786 Board of Education, and one credit must be an equally rigorous
 787 course, as approved by the State Board of Education;

788 4. Three credits in social sciences, which must include one
 789 credit in United States history, one credit in world history,
 790 one-half credit in United States government, and one-half credit
 791 in economics;

792 5. Three credits in a single vocational or career education
 793 program, three credits in career and technical certificate dual
 794 enrollment courses, or five credits in vocational or career
 795 education courses; and

796 6. Two credits and, beginning with students entering grade
 797 9 in the 2010-2011 school year, one credit in electives unless
 798 five credits are earned pursuant to subparagraph 5.

799 Any student who selected an accelerated graduation program
 800 before July 1, 2004, may continue that program, and all
 801 statutory program requirements that were applicable when the
 802 student made the program choice shall remain applicable to the
 803 student as long as the student continues that program.

804 (7) If, at the end of each grade, a student is not on track
 805 to meet the credit, assessment, or grade-point-average
 806 requirements of the accelerated graduation option selected, the
 807 school shall notify the student and parent of the following:

808 (c) The right of the student to change to the 4-year
 809 program set forth in s. 1003.428 ~~or s. 1003.43, as applicable.~~

810 (8) A student who selected one of the accelerated 3-year
 811 graduation options shall automatically move to the 4-year
 812

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813 program set forth in s. 1003.428 ~~or s. 1003.43, if applicable,~~
 814 if the student:

815 (a) Exercises his or her right to change to the 4-year
 816 program;

817 (b) Fails to earn 5 credits by the end of grade 9 or fails
 818 to earn 11 credits by the end of grade 10;

819 (c) Does not achieve a score of 3 or higher on the grade 10
 820 FCAT Writing assessment; or

821 (d) By the end of grade 11 does not meet the requirements
 822 of subsections (1) and (6).

823 Section 47. Section 1003.438, Florida Statutes, is amended
 824 to read:

825 1003.438 Special high school graduation requirements for
 826 certain exceptional students.—A student who has been identified,
 827 in accordance with rules established by the State Board of
 828 Education, as a student with disabilities who has an
 829 intellectual disability; an autism spectrum disorder; a language
 830 impairment; an orthopedic impairment; an other health
 831 impairment; a traumatic brain injury; an emotional or behavioral
 832 disability; a specific learning disability, including, but not
 833 limited to, dyslexia, dyscalculia, or developmental aphasia; or
 834 students who are deaf or hard of hearing or dual sensory
 835 impaired shall not be required to meet all requirements of ~~s.~~
 836 ~~1003.43~~ ~~or~~ s. 1003.428 or s. 1003.429 and shall, upon meeting
 837 all applicable requirements prescribed by the district school
 838 board pursuant to s. 1008.25, be awarded a special diploma in a
 839 form prescribed by the commissioner; however, such special
 840 graduation requirements prescribed by the district school board
 841 must include minimum graduation requirements as prescribed by

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842 the commissioner. Any such student who meets all special
 843 requirements of the district school board, but is unable to meet
 844 the appropriate special state minimum requirements, shall be
 845 awarded a special certificate of completion in a form prescribed
 846 by the commissioner. However, this section does not limit or
 847 restrict the right of an exceptional student solely to a special
 848 diploma or special certificate of completion. Any such student
 849 shall, upon proper request, be afforded the opportunity to fully
 850 meet all requirements of ~~s. 1003.43~~ ~~or~~ s. 1003.428 or s.
 851 1003.429 through the standard procedures established therein and
 852 thereby to qualify for a standard diploma upon graduation.

853 Section 48. Subsection (1) of section 1003.49, Florida
 854 Statutes, is amended to read:

855 1003.49 Graduation and promotion requirements for publicly
 856 operated schools.—

857 (1) Each state or local public agency, including the
 858 Department of Children and Family Services, the Department of
 859 Corrections, the boards of trustees of universities and Florida
 860 College System institutions, and the Board of Trustees of the
 861 Florida School for the Deaf and the Blind, which agency is
 862 authorized to operate educational programs for students at any
 863 level of grades kindergarten through 12 shall be subject to all
 864 applicable requirements of ss. 1003.428, 1003.429 ~~1003.43,~~
 865 1008.23, and 1008.25. Within the content of these cited statutes
 866 each such state or local public agency or entity shall be
 867 considered a "district school board."

868 Section 49. Paragraph (c) of subsection (4) of section
 869 1004.70, Florida Statutes, is amended to read:

870 1004.70 Florida College System institution direct-support

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871 organizations.-

872 (4) ACTIVITIES; RESTRICTIONS.-

873 (c) Any transaction or agreement between one direct-support
874 organization and another direct-support organization ~~or between~~
875 ~~a direct support organization and a center of technology~~
876 ~~innovation designated under s. 1004.77~~ must be approved by the
877 board of trustees.

878 Section 50. Paragraph (b) of subsection (4) of section
879 1004.71, Florida Statutes, is amended to read:

880 1004.71 Statewide Florida College System institution
881 direct-support organizations.-

882 (4) RESTRICTIONS.-

883 (b) Any transaction or agreement between a statewide,
884 direct-support organization and any other direct-support
885 organization ~~or between a statewide, direct support organization~~
886 ~~and a center of technology innovation designated under s.~~
887 ~~1004.77~~ must be approved by the State Board of Education.

888 Section 51. Paragraph (g) of subsection (2) of section
889 1006.025, Florida Statutes, is redesignated as paragraph (f) and
890 present paragraph (f) of that subsection is amended, to read:

891 1006.025 Guidance services.-

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

894 ~~(f) Actions taken to provide information to students for~~
895 ~~the school to work transition pursuant to s. 1006.02.~~

896 Section 52. Paragraph (a) of subsection (3) of section
897 1006.15, Florida Statutes, is amended to read:

898 1006.15 Student standards for participation in
899 interscholastic and intrascholastic extracurricular student

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900 activities; regulation.-

901 (3) (a) To be eligible to participate in interscholastic
902 extracurricular student activities, a student must:

903 1. Maintain a grade point average of 2.0 or above on a 4.0
904 scale, or its equivalent, in the previous semester or a
905 cumulative grade point average of 2.0 or above on a 4.0 scale,
906 or its equivalent, in the courses required by s. 1003.428 ~~or s.~~
907 1003.429 ~~1003.43(1)~~.

908 2. Execute and fulfill the requirements of an academic
909 performance contract between the student, the district school
910 board, the appropriate governing association, and the student's
911 parents, if the student's cumulative grade point average falls
912 below 2.0, or its equivalent, on a 4.0 scale in the courses
913 required by s. 1003.428 or s. 1003.429 ~~1003.43(1)~~ ~~or, for~~
914 ~~students who entered the 9th grade prior to the 1997-1998 school~~
915 ~~year, if the student's cumulative grade point average falls~~
916 ~~below 2.0 on a 4.0 scale, or its equivalent, in the courses~~
917 ~~required by s. 1003.43(1) which are taken after July 1, 1997.~~ At
918 a minimum, the contract must require that the student attend
919 summer school, or its graded equivalent, between grades 9 and 10
920 or grades 10 and 11, as necessary.

921 3. Have a cumulative grade point average of 2.0 or above on
922 a 4.0 scale, or its equivalent, in the courses required by s.
923 1003.428 ~~or s. 1003.429~~ ~~1003.43(1)~~ during his or her junior or
924 senior year.

925 4. Maintain satisfactory conduct, including adherence to
926 appropriate dress and other codes of student conduct policies
927 described in s. 1006.07(2). If a student is convicted of, or is
928 found to have committed, a felony or a delinquent act that would

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929 have been a felony if committed by an adult, regardless of
 930 whether adjudication is withheld, the student's participation in
 931 interscholastic extracurricular activities is contingent upon
 932 established and published district school board policy.

933 Section 53. Subsection (4) of section 1007.263, Florida
 934 Statutes, is amended to read:

935 1007.263 Florida College System institutions; admissions of
 936 students.—Each Florida College System institution board of
 937 trustees is authorized to adopt rules governing admissions of
 938 students subject to this section and rules of the State Board of
 939 Education. These rules shall include the following:

940 (4) A student who has been awarded a special diploma as
 941 defined in s. 1003.438 or a certificate of completion as defined
 942 in s. 1003.428(7)(b) ~~1003.43(10)~~ is eligible to enroll in
 943 certificate career education programs.

944 Each board of trustees shall establish policies that notify
 945 students about, and place students into, adult basic education,
 946 adult secondary education, or other instructional programs that
 947 provide students with alternatives to traditional college-
 948 preparatory instruction, including private provider instruction.
 949 A student is prohibited from enrolling in additional college-
 950 level courses until the student scores above the cut-score on
 951 all sections of the common placement test.

952 Section 54. Subsections (2) and (9) of section 1007.271,
 953 Florida Statutes, are amended to read:

954 1007.271 Dual enrollment programs.—

955 (2) For the purpose of this section, an eligible secondary
 956 student is a student who is enrolled in a Florida public

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958 secondary school or in a Florida private secondary school which
 959 is in compliance with s. 1002.42(2) and provides a secondary
 960 curriculum pursuant to s. 1003.428 ~~or~~ s. 1003.429, or s.
 961 ~~1003.43~~. Students who are eligible for dual enrollment pursuant
 962 to this section may enroll in dual enrollment courses conducted
 963 during school hours, after school hours, and during the summer
 964 term. However, if the student is projected to graduate from high
 965 school before the scheduled completion date of a postsecondary
 966 course, the student may not register for that course through
 967 dual enrollment. The student may apply to the postsecondary
 968 institution and pay the required registration, tuition, and fees
 969 if the student meets the postsecondary institution's admissions
 970 requirements under s. 1007.263. Instructional time for dual
 971 enrollment may vary from 900 hours; however, the school district
 972 may only report the student for a maximum of 1.0 FTE, as
 973 provided in s. 1011.61(4). Any student enrolled as a dual
 974 enrollment student is exempt from the payment of registration,
 975 tuition, and laboratory fees. Vocational-preparatory
 976 instruction, college-preparatory instruction, and other forms of
 977 precollegiate instruction, as well as physical education courses
 978 that focus on the physical execution of a skill rather than the
 979 intellectual attributes of the activity, are ineligible for
 980 inclusion in the dual enrollment program. Recreation and leisure
 981 studies courses shall be evaluated individually in the same
 982 manner as physical education courses for potential inclusion in
 983 the program.

984 (9) The Commissioner of Education shall appoint faculty
 985 committees representing public school, Florida College System
 986 institution, and university faculties to identify postsecondary

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 987 courses that meet the high school graduation requirements of s.
 988 1003.428 or s. 1003.429, ~~or s. 1003.43~~ and to establish the
 989 number of postsecondary semester credit hours of instruction and
 990 equivalent high school credits earned through dual enrollment
 991 pursuant to this section that are necessary to meet high school
 992 graduation requirements. Such equivalencies shall be determined
 993 solely on comparable course content and not on seat time
 994 traditionally allocated to such courses in high school. The
 995 Commissioner of Education shall recommend to the State Board of
 996 Education those postsecondary courses identified to meet high
 997 school graduation requirements, based on mastery of course
 998 outcomes, by their course numbers, and all high schools shall
 999 accept these postsecondary education courses toward meeting the
 1000 requirements of s. 1003.428 or s. 1003.429, ~~or s. 1003.43~~.

1001 Section 55. Paragraph (c) of subsection (3) of section
 1002 1008.22, Florida Statutes, is amended to read:

1003 1008.22 Student assessment program for public schools.—

1004 (3) STATEWIDE ASSESSMENT PROGRAM.—The commissioner shall
 1005 design and implement a statewide program of educational
 1006 assessment that provides information for the improvement of the
 1007 operation and management of the public schools, including
 1008 schools operating for the purpose of providing educational
 1009 services to youth in Department of Juvenile Justice programs.
 1010 The commissioner may enter into contracts for the continued
 1011 administration of the assessment programs authorized and funded
 1012 by the Legislature. Contracts may be initiated in 1 fiscal year
 1013 and continue into the next and may be paid from the
 1014 appropriations of either or both fiscal years. The commissioner
 1015 is authorized to negotiate for the sale or lease of tests,

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 1016 scoring protocols, test scoring services, and related materials
 1017 developed pursuant to law. Pursuant to the statewide assessment
 1018 program, the commissioner shall:

1019 (c) Develop and implement a student achievement assessment
 1020 program as follows:

1021 1. The Florida Comprehensive Assessment Test (FCAT)
 1022 measures a student's content knowledge and skills in reading,
 1023 writing, science, and mathematics. The content knowledge and
 1024 skills assessed by the FCAT must be aligned to the core
 1025 curricular content established in the Next Generation Sunshine
 1026 State Standards. FCAT Reading and FCAT Mathematics shall be
 1027 administered annually in grades 3 through 10 except, beginning
 1028 with the 2010-2011 school year, the administration of grade 9
 1029 FCAT Mathematics shall be discontinued, and beginning with the
 1030 2011-2012 school year, the administration of grade 10 FCAT
 1031 Mathematics shall be discontinued, except as required for
 1032 students who have not attained minimum performance expectations
 1033 for graduation as provided in paragraph (9)(c). FCAT Writing and
 1034 FCAT Science shall be administered at least once at the
 1035 elementary, middle, and high school levels except, beginning
 1036 with the 2011-2012 school year, the administration of FCAT
 1037 Science at the high school level shall be discontinued. Students
 1038 enrolled in an Algebra I, geometry, or Biology I course or an
 1039 equivalent course with a statewide, standardized end-of-course
 1040 assessment are not required to take the corresponding grade-
 1041 level FCAT assessment.

1042 2.a. End-of-course assessments must be rigorous, statewide,
 1043 standardized, and developed or approved by the department. The
 1044 content knowledge and skills assessed by end-of-course

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1045 assessments must be aligned to the core curricular content
 1046 established in the Next Generation Sunshine State Standards.

1047 (I) Statewide, standardized end-of-course assessments in
 1048 mathematics shall be administered according to this sub-sub-
 1049 subparagraph. Beginning with the 2010-2011 school year, all
 1050 students enrolled in Algebra I or an equivalent course must take
 1051 the Algebra I end-of-course assessment. For students entering
 1052 grade 9 during the 2010-2011 school year and who are enrolled in
 1053 Algebra I or an equivalent, each student's performance on the
 1054 end-of-course assessment in Algebra I shall constitute 30
 1055 percent of the student's final course grade. Beginning with the
 1056 2012-2013 school year, the end-of-course assessment in Algebra I
 1057 shall be administered four times annually. Beginning with
 1058 students entering grade 9 in the 2011-2012 school year, a
 1059 student who is enrolled in Algebra I or an equivalent must earn
 1060 a passing score on the end-of-course assessment in Algebra I or
 1061 attain an equivalent score as described in subsection (11) in
 1062 order to earn course credit. Beginning with the 2011-2012 school
 1063 year, all students enrolled in geometry or an equivalent course
 1064 must take the geometry end-of-course assessment. For students
 1065 entering grade 9 during the 2011-2012 school year, each
 1066 student's performance on the end-of-course assessment in
 1067 geometry shall constitute 30 percent of the student's final
 1068 course grade. Beginning with students entering grade 9 during
 1069 the 2012-2013 school year, a student must earn a passing score
 1070 on the end-of-course assessment in geometry or attain an
 1071 equivalent score as described in subsection (11) in order to
 1072 earn course credit.

1073 (II) Statewide, standardized end-of-course assessments in

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1074 science shall be administered according to this sub-sub-
 1075 subparagraph. Beginning with the 2011-2012 school year, all
 1076 students enrolled in Biology I or an equivalent course must take
 1077 the Biology I end-of-course assessment. For the 2011-2012 school
 1078 year, each student's performance on the end-of-course assessment
 1079 in Biology I shall constitute 30 percent of the student's final
 1080 course grade. Beginning with students entering grade 9 during
 1081 the 2012-2013 school year, a student must earn a passing score
 1082 on the end-of-course assessment in Biology I in order to earn
 1083 course credit.

1084 b. During the 2012-2013 school year, an end-of-course
 1085 assessment in civics education shall be administered as a field
 1086 test at the middle school level. During the 2013-2014 school
 1087 year, each student's performance on the statewide, standardized
 1088 end-of-course assessment in civics education shall constitute 30
 1089 percent of the student's final course grade. Beginning with the
 1090 2014-2015 school year, a student must earn a passing score on
 1091 the end-of-course assessment in civics education in order to
 1092 pass the course and be promoted from the middle grades. The
 1093 school principal of a middle school shall determine, in
 1094 accordance with State Board of Education rule, whether a student
 1095 who transfers to the middle school and who has successfully
 1096 completed a civics education course at the student's previous
 1097 school must take an end-of-course assessment in civics
 1098 education.

1099 c. The commissioner may select one or more nationally
 1100 developed comprehensive examinations, which may include, but
 1101 need not be limited to, examinations for a College Board
 1102 Advanced Placement course, International Baccalaureate course,

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1103 or Advanced International Certificate of Education course, or
 1104 industry-approved examinations to earn national industry
 1105 certifications identified in the Industry Certification Funding
 1106 List, pursuant to rules adopted by the State Board of Education,
 1107 for use as end-of-course assessments under this paragraph, if
 1108 the commissioner determines that the content knowledge and
 1109 skills assessed by the examinations meet or exceed the grade
 1110 level expectations for the core curricular content established
 1111 for the course in the Next Generation Sunshine State Standards.
 1112 The commissioner may collaborate with the American Diploma
 1113 Project in the adoption or development of rigorous end-of-course
 1114 assessments that are aligned to the Next Generation Sunshine
 1115 State Standards.

1116 d. Contingent upon funding provided in the General
 1117 Appropriations Act, including the appropriation of funds
 1118 received through federal grants, the Commissioner of Education
 1119 shall establish an implementation schedule for the development
 1120 and administration of additional statewide, standardized end-of-
 1121 course assessments in English/Language Arts II, Algebra II,
 1122 chemistry, physics, earth/space science, United States history,
 1123 and world history. Priority shall be given to the development of
 1124 end-of-course assessments in English/Language Arts II. The
 1125 Commissioner of Education shall evaluate the feasibility and
 1126 effect of transitioning from the grade 9 and grade 10 FCAT
 1127 Reading and high school level FCAT Writing to an end-of-course
 1128 assessment in English/Language Arts II. The commissioner shall
 1129 report the results of the evaluation to the President of the
 1130 Senate and the Speaker of the House of Representatives no later
 1131 than July 1, 2011.

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1132 3. The assessment program shall measure student content
 1133 knowledge and skills adopted by the State Board of Education as
 1134 specified in paragraph (a) and measure and report student
 1135 performance levels of all students assessed in reading, writing,
 1136 mathematics, and science. The commissioner shall provide for the
 1137 tests to be developed or obtained, as appropriate, through
 1138 contracts and project agreements with private vendors, public
 1139 vendors, public agencies, postsecondary educational
 1140 institutions, or school districts. The commissioner shall obtain
 1141 input with respect to the design and implementation of the
 1142 assessment program from state educators, assistive technology
 1143 experts, and the public.

1144 4. The assessment program shall be composed of criterion-
 1145 referenced tests that shall, to the extent determined by the
 1146 commissioner, include test items that require the student to
 1147 produce information or perform tasks in such a way that the core
 1148 content knowledge and skills he or she uses can be measured.

1149 5. FCAT Reading, Mathematics, and Science and all
 1150 statewide, standardized end-of-course assessments shall measure
 1151 the content knowledge and skills a student has attained on the
 1152 assessment by the use of scaled scores and achievement levels.
 1153 Achievement levels shall range from 1 through 5, with level 1
 1154 being the lowest achievement level, level 5 being the highest
 1155 achievement level, and level 3 indicating satisfactory
 1156 performance on an assessment. For purposes of FCAT Writing,
 1157 student achievement shall be scored using a scale of 1 through 6
 1158 and the score earned shall be used in calculating school grades.
 1159 A score shall be designated for each subject area tested, below
 1160 which score a student's performance is deemed inadequate. The

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1161 school districts shall provide appropriate remedial instruction
1162 to students who score below these levels.

1163 6. The State Board of Education shall, by rule, designate a
1164 passing score for each part of the grade 10 assessment test and
1165 end-of-course assessments. Any rule that has the effect of
1166 raising the required passing scores may apply only to students
1167 taking the assessment for the first time after the rule is
1168 adopted by the State Board of Education. Except as otherwise
1169 provided in this subparagraph and as provided in s.

1170 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~, students must earn a
1171 passing score on grade 10 FCAT Reading and grade 10 FCAT
1172 Mathematics or attain concordant scores as described in
1173 subsection (10) in order to qualify for a standard high school
1174 diploma.

1175 7. In addition to designating a passing score under
1176 subparagraph 6., the State Board of Education shall also
1177 designate, by rule, a score for each statewide, standardized
1178 end-of-course assessment which indicates that a student is high
1179 achieving and has the potential to meet college-readiness
1180 standards by the time the student graduates from high school.

1181 8. Participation in the assessment program is mandatory for
1182 all students attending public school, including students served
1183 in Department of Juvenile Justice programs, except as otherwise
1184 prescribed by the commissioner. A student who has not earned
1185 passing scores on the grade 10 FCAT as provided in subparagraph
1186 6. must participate in each retake of the assessment until the
1187 student earns passing scores or achieves scores on a
1188 standardized assessment which are concordant with passing scores
1189 pursuant to subsection (10). If a student does not participate

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1190 in the statewide assessment, the district must notify the
1191 student's parent and provide the parent with information
1192 regarding the implications of such nonparticipation. A parent
1193 must provide signed consent for a student to receive classroom
1194 instructional accommodations that would not be available or
1195 permitted on the statewide assessments and must acknowledge in
1196 writing that he or she understands the implications of such
1197 instructional accommodations. The State Board of Education shall
1198 adopt rules, based upon recommendations of the commissioner, for
1199 the provision of test accommodations for students in exceptional
1200 education programs and for students who have limited English
1201 proficiency. Accommodations that negate the validity of a
1202 statewide assessment are not allowable in the administration of
1203 the FCAT or an end-of-course assessment. However, instructional
1204 accommodations are allowable in the classroom if included in a
1205 student's individual education plan. Students using
1206 instructional accommodations in the classroom that are not
1207 allowable as accommodations on the FCAT or an end-of-course
1208 assessment may have the FCAT or an end-of-course assessment
1209 requirement waived pursuant to the requirements of s.

1210 1003.428(8)(b) ~~or s. 1003.43(11)(b)~~.

1211 9. A student seeking an adult high school diploma must meet
1212 the same testing requirements that a regular high school student
1213 must meet.

1214 10. District school boards must provide instruction to
1215 prepare students in the core curricular content established in
1216 the Next Generation Sunshine State Standards adopted under s.
1217 1003.41, including the core content knowledge and skills
1218 necessary for successful grade-to-grade progression and high

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1219 school graduation. If a student is provided with instructional
 1220 accommodations in the classroom that are not allowable as
 1221 accommodations in the statewide assessment program, as described
 1222 in the test manuals, the district must inform the parent in
 1223 writing and must provide the parent with information regarding
 1224 the impact on the student's ability to meet expected performance
 1225 levels in reading, writing, mathematics, and science. The
 1226 commissioner shall conduct studies as necessary to verify that
 1227 the required core curricular content is part of the district
 1228 instructional programs.

1229 11. District school boards must provide opportunities for
 1230 students to demonstrate an acceptable performance level on an
 1231 alternative standardized assessment approved by the State Board
 1232 of Education following enrollment in summer academies.

1233 12. The Department of Education must develop, or select,
 1234 and implement a common battery of assessment tools that will be
 1235 used in all juvenile justice programs in the state. These tools
 1236 must accurately measure the core curricular content established
 1237 in the Next Generation Sunshine State Standards.

1238 13. For students seeking a special diploma pursuant to s.
 1239 1003.438, the Department of Education must develop or select and
 1240 implement an alternate assessment tool that accurately measures
 1241 the core curricular content established in the Next Generation
 1242 Sunshine State Standards for students with disabilities under s.
 1243 1003.438.

1244 14. The Commissioner of Education shall establish schedules
 1245 for the administration of statewide assessments and the
 1246 reporting of student test results. When establishing the
 1247 schedules for the administration of statewide assessments, the

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1248 commissioner shall consider the observance of religious and
 1249 school holidays. The commissioner shall, by August 1 of each
 1250 year, notify each school district in writing and publish on the
 1251 department's Internet website the testing and reporting
 1252 schedules for, at a minimum, the school year following the
 1253 upcoming school year. The testing and reporting schedules shall
 1254 require that:

1255 a. There is the latest possible administration of statewide
 1256 assessments and the earliest possible reporting to the school
 1257 districts of student test results which is feasible within
 1258 available technology and specific appropriations; however, test
 1259 results for the FCAT must be made available no later than the
 1260 week of June 8. Student results for end-of-course assessments
 1261 must be provided no later than 1 week after the school district
 1262 completes testing for each course. The commissioner may extend
 1263 the reporting schedule under exigent circumstances.

1264 b. FCAT Writing may not be administered earlier than the
 1265 week of March 1, and a comprehensive statewide assessment of any
 1266 other subject may not be administered earlier than the week of
 1267 April 15.

1268 c. A statewide, standardized end-of-course assessment is
 1269 administered at the end of the course. The commissioner shall
 1270 select an administration period for assessments that meets the
 1271 intent of end-of-course assessments and provides student results
 1272 prior to the end of the course. School districts shall
 1273 administer tests in accordance with the schedule determined by
 1274 the commissioner. For an end-of-course assessment administered
 1275 at the end of the first semester, the commissioner shall
 1276 determine the most appropriate testing dates based on a review

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1277 of each school district's academic calendar.

1278

1279 The commissioner may, based on collaboration and input from
 1280 school districts, design and implement student testing programs,
 1281 for any grade level and subject area, necessary to effectively
 1282 monitor educational achievement in the state, including the
 1283 measurement of educational achievement of the Next Generation
 1284 Sunshine State Standards for students with disabilities.
 1285 Development and refinement of assessments shall include
 1286 universal design principles and accessibility standards that
 1287 will prevent any unintended obstacles for students with
 1288 disabilities while ensuring the validity and reliability of the
 1289 test. These principles should be applicable to all technology
 1290 platforms and assistive devices available for the assessments.
 1291 The field testing process and psychometric analyses for the
 1292 statewide assessment program must include an appropriate
 1293 percentage of students with disabilities and an evaluation or
 1294 determination of the effect of test items on such students.

1295 Section 56. Section 1008.23, Florida Statutes, is amended
 1296 to read:

1297 1008.23 Confidentiality of assessment instruments.—All
 1298 examination and assessment instruments, including developmental
 1299 materials and workpapers directly related thereto, which are
 1300 prepared, prescribed, or administered pursuant to ss. ~~1003.43,~~
 1301 1008.22~~7~~ and 1008.25 shall be confidential and exempt from the
 1302 provisions of s. 119.07(1) and from s. 1001.52. Provisions
 1303 governing access, maintenance, and destruction of such
 1304 instruments and related materials shall be prescribed by rules
 1305 of the State Board of Education.

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1306 Section 57. Paragraph (a) of subsection (1) of section
 1307 1009.40, Florida Statutes, is amended to read:

1308 1009.40 General requirements for student eligibility for
 1309 state financial aid awards and tuition assistance grants.—

1310 (1)(a) The general requirements for eligibility of students
 1311 for state financial aid awards and tuition assistance grants
 1312 consist of the following:

1313 1. Achievement of the academic requirements of and
 1314 acceptance at a state university or Florida College System
 1315 institution; a nursing diploma school approved by the Florida
 1316 Board of Nursing; a Florida college or university which is
 1317 accredited by an accrediting agency recognized by the State
 1318 Board of Education; any Florida institution the credits of which
 1319 are acceptable for transfer to state universities; any career
 1320 center; or any private career institution accredited by an
 1321 accrediting agency recognized by the State Board of Education.

1322 2. Residency in this state for no less than 1 year
 1323 preceding the award of aid or a tuition assistance grant for a
 1324 program established pursuant to s. 1009.50, s. 1009.505, s.
 1325 1009.51, s. 1009.52, s. 1009.53, s. 1009.56, s. 1009.60, s.
 1326 1009.62, ~~s. 1009.68,~~ s. 1009.72, s. 1009.73, s. 1009.77, s.
 1327 1009.89, or s. 1009.891. Residency in this state must be for
 1328 purposes other than to obtain an education. Resident status for
 1329 purposes of receiving state financial aid awards shall be
 1330 determined in the same manner as resident status for tuition
 1331 purposes pursuant to s. 1009.21.

1332 3. Submission of certification attesting to the accuracy,
 1333 completeness, and correctness of information provided to
 1334 demonstrate a student's eligibility to receive state financial

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1335 aid awards or tuition assistance grants. Falsification of such
 1336 information shall result in the denial of any pending
 1337 application and revocation of any award or grant currently held
 1338 to the extent that no further payments shall be made.
 1339 Additionally, students who knowingly make false statements in
 1340 order to receive state financial aid awards or tuition
 1341 assistance grants commit a misdemeanor of the second degree
 1342 subject to the provisions of s. 837.06 and shall be required to
 1343 return all state financial aid awards or tuition assistance
 1344 grants wrongfully obtained.

1345 Section 58. Paragraph (b) of subsection (1) of section
 1346 1009.531, Florida Statutes, is amended to read:

1347 1009.531 Florida Bright Futures Scholarship Program;
 1348 student eligibility requirements for initial awards.-

1349 (1) Effective January 1, 2008, in order to be eligible for
 1350 an initial award from any of the three types of scholarships
 1351 under the Florida Bright Futures Scholarship Program, a student
 1352 must:

1353 (b) Earn a standard Florida high school diploma or its
 1354 equivalent pursuant to s. 1003.428, s. 1003.4281, s. 1003.429,
 1355 ~~s. 1003.43~~, or s. 1003.435 unless:

1356 1. The student completes a home education program according
 1357 to s. 1002.41; or

1358 2. The student earns a high school diploma from a non-
 1359 Florida school while living with a parent or guardian who is on
 1360 military or public service assignment away from Florida.

1361 Section 59. Paragraph (c) of subsection (2) of section
 1362 1009.94, Florida Statutes, is amended to read:

1363 1009.94 Student financial assistance database.-

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1364 (2) For purposes of this section, financial assistance
 1365 includes:

1366 (c) Any financial assistance provided under s. 1009.50, s.
 1367 1009.505, s. 1009.51, s. 1009.52, s. 1009.53, s. 1009.55, s.
 1368 1009.56, s. 1009.60, s. 1009.62, ~~s. 1009.68~~, s. 1009.70, s.
 1369 1009.701, s. 1009.72, s. 1009.73, s. 1009.74, s. 1009.77, s.
 1370 1009.89, or s. 1009.891.

1371 Section 60. Paragraph (c) of subsection (1) of section
 1372 1011.61, Florida Statutes, is amended to read:

1373 1011.61 Definitions.-Notwithstanding the provisions of s.
 1374 1000.21, the following terms are defined as follows for the
 1375 purposes of the Florida Education Finance Program:

1376 (1) A "full-time equivalent student" in each program of the
 1377 district is defined in terms of full-time students and part-time
 1378 students as follows:

1379 (c)1. A "full-time equivalent student" is:

1380 a. A full-time student in any one of the programs listed in
 1381 s. 1011.62(1)(c); or

1382 b. A combination of full-time or part-time students in any
 1383 one of the programs listed in s. 1011.62(1)(c) which is the
 1384 equivalent of one full-time student based on the following
 1385 calculations:

1386 (I) A full-time student in a combination of programs listed
 1387 in s. 1011.62(1)(c) shall be a fraction of a full-time
 1388 equivalent membership in each program equal to the number of net
 1389 hours per school year for which he or she is a member, divided
 1390 by the appropriate number of hours set forth in subparagraph
 1391 (a)1. or subparagraph (a)2. The sum of the fractions for each
 1392 program may not exceed the maximum value set forth in subsection

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1393 (4).

1394 (II) A prekindergarten student with a disability shall meet
1395 the requirements specified for kindergarten students.

1396 (III) A full-time equivalent student for students in
1397 kindergarten through grade 12 in a full-time virtual instruction
1398 program under s. 1002.45 or a virtual charter school under s.
1399 1002.33 shall consist of six full-credit completions or the
1400 prescribed level of content that counts toward promotion to the
1401 next grade in programs listed in s. 1011.62(1)(c). Credit
1402 completions may be a combination of full-credit courses or half-
1403 credit courses. Beginning in the 2014-2015 fiscal year, when s.
1404 1008.22(3)(g) is implemented, the reported full-time equivalent
1405 students and associated funding of students enrolled in courses
1406 requiring passage of an end-of-course assessment shall be
1407 adjusted after the student completes the end-of-course
1408 assessment.

1409 (IV) A full-time equivalent student for students in
1410 kindergarten through grade 12 in a part-time virtual instruction
1411 program under s. 1002.45 shall consist of six full-credit
1412 completions in programs listed in s. 1011.62(1)(c)1. and 3.
1413 Credit completions may be a combination of full-credit courses
1414 or half-credit courses. Beginning in the 2014-2015 fiscal year,
1415 when s. 1008.22(3)(g) is implemented, the reported full-time
1416 equivalent students and associated funding of students enrolled
1417 in courses requiring passage of an end-of-course assessment
1418 shall be adjusted after the student completes the end-of-course
1419 assessment.

1420 (V) A Florida Virtual School full-time equivalent student
1421 shall consist of six full-credit completions or the prescribed

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1422 level of content that counts toward promotion to the next grade
1423 in the programs listed in s. 1011.62(1)(c)1. and 3. for students
1424 participating in kindergarten through grade 12 part-time virtual
1425 instruction and the programs listed in s. 1011.62(1)(c) for
1426 students participating in kindergarten through grade 12 full-
1427 time virtual instruction. Credit completions may be a
1428 combination of full-credit courses or half-credit courses.
1429 Beginning in the 2014-2015 fiscal year, when s. 1008.22(3)(g) is
1430 implemented, the reported full-time equivalent students and
1431 associated funding of students enrolled in courses requiring
1432 passage of an end-of-course assessment shall be adjusted after
1433 the student completes the end-of-course assessment.

1434 (VI) Each successfully completed full-credit course earned
1435 through an online course delivered by a district other than the
1436 one in which the student resides shall be calculated as 1/6 FTE.

1437 ~~(VII) Each successfully completed credit earned under the~~
1438 ~~alternative high school course credit requirements authorized in~~
1439 ~~s. 1002.375, which is not reported as a portion of the 900 net~~
1440 ~~hours of instruction pursuant to subparagraph (1)(a)1., shall be~~
1441 ~~calculated as 1/6 FTE.~~

1442 (VII) ~~(VIII)~~ (A) A full-time equivalent student for courses
1443 requiring a statewide, standardized end-of-course assessment
1444 pursuant to s. 1008.22(3)(c)2.a. shall be defined and reported
1445 based on the number of instructional hours as provided in this
1446 subsection for the first 3 years of administering the end-of-
1447 course assessment. Beginning in the fourth year of administering
1448 the end-of-course assessment, the FTE shall be credit-based and
1449 each course shall be equal to 1/6 FTE. The reported FTE shall be
1450 adjusted after the student successfully completes the end-of-

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1451 course assessment pursuant to s. 1008.22(3)(c)2.a.

1452 (B) For students enrolled in a school district as a full-
1453 time student, the district may report 1/6 FTE for each student
1454 who passes a statewide, standardized end-of-course assessment
1455 without being enrolled in the corresponding course.

1456 (C) The FTE earned under this sub-sub-subparagraph and any
1457 FTE for courses or programs listed in s. 1011.62(1)(c) that do
1458 not require passing a statewide, standardized end-of-course
1459 assessment are subject to the requirements in subsection (4).

1460 2. A student in membership in a program scheduled for more
1461 or less than 180 school days or the equivalent on an hourly
1462 basis as specified by rules of the State Board of Education is a
1463 fraction of a full-time equivalent membership equal to the
1464 number of instructional hours in membership divided by the
1465 appropriate number of hours set forth in subparagraph (a)1.;
1466 however, for the purposes of this subparagraph, membership in
1467 programs scheduled for more than 180 days is limited to students
1468 enrolled in juvenile justice education programs and the Florida
1469 Virtual School.

1470
1471 The department shall determine and implement an equitable method
1472 of equivalent funding for experimental schools and for schools
1473 operating under emergency conditions, which schools have been
1474 approved by the department to operate for less than the minimum
1475 school day.

1476 Section 61. Paragraph (b) of subsection (2) of section
1477 1013.35, Florida Statutes, is amended to read:

1478 1013.35 School district educational facilities plan;
1479 definitions; preparation, adoption, and amendment; long-term

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1480 work programs.-

1481 (2) PREPARATION OF TENTATIVE DISTRICT EDUCATIONAL
1482 FACILITIES PLAN.-

1483 (b) The plan must also include a financially feasible
1484 district facilities work program for a 5-year period. The work
1485 program must include:

1486 1. A schedule of major repair and renovation projects
1487 necessary to maintain the educational facilities and ancillary
1488 facilities of the district.

1489 2. A schedule of capital outlay projects necessary to
1490 ensure the availability of satisfactory student stations for the
1491 projected student enrollment in K-12 programs. This schedule
1492 shall consider:

1493 a. The locations, capacities, and planned utilization rates
1494 of current educational facilities of the district. The capacity
1495 of existing satisfactory facilities, as reported in the Florida
1496 Inventory of School Houses must be compared to the capital
1497 outlay full-time-equivalent student enrollment as determined by
1498 the department, including all enrollment used in the calculation
1499 of the distribution formula in s. 1013.64.

1500 b. The proposed locations of planned facilities, whether
1501 those locations are consistent with the comprehensive plans of
1502 all affected local governments, and recommendations for
1503 infrastructure and other improvements to land adjacent to
1504 existing facilities. The provisions of ss. 1013.33(6), (7), and
1505 (8) and 1013.36 must be addressed for new facilities planned
1506 within the first 3 years of the work plan, as appropriate.

1507 c. Plans for the use and location of relocatable
1508 facilities, leased facilities, and charter school facilities.

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1509 d. Plans for multitrack scheduling, grade level
 1510 organization, block scheduling, or other alternatives that
 1511 reduce the need for additional permanent student stations.
 1512 e. Information concerning average class size and
 1513 utilization rate by grade level within the district which will
 1514 result if the tentative district facilities work program is
 1515 fully implemented.
 1516 f. The number and percentage of district students planned
 1517 to be educated in relocatable facilities during each year of the
 1518 tentative district facilities work program. For determining
 1519 future needs, student capacity may not be assigned to any
 1520 relocatable classroom that is scheduled for elimination or
 1521 replacement with a permanent educational facility in the current
 1522 year of the adopted district educational facilities plan and in
 1523 the district facilities work program adopted under this section.
 1524 Those relocatable classrooms clearly identified and scheduled
 1525 for replacement in a school-board-adopted, financially feasible,
 1526 5-year district facilities work program shall be counted at zero
 1527 capacity at the time the work program is adopted and approved by
 1528 the school board. However, if the district facilities work
 1529 program is changed and the relocatable classrooms are not
 1530 replaced as scheduled in the work program, the classrooms must
 1531 be reentered into the system and be counted at actual capacity.
 1532 Relocatable classrooms may not be perpetually added to the work
 1533 program or continually extended for purposes of circumventing
 1534 this section. All relocatable classrooms not identified and
 1535 scheduled for replacement, including those owned, lease-
 1536 purchased, or leased by the school district, must be counted at
 1537 actual student capacity. The district educational facilities

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1538 plan must identify the number of relocatable student stations
 1539 scheduled for replacement during the 5-year survey period and
 1540 the total dollar amount needed for that replacement.
 1541 g. Plans for the closure of any school, including plans for
 1542 disposition of the facility or usage of facility space, and
 1543 anticipated revenues.
 1544 h. Projects for which capital outlay and debt service funds
 1545 accruing under s. 9(d), Art. XII of the State Constitution are
 1546 to be used shall be identified separately in priority order on a
 1547 project priority list within the district facilities work
 1548 program.
 1549 3. The projected cost for each project identified in the
 1550 district facilities work program. For proposed projects for new
 1551 student stations, a schedule shall be prepared comparing the
 1552 planned cost and square footage for each new student station, by
 1553 elementary, middle, and high school levels, to the low, average,
 1554 and high cost of facilities constructed throughout the state
 1555 during the most recent fiscal year for which data is available
 1556 from the Department of Education.
 1557 4. A schedule of estimated capital outlay revenues from
 1558 each currently approved source which is estimated to be
 1559 available for expenditure on the projects included in the
 1560 district facilities work program.
 1561 5. A schedule indicating which projects included in the
 1562 district facilities work program will be funded from current
 1563 revenues projected in subparagraph 4.
 1564 6. A schedule of options for the generation of additional
 1565 revenues by the district for expenditure on projects identified
 1566 in the district facilities work program which are not funded

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1567 under subparagraph 5. Additional anticipated revenues may
 1568 include ~~effort index grants, SIT Program awards, and~~ Classrooms
 1569 First funds.

1570 Section 62. Subsection (2) of section 1013.356, Florida
 1571 Statutes, is amended to read:

1572 1013.356 Local funding for educational facilities benefit
 1573 districts or community development districts.—Upon confirmation
 1574 by a district school board of the commitment of revenues by an
 1575 educational facilities benefit district or community development
 1576 district necessary to construct and maintain an educational
 1577 facility contained within an individual district facilities work
 1578 program or proposed by an approved charter school or a charter
 1579 school applicant, the following funds shall be provided to the
 1580 educational facilities benefit district or community development
 1581 district annually, beginning with the next fiscal year after
 1582 confirmation until the district's financial obligations are
 1583 completed:

1584 (2) For construction and capital maintenance costs not
 1585 covered by the funds provided under subsection (1), an annual
 1586 amount contributed by the district school board equal to one-
 1587 half of the remaining costs of construction and capital
 1588 maintenance of the educational facility. Any construction costs
 1589 above the cost-per-student criteria established in s.
 1590 1013.64(6)(b)1. ~~for the SIT Program in s. 1013.72(2)~~ shall be
 1591 funded exclusively by the educational facilities benefit
 1592 district or the community development district. Funds
 1593 contributed by a district school board shall not be used to fund
 1594 operational costs.

1595

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1596 Educational facilities funded pursuant to this act may be
 1597 constructed on land that is owned by any person after the
 1598 district school board has acquired from the owner of the land a
 1599 long-term lease for the use of this land for a period of not
 1600 less than 40 years or the life expectancy of the permanent
 1601 facilities constructed thereon, whichever is longer. All
 1602 interlocal agreements entered into pursuant to this act shall
 1603 provide for ownership of educational facilities funded pursuant
 1604 to this act to revert to the district school board if such
 1605 facilities cease to be used for public educational purposes
 1606 prior to 40 years after construction or prior to the end of the
 1607 life expectancy of the educational facilities, whichever is
 1608 longer.

1609 Section 63. Subsections (4), (5), and (6) of section
 1610 1013.41, Florida Statutes, are amended to read:

1611 1013.41 SMART schools; Classrooms First; legislative
 1612 purpose.—

1613 (4) OFFICE OF EDUCATIONAL FACILITIES.—It is the purpose of
 1614 the Legislature to require the Office of Educational Facilities
 1615 to assist school districts in building SMART schools utilizing
 1616 functional and frugal practices. The Office of Educational
 1617 Facilities must review district facilities work programs and
 1618 projects and ~~identify districts qualified for incentive funding~~
 1619 ~~available through School Infrastructure Thrift Program awards,~~
 1620 identify opportunities to maximize design and construction
 1621 savings; develop school district facilities work program
 1622 performance standards; and provide for review and
 1623 recommendations to the Governor, the Legislature, and the State
 1624 Board of Education.

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1625 ~~(5) EFFORT INDEX GRANTS. It is the purpose of the~~
 1626 ~~Legislature to create s. 1013.73, in order to provide grants~~
 1627 ~~from state funds to assist school districts that have provided a~~
 1628 ~~specified level of local effort funding.~~

1629 ~~(6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM AWARDS. It~~
 1630 ~~is the purpose of the Legislature to convert the SIT Program~~
 1631 ~~established in ss. 1013.42 and 1013.72 to an incentive award~~
 1632 ~~program to encourage functional, frugal facilities and~~
 1633 ~~practices.~~

1634 Section 64. Paragraph (b) of subsection (6) of section
 1635 1013.64, Florida Statutes, is amended to read:

1636 1013.64 Funds for comprehensive educational plant needs;
 1637 construction cost maximums for school district capital
 1638 projects.—Allocations from the Public Education Capital Outlay
 1639 and Debt Service Trust Fund to the various boards for capital
 1640 outlay projects shall be determined as follows:

1641 (6)

1642 (b)1. A district school board must not use funds from the
 1643 following sources: Public Education Capital Outlay and Debt
 1644 Service Trust Fund; School District and Community College
 1645 District Capital Outlay and Debt Service Trust Fund; Classrooms
 1646 First Program funds provided in s. 1013.68; ~~effort index grant~~
 1647 ~~funds provided in s. 1013.73;~~ nonvoted 1.5-mill levy of ad
 1648 valorem property taxes provided in s. 1011.71(2); Classrooms for
 1649 Kids Program funds provided in s. 1013.735; District Effort
 1650 Recognition Program funds provided in s. 1013.736; or High
 1651 Growth District Capital Outlay Assistance Grant Program funds
 1652 provided in s. 1013.738 for any new construction of educational
 1653 plant space with a total cost per student station, including

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1654 change orders, that equals more than:

- 1655 a. \$17,952 for an elementary school,
 1656 b. \$19,386 for a middle school, or
 1657 c. \$25,181 for a high school,

1658

1659 (January 2006) as adjusted annually to reflect increases or
 1660 decreases in the Consumer Price Index.

1661 2. A district school board must not use funds from the
 1662 Public Education Capital Outlay and Debt Service Trust Fund or
 1663 the School District and Community College District Capital
 1664 Outlay and Debt Service Trust Fund for any new construction of
 1665 an ancillary plant that exceeds 70 percent of the average cost
 1666 per square foot of new construction for all schools.

1667 Section 65. Section 1013.69, Florida Statutes, is amended
 1668 to read:

1669 1013.69 Full bonding required to participate in programs.—
 1670 Any district with unused bonding capacity in its Capital Outlay
 1671 and Debt Service Trust Fund allocation that certifies in its
 1672 district educational facilities plan that it will not be able to
 1673 meet all of its need for new student stations within existing
 1674 revenues must fully bond its Capital Outlay and Debt Service
 1675 Trust Fund allocation before it may participate in Classrooms
 1676 First, ~~the School Infrastructure Thrift (SIT) Program, or the~~
 1677 ~~Effort Index Grants Program.~~

1678 Section 66. Paragraph (b) of subsection (2) of section
 1679 1013.738, Florida Statutes, is amended to read:

1680 1013.738 High Growth District Capital Outlay Assistance
 1681 Grant Program.—

1682 (2) In order to qualify for a grant, a school district must

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1683 meet the following criteria:

1684 (b) Fifty percent of the revenue derived from the 2-mill
1685 nonvoted discretionary capital outlay millage for the past 4
1686 fiscal years, when divided by the district's growth in capital
1687 outlay FTE students over this period, produces a value that is
1688 less than the average cost per student station calculated
1689 pursuant to s. 1013.64(6)(b)1. ~~1013.72(2)~~, and weighted by
1690 statewide growth in capital outlay FTE students in elementary,
1691 middle, and high schools for the past 4 fiscal years.

1692 Section 67. Except as otherwise expressly provided in this
1693 act, 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)

3/14
Meeting Date

Topic ~~SB 1000~~ Waive in support Bill Number 10960 (if applicable)

Name Ashley Spicola Amendment Barcode (if applicable)

Job Title Policy Chief - EDU - Gov's office

Address The Capitol Phone 717-9378

Tallahassee FL 32399
City State Zip

E-mail ashley.spicola@
laspbs.state.fl
US

Speaking: For Against Information

Representing GOV'S OFFICE

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

THE FLORIDA SENATE
APPEARANCE RECORD

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

3/14/2013
Meeting/Date

Topic Repeal of Ed Provisions

Bill Number SR 1096
(if applicable)

Name Wayne Stanton

Amendment Barcode _____
(if applicable)

Job Title Exec. Director

Address 203 S. Monroe
Street

Phone 800-414-2578

Tallahassee FLA. 32308
City State Zip

E-mail Stanton@flsa.org

Speaking: For Against Information

Representing FLA. School Boards Assn.

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 1764

INTRODUCER: Governmental Oversight and Accountability Committee

SUBJECT: Transparency in Government Spending

DATE: March 14, 2013

REVISED: 3/18/13

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Naf	McVaney		GO SPB 7026 as introduced
2.	Wilson/McKinnon	Hansen	AP	Favorable
3.				
4.				
5.				
6.				

I. Summary:

SB 1764 amends the Florida Transparency Act (act) to:

- Require the creation of a single website through which all other websites required by the act may be accessed.
- Create style and formatting requirements for all websites required by the act.
- Require the creation of a website relating to state employee and officer data.
- Require the creation of a website relating to state fiscal planning data.
- Add search criteria and informational requirements to and amending suggested Joint Legislative Auditing Committee recommendations for, the existing state budget website.
- Require creation of a website for the state contract tracking system, including the documents and information required to be posted on the website, and changing the entities required to post documents and information on the website.
- Create a task force to develop and recommend a design for consolidating state transparency websites into one website.

The bill provides a 2013-2014 fiscal year appropriation of \$326,775 in recurring funds and \$386,292 in nonrecurring funds from the General Revenue Fund, as well as four full-time equivalent positions with associated salary rate of \$231,409, to the Department of Financial Services (DFS) for implementation of the state contract tracking system.

The bill substantially amends section 215.985, Florida Statutes.

II. Present Situation:

Transparency Florida Act

The Transparency Florida Act¹ (act) requires specified state fiscal information to be made publicly available via website or management system. A municipality or special district that has total annual revenues of less than \$10 million is exempt from the act.²

State Budget Website

The act requires the Executive Office of the Governor (EOG), in consultation with the Senate and House of Representatives appropriations committees, to establish and maintain a single website, directly accessible by the public through Florida's official Internet portal,³ to provide information relating to each appropriation in the General Appropriations Act (GAA)⁴ for each branch of state government and state agency^{5,6}. Such information must include, but is not limited to:

- Disbursement data for each appropriation by the object code associated with the expenditure established within the Florida Accounting Information Resource Subsystem (FLAIR).⁷ Expenditure data must include the name of the payee, the date of the expenditure, the amount of the expenditure, and the statewide document number.
- For each appropriation, any adjustments, including vetoes, approved supplemental appropriations included in legislation other than the GAA, budget amendments, other actions approved pursuant to chapter 216,⁸ and any other adjustments authorized by law.

¹ Chapter 2009-74, s. 2, L.O.F. (codified at s. 215.985, F.S.).

² Section 215.985(11), F.S.

³ The State of Florida's official internet portal is www.myflorida.com.

⁴ As required by the Florida Constitution, the GAA provides itemization of expenditures for:

- State operations.
- State capital outlay.
- Aid to local governments and nonprofit organizations operations.
- Federal funds and associated state matching funds.
- Spending authorizations for operations.
- Spending authorizations for capital outlay (FLA. CONST., art. III, s. 19(b)).

⁵ "State agency" is not defined by ch. 215, F.S.; however, ch. 216, F.S., includes a definition that may be applicable. Section 216.011(1)(qq), F.S., provides that for the purpose of fiscal affairs of the state, appropriations acts, legislative budgets, and approved budgets, "state agency" or "agency" means any official, officer, commission, board, authority, council, committee, or department of the executive branch of state government. For purpose of chs. 215 and 216, F.S., the term includes, but is not limited to, state attorneys, public defenders, criminal conflict and civil regional counsel, capital collateral regional counsel, the Florida Clerks of Court Operations Corporation, the Justice Administrative Commission, the Florida Housing Finance Corporation, and the Florida Public Service Commission. For the purposes of implementing s. 19(h), Art. III of the Florida Constitution, the term includes the judicial branch. (Section 19(h), Art. III of the Florida Constitution governs long-range state planning document and department and agency planning document processes.)

⁶ Section 215.985(3), F.S.

⁷ The FLAIR is part of the Florida Financial Management Information System (*see* footnote 10). The FLAIR is a double-entry, computer-based, general ledger accounting system, operated by the Department of Financial Services, that is used to perform the state's accounting and financial management functions (*see* "Florida Accounting Information Resource," <https://flair.dbf.state.fl.us/> (last visited March 5, 2013)).

⁸ Chapter 216, F.S., provides planning and budgeting requirements.

- The status of spending authority for each appropriation in the approved operating budget, including released, unreleased, reserved, and disbursed balances.
- Position and rate information for positions provided in the GAA.⁹

All data provided through the website must be data currently available in the Florida Financial Management Information System (FFMIS).^{10, 11} The Office of Policy and Budget in the EOG must ensure that all data added to the state budget website remains accessible to the public for 10 years.¹²

The Joint Legislative Auditing Committee (JLAC) is required to propose additional state fiscal information to be provided on the state budget website.¹³ Such additional information may include, but is not limited to, the following information for state agencies:

- Details of nonoperating budget authority established pursuant to s. 216.181, F.S.¹⁴
- Trust fund balance reports, including cash available, investments, and receipts.
- General revenue fund balance reports, including revenue received and amounts disbursed.
- Fixed capital outlay project data, including original appropriation and disbursements throughout the life of the project.
- A 10-year history of appropriations indicated by agency.
- Links to state audits or reports related to the expenditure and dispersal of state funds.
- Links to program or activity descriptions for which funds may be expended.

The act also requires the JLAC to recommend a format for collecting and displaying information from state universities, Florida College System institutions, school districts, charter schools, charter technical career centers, local governmental units, and other governmental entities.¹⁵

By November 1, 2012, and annually thereafter, the JLAC must develop a schedule for adding additional information to the website by type of information and governmental entity, including timeframes and development entity.¹⁶ The JLAC must submit the schedule to the President of the

⁹ Section 215.985(3)(a), F.S.

¹⁰ Section 215.985(3)(b), F.S. Section 215.93(1), F.S., establishes the Florida Financial Management Information System to provide the information necessary to carry out the intent of the Legislature. The system must include, but is not limited to, the:

- Planning and Budgeting Subsystem;
- Florida Accounting Information Resources Subsystem;
- Cash Management Subsystem;
- Purchasing Subsystem; and
- Personnel Information System. *Id.*

¹¹ Section 215.985(3)(b), F.S.

¹² Section 215.985(14), F.S.

¹³ Section 215.985(4), F.S.

¹⁴ Section 216.181, F.S., specifies provisions relating to approved budgets for operations and fixed capital outlay.

¹⁵ Section 215.985(5), F.S. Section 215.985(2)(a), F.S., defines “governmental entity” to mean any state, regional, county, municipal, special district, or other political subdivision whether executive, judicial, or legislative, including, but not limited to, any department, division, bureau, commission, authority, district, or agency thereof, or any public school, Florida College System institution, state university, or associated board.

¹⁶ Section 215.985(6), F.S.

Senate and the Speaker of the House of Representatives. Additional information may include, but is not limited to:

- Disbursements by the governmental entity from funds established within the treasury of the governmental entity, including, for all branches of state government, allotment balances in the FLAIR.
- Revenues received by each governmental entity, including receipts or deposits by the governmental entity into funds established within the treasury of the governmental entity.
- Information relating to a governmental entity's bonded indebtedness, including, but not limited to, the total amount of obligation stated in terms of principal and interest, an itemization of each obligation, the term of each obligation, the source of funding for repayment of each obligation, the amounts of principal and interest previously paid to reduce each obligation, the balance remaining of each obligation, any refinancing of any obligation, and the cited statutory authority to issue such bonds.
- Links to available governmental entity websites.¹⁷

The JLAC also must prepare an annual report detailing progress in establishing the website and providing recommendations for enhancement of the content and format of the website and related policies and procedures.¹⁸ Those reports must be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives.¹⁹

In addition, the act requires:

- Each executive branch agency, the state court system, and the Legislature to establish, by August 31 of each fiscal year, allotments in the FLAIR for planned expenditures of state appropriations.²⁰
- The JLAC to coordinate with the Financial Management Information Board²¹ in developing any recommendations for including information on the website which is necessary to meet the requirements of s. 215.91(8), F.S.^{22,23}
- Functional owners²⁴ of FFMIS and other governmental entities to provide information necessary to accomplish the purposes of the act.²⁵

¹⁷ *Id.*

¹⁸ Section 215.985(15), F.S.

¹⁹ *Id.*

²⁰ Section 215.985(8), F.S.

²¹ The Financial Management Information Board is part of the Administration Commission and is composed of the Governor, the Chief Financial Officer, the Commissioner of Agriculture, and the Attorney General (s. 215.95(1), F.S.). Its duties include management and oversight of the Florida Financial Management Information System (s. 215.95(2), F.S.).

²² Section 215.91(8), F.S.,

²³ Section 215.985(9), F.S.

²⁴ Section 215.94, F.S., provides that the functional owners of the subsystems of the Florida Financial Management Information System (*see* footnote 10) are as follows:

- For the Planning and Budgeting Subsystem: the EOG.
- For the FLAIR: the Department of Financial Services.
- For the Cash Management Subsystem: the Chief Financial Officer.
- For the Purchasing Subsystem: the Department of Management Services.
- For the Personnel Information System: the Department of Management Services.

²⁵ Section 215.985(10), F.S.

Water Management District Websites

The act requires each water management district²⁶ to provide a monthly financial statement to its governing board and make such statement available for public access on its website.²⁷

State Contract Management System

The act requires the Chief Financial Officer²⁸ (CFO) to provide public access to a state contract management system that provides information and documentation relating to contracts procured by governmental entities.²⁹ Such data must include, but is not limited to:

- The contracting agency.
- The procurement method.
- The contract beginning and ending dates.
- The type of commodity or service.
- The compensation to be paid.
- Compliance information, such as performance metrics for the service or commodity.
- Contract violations.
- The number of extensions or renewals.
- The statutory authority for providing the service.³⁰

Within 30 days after a major change to an existing contract or the execution of a new contract, agency procurement staff of the affected state governmental entity must update the necessary information in the state contract management system.³¹ A major change to a contract includes, but is not limited to:

- A renewal, termination, or extension of the contract; or
- An amendment to the contract.³²

²⁶ The state of Florida has five water management districts (WMDs). The WMDs' duties include:

- Administration of flood protection programs.
- Performance of technical investigations into water resources.
- Development of water management plans for water shortages in times of drought.
- Acquisition and management of lands for water management purposes under the Save Our Rivers program.
- Administration of regulatory programs to manage the consumptive use of water, aquifer recharge, well construction, and surface water management (*see* "Water Management Districts," Florida Department of Environmental Protection, <http://www.dep.state.fl.us/secretary/watman/> (last visited March 5, 2013).

²⁷ Section 215.985(12), F.S.

²⁸ The CFO is an elected constitutional Cabinet member (FLA. CONST., art. IV, s. 4(a) and (c)). The CFO serves as the chief fiscal officer for the state and is responsible for settling and approving accounts against the state and keeping all state funds and securities (FLA. CONST., art. IV, s. 4(c) and s. 17.001, F.S.). The CFO also serves as the head of the Department of Financial Services (DFS), which executes the duties of the CFO (s. 20.121, F.S.).

²⁹ Section 215.985(16), F.S.

³⁰ Section 215.985(16)(a), F.S.

³¹ Section 215.985(16)(b), F.S.

³² *Id.*

Data Available on State Websites

State Budget Website

The state budget website required by the act is located at transparencyflorida.gov. The website includes:

- All information required to be posted on the website.
- All information suggested for inclusion on the website except:
 - Non-operating budget information.
 - Information relating to a governmental entity's bond indebtedness.
 - Information from state universities, Florida College System institutions, school districts, charter schools, charter technical centers, and local governmental units.
- Links to:
 - State audits or reports related to the expenditures and dispersal of state funds.
 - Program or activity descriptions for which funds may be expended.
 - Reports of public school districts.

State Contract Management System

Although the act does not require the state contract management system to be available via website, the CFO makes a limited number of contracts available online through the Florida Accountability Contract Tracking System (FACTS).³³ Contracts are searchable on FACTS by:

- Agency name.
- Vendor name.
- Agency assigned contract ID.
- Contract dollar value.
- Beginning and ending dates of the contract.
- Commodity or service type.

Additional Information

Additional state governmental information available via website includes, but is not limited to:

- Monthly financial statements of WMDs, as required by the act.³⁴
- Agency legislative budget requests, original and amended;³⁵ capital improvement plans;³⁶ long-range performance plans;³⁷ the Governor's budget recommendations;³⁸ legislative

³³ Available at <https://facts.fldfs.com/Search/ContractSearch.aspx> (last visited March 5, 2013).

³⁴ Available at <http://www.nwfwmd.state.fl.us/bizfinance.html>, <http://www.srwmd.state.fl.us/index.aspx?NID=136>, <http://floridaswater.com/financialstatements/>, <http://www.swfwmd.state.fl.us/business/financials/>, and http://www.sfwmd.gov/portal/page/portal/xweb%20about%20us/agency%20reports#budget_strategic_plan. Last visited March 5, 2013.

³⁵ Available via the Florida Fiscal Portal (<http://floridafiscalportal.state.fl.us>, last visited March 5, 2013) and the Governor's "Let's Get to Work" website (<http://letsgettowork.state.fl.us/HomeFY14.htm>, last visited March 5, 2013).

³⁶ Available via the Florida Fiscal Portal.

³⁷ *Id.*

appropriations bills;³⁹ the conference report on the budget;⁴⁰ the Governor's veto message and a list of vetoed appropriations;⁴¹ fiscal analysis in brief;⁴² and planning and budgeting instructions and forms.⁴³

- Payroll and position data for the executive and judicial branches,⁴⁴ state universities,⁴⁵ and the legislative branch.⁴⁶

Public Records Laws

The Florida Constitution provides every person 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 of persons acting on their behalf.⁴⁷ The records of the legislative, executive, and judicial branches are specifically included.⁴⁸

In addition to the Florida Constitution, the Florida Statutes specify requirements for public access to government records. The Public Records Act⁴⁹ guarantees every person's right to inspect and copy any state or local government public record⁵⁰ at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁵¹

Only the Legislature may create an exemption to public records requirements.⁵² If an agency receives a request for a public record that contains exempt or confidential information, the agency shall redact the portion of the record containing exempt or confidential information.⁵³

³⁸ Available via the Florida Fiscal Portal and the Governor's "Let's Get to Work" website.

³⁹ Available via the Florida Fiscal Portal, the Governor's "Let's Get to Work" website, and the official websites of the Florida Senate and the Florida House of Representatives (www.flsenate.gov and www.myfloridahouse.gov, respectively (last visited March 5, 2013)).

⁴⁰ Available via the Florida Fiscal Portal and the official websites of the Florida Senate and the Florida House of Representatives.

⁴¹ Available via the Florida Fiscal Portal.

⁴² *Id.* The fiscal analysis in brief consists of the financial outlook post-session.

⁴³ Available via the Florida Fiscal Portal.

⁴⁴ Available via the Governor's "Florida Has Right to Know" website (<http://www.floridahasarighttoknow.com/>, last visited March 5, 2013).

⁴⁵ *Id.*

⁴⁶ Available via the official websites of the Florida Senate and the Florida House of Representatives.

⁴⁷ FLA. CONST., art. I, s. 24(a).

⁴⁸ *Id.*

⁴⁹ Chapter 119, F.S.

⁵⁰ Section 119.011(12), F.S., defines "public records" to mean "all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency." Section 119.011(2), F.S., defines "agency" to mean as "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency." The Public Records Act does not apply to legislative or judicial records (*see Locke v. Hawkes*, 595 So.2d 32 (Fla. 1992)).

⁵¹ Section 119.07(1)(a), F.S.

⁵² FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and exempt*. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th

III. Effect of Proposed Changes:

Florida Transparency Act

This bill amends the Florida Transparency Act (act) as follows.

Definition

The term “contract,” which is currently used in the act but not defined, is defined to mean a written agreement or purchase order issued for the purchase of goods or services or a written agreement for the receipt of state or federal financial assistance.

Style and Formatting Requirements

All websites required by the act:

- Be constructed for usability that, to the extent possible,⁵⁴ provides an intuitive user experience.
- Provide a consistent visual design, interaction or navigation design, and information or data presentation.
- Be deployed in compliance with the Americans with Disabilities Act.⁵⁵
- Be compatible with all major web browsers.⁵⁶

State Budget Website

The bill amends provisions relating to the state budget website currently required by the act.

Drafting Changes

The requirement that the website be a single website that is directly accessible through Florida’s internet portal because the bill requires the creation of a new single access website, as described later in this analysis.

Search Criteria

The bill creates search criteria and downloading requirements for the currently-required disbursement data for expenditures in the Florida Accounting Information Resource Subsystem

DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see* Attorney General Opinion 85-62, August 1, 1985).

⁵³ Section 119.07(1)(d), F.S. Section 119.011(13), F.S., defines “redact” to mean to conceal from a copy of an original public record, or to conceal from an electronic image that is available for public viewing, that portion of the record containing exempt or confidential information.

⁵⁴ The bill does not specify what is meant by “to the extent possible.”

⁵⁵ The Americans with Disabilities Act (Pub. L. No. 101-336, § 2, 104 Stat. 328 (1991)) contains nondiscrimination requirements for state and local government websites. Suggestions for compliance include, but are not limited to, text equivalents for images, accessible formats for documents, and avoidance of dictating colors and font settings.

⁵⁶ The bill does not define “major web browser.”

(FLAIR). That data must be searchable by the name of the payee, the paying agency, and fiscal year. It also requires such data to be downloadable in a format that allows offline analysis.

Required Information

The bill expands:

- Information that must be included from that relating to “each appropriation in the GAA” to that relating to “the approved operating budget.” The approved operating budget includes the GAA, any amendments to the GAA, and related provisions of enacted substantive legislation.
- Categories of currently-required position and rate information for positions provided in the GAA to also require position and rate information for positions approved through an amendment to the operating budget and positions established in the legislative branch.

JLAC Duties

The bill:

- Deletes the requirement that the JLAC recommend additional state fiscal information for the state budget website and instead *requires* all suggested information, except that relating to non-operating budgets, be included.
- Amends the requirement that the JLAC recommend a format for collecting and displaying information from educational entities, local governmental units, and other governmental entities, as described later in this analysis.
- Amends the requirement that the JLAC develop a schedule for adding additional information to the state budget website, as described later in the analysis.

Single Access Website

The EOG, in consultation with the appropriations committees of the Senate and the House of Representatives, is required to establish and maintain a single website that provides access to all other websites required by the act.

State Fiscal Planning Website

Also, the EOG, in consultation with the Senate and House of Representatives appropriations committees, is required to establish and maintain a website that provides information relating to state fiscal planning. While the state budget website provides information for *approved* budgets and related data, the bill requires the state fiscal planning website to include information submitted prior to the adoption of a budget, including proposals and requests that may never take effect. This information includes, but is not limited to:

- The long-range financial outlook adopted by the Legislative Budget Commission.⁵⁷
- Instructions to the agencies relating to legislative budget requests, capital improvement plans, and long-range program plans.
- Legislative budget requests submitted by each state agency or branch of government, and any amendments to such requests.

⁵⁷ The joint Legislative Budget Commission is required to annually issue a long-range financial outlook setting out recommended fiscal strategies for the state and its departments and agencies in order to assist the legislature in making budget decisions (FLA. CONST., art. III, s. 19(c)(1)).

- Capital improvement plans submitted by each state agency or branch of state government.
- Long-range program plans submitted by each state agency or branch of state government.
- The Governor's budget recommendations submitted pursuant to s. 216.163, F.S.⁵⁸

State fiscal planning data must be searchable by fiscal year, agency, appropriation category, and keywords.

Additionally, the Office of Policy and Budget in the EOG is required to ensure that all data added to the website remains accessible to the public for 10 years.

Employee and Officer Information Website

The Department of Management Services⁵⁹ (DMS) must establish and maintain a website providing current information relating to each employee or officer of a state agency, state university, or the State Board of Administration,⁶⁰ regardless of the appropriation category from which the person is paid. For each employee or officer, the information must include, at a minimum, his or her:

- Name and salary or hourly rate of pay.
- Position number, class code, and class title.
- Employing agency and budget entity.

The employee and officer information must be searchable by state agency, state university, and the State Board of Administration, and by employee name, salary range, or class code and must be downloadable in a format that allows offline analysis.

JLAC Duties

The bill reorganizes and amends the JLAC's responsibilities to recommend a format for collecting and displaying information on the state budget website from educational entities, local governmental units, and other governmental units and to develop a schedule for adding additional information to the state budget website to:

- Co-locate those requirements and amend their effective date from November 1, 2012, to November 1, 2013.
- Make the requirements applicable to all websites required by the act.
- Relocates *suggested* information relating to disbursements and revenues to the information that the bill *requires* be included on the state budget website, as described above.

⁵⁸ Section 216.163, F.S., specifies requirements for the Governor's recommended budget.

⁵⁹ The DMS provides administrative and support services to other state agencies and to state employees (*see* www.dms.myflorida.com, last visited March 5, 2013)).

⁶⁰ The State Board of Administration is composed of the Governor, the CFO, and the Attorney General (FLA. CONST., art. IV, s. 4(e)). Its duties include, but are not limited to, the management of state investment fund such as the Florida Retirement System Pension Plan and Investment Plan (*see* <http://www.sbafla.com/fsb/TheFundsWeManage/tabid/731/Default.aspx>, last visited March 5, 2013)).

State Contract Management System

Terms and Applicability

The contract system that must be maintained by the CFO is changed from “a state contract management system” to “a secure, shared state contract tracking system” and must be available via a website.⁶¹ In addition, the bill narrows the types of entities to which the contract reporting requirements apply from “governmental entities” to “state agencies.”⁶²

Public Access

Pursuant to ss. 119.01 and 119.07, F.S.,⁶³ the bill authorizes the CFO to make information posted on the system available for viewing and downloading by the public through a website. The bill specifies that unless otherwise provided by law, information retrieved electronically through that requirement is not admissible in court as an authenticated document.

Protection of Information Posted to the System

The CFO is required to use appropriate Internet security measures to ensure that no person has the ability to alter or modify records available on the website.

The bill prohibits posted records from revealing exempt or confidential information. The website must display a notice that an affected party has the right to request redaction of exempt or confidential information on the website.

Timing Requirements

Contract information is required to be posted to the system within 30 *calendar* days of execution of a new contract or a major change to an existing contract.

Informational Requirements

The following additional categories to the information are required to be posted on the website:

- Name of the contracting vendor.
- Applicable contract unit prices and deliverables.
- All payments made to the contractor to date.
- If a competitive solicitation was not used to procure the goods or services, the justification for that action, including citation to a statutory exemption or exception from competitive solicitation, if any.
- Electronic copies of the contract and procurement documents that have been redacted to conceal exempt or confidential information, as provided below.

⁶¹ This change somewhat codifies current practice, as the CFO currently makes its FACTS database available via <http://www.myfloridacfo.com/transparency/> (last visited March 5, 2013). However, the CFO does not currently make all contracts available via the website.

⁶² “State agency” is not defined in ch. 215, F.S.; however, the definition of “state agency” in s. 216.011(qq), F.S., may apply (see footnote 5 for that definition and footnote 15 for the definition of “governmental entity”).

⁶³ Section 119.01, F.S., provides, in part, that it is the policy of the state that all state, county, and municipal records are open for personal inspection and copying by any person. Section 119.07, F.S., provides, in part, that every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

The following information is no longer required to be included in the system:

- Contract violations.
- The number of extensions or renewals.
- The statutory authority for providing the service.

Redaction of Protected Information

The bill creates provisions governing redaction from posted contracts of information that is exempt from public records requirements or otherwise confidential. Each state agency must redact such information from a contract or procurement document before posting an electronic copy of such documents on the system. If a state agency becomes aware that it did not properly redact a posted document, it must immediately notify the CFO and provide the CFO with a properly redacted copy of the contract within seven days.

If a party to a contract, or an authorized representative thereof, discovers that posted document has not been properly redacted, they may request the state agency that posted the document to redact the exempt or confidential information. Such request must:

- Be in writing and delivered by mail or electronic transmission, or in person, to the posting agency; and
- Identify the specific document, the page numbers of the document that include the exempt or confidential information, the information that is exempt or confidential, and the relevant statutory exemption from the public records requirements.

A fee may not be charged for a redaction made pursuant to such a request. Upon receipt of a request that meets the requirements, the posting agency must redact the exempt or confidential information. If necessary, a party to a contract may petition the circuit court for an order directing compliance with a valid redaction request.

The bill provides that the CFO, the DFS, or an officer, employee, or contractor thereof, is not responsible for redacting exempt or confidential information from a document posted by another state agency, and is not liable for the failure of the state agency to redact such information. The CFO may notify the posting agency if a document posted on the system contains exempt or confidential information is discovered.

Requests and Subpoenas for Copies of Documents

The bill specifies that the posting of information on the system, or the provision of contract information on a website for public viewing and downloading, does not supersede the duty of a state agency to respond to a public record request for such information or to a subpoena for such information.

In addition, the bill requires that a request for a copy of a contract or procurement document or a certified copy of a contract or procurement document must be made to the state agency that is party to the contract. Such request may not be made to the CFO, the DFS, or an officer, employee, or contractor thereof unless the CFO or DFS is a party to the contract.

A subpoena for a copy of a contract or procurement document or certified copy of a contract or procurement document must be served on the state agency that is a party to the contract and that maintains the original documents. The bill provides that the CFO, the DFS, or an officer, employee, or contractor thereof may not be served a subpoena for those records, unless the CFO or DFS is a party to the contract.

Rulemaking Authority

The CFO is authorized to adopt rules to administer the state contract tracking system, including procedures and requirements for submitting and updating the information and required documentation relating to contracts.

Additionally, the CFO may regulate and prohibit the posting of records that could:

- Facilitate identity theft or fraud such as signatures;
- Compromise or reveal an agency investigation;
- Reveal the identity of undercover personnel;
- Reveal proprietary business information or trade secrets;
- Reveal an individual's medical information; or
- Reveal any other record or information that the CFO believes may jeopardize the health, safety, or welfare of the public.

Appropriation

The bill provides an appropriation of \$326,775 in recurring funds and \$386,292 in nonrecurring funds from the General Revenue Fund, as well as four full-time equivalent positions with associated salary rate of \$231,409, to the DFS for the 2013-2014 fiscal year to implement the state contract tracking system.

Additional Provisions

- The exemption from the act for a municipality or special district that has total annual revenues of less than \$10 million is repealed.
- Managers of the state budget website, the state fiscal planning website, and the state officer and employee information website are required to submit to the JLAC information on the cost of creating and maintaining their respective websites.

User Experience Task Force

A User Experience Task Force is created to develop and recommend a design for consolidating existing state transparency websites into a single website. The task force will be comprised of four members, one of each of whom will be designated by the Governor, the Chief Financial Officer, the President of the Senate, and the Speaker of the House of Representatives (public officers). Those officers may assign staff to assist the task force.

By October 1, 2013, the task force must submit a work plan to the public officers that includes, but is not limited to, a review of:

- All relevant state transparency websites.

- Options for reducing the number of websites without losing detailed data.
- Options for linking expenditure data with related invoices and contracts.

By March 1, 2014, the task force must submit its design recommendation to the public officers. The design must provide an intuitive and cohesive user experience that allows users to move easily between varied types of related data. If necessary, the recommendation may include a complete redesign of data submission and inclusion. The recommendation must include a cost estimate for implementation of the design.

The section creating the task force expires June 30, 2014.

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

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The EOG is estimated to incur a \$25 annual expenditure to host the new web site. This expenditure can be absorbed within existing resources. The DMS is estimated to incur a \$25,050 nonrecurring cost for enhancing the existing website. The SBA and state universities will incur an estimated recurring cost of \$493 for primary data center services for processing feeds.

The bill provides a 2013-2014 fiscal year appropriation of \$326,775 in recurring funds and \$386,292 in nonrecurring funds from the General Revenue Fund, as well as four full-time equivalent positions with associated salary rate of \$231,409, to the DFS for implementation of the state contract tracking system.⁶⁴

State agencies will likely incur indeterminate costs to comply with the redaction requirements for the state contract tracking website.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Rulemaking

The separation of powers clause in the Florida Constitution⁶⁵ prevents the Legislature from delegating its constitutional duties.⁶⁶ Because legislative power involves the exercise of policy-related discretion over the content of law,⁶⁷ any discretion given an executive branch agency to implement a law must be “pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.”⁶⁸ The bill provides the CFO with general rulemaking authority to implement the state contract tracking system and authorizes the CFO to regulate and prohibit the posting of records that may jeopardize the health, safety, or welfare of the public. Whether those provisions provide sufficient minimal standards and guidelines is unclear.

It is also unclear whether the bill’s express grant of rulemaking authority to the CFO is intended to exclude the adoption of rules for anything other than procedures and requirements for submitting and updating required contract information.

Other Comments

The bill does not:

- Specify what is meant by “to the extent possible” for purposes of providing an intuitive user experience.⁶⁹
- Define “major web browser.”⁷⁰
- Specify a date by which website managers must submit cost information to the JLAC.⁷¹

⁶⁴ See *Department of Financial Services D3A issue 36371C0*

⁶⁵ FLA. CONST., art. II, s. 3.

⁶⁶ See *Florida State Bd. of Architecture v. Wasserman*, 377 So.2d 653 (Fla. 1979).

⁶⁷ See *State ex rel. Taylor v. City of Tallahassee*, 177 So. 719 (Fla. 1937).

⁶⁸ See *Askew v. Cross Key Waterways*, 372 So.2d 913 (Fla. 1978).

⁶⁹ Used in lines 66-67 of the bill.

⁷⁰ Used in line 72 of the bill.

⁷¹ Lines 221-223 of the bill.

VIII. Additional Information:

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

None.

- B. **Amendments:**

None.

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

By the Committee on Governmental Oversight and Accountability

585-02043-13

20131764__

1 A bill to be entitled
 2 An act relating to transparency in government
 3 spending; amending s. 215.985, F.S.; adding a
 4 definition; requiring the Executive Office of the
 5 Governor to establish a single website providing
 6 access to other websites; revising provisions relating
 7 to the establishment of a website relating to the
 8 approved operating budget; requiring the office to
 9 establish a website providing information about fiscal
 10 planning for the state and specifying the information
 11 to be included on the website; requiring the
 12 Department of Management Services to maintain a
 13 website that provides current information on state
 14 employees and officers; revising provisions requiring
 15 the Legislative Auditing Committee to provide
 16 recommendations to the Legislature about adding other
 17 information to a website; requiring website managers
 18 to provide information about the cost of creating and
 19 maintaining each website; revising provisions relating
 20 to access to the state contract management system to
 21 require that such information be accessible through a
 22 website; requiring state agencies to post certain
 23 information on the system and to update that
 24 information; requiring that exempt and confidential
 25 information be redacted from contracts and procurement
 26 documents posted on the system; providing procedures
 27 for removing such information from the system;
 28 authorizing the Chief Financial Officer to make
 29 certain information available on a website for viewing

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

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30 and downloading by the public and providing guidelines
 31 for regulation of such website; providing
 32 applicability of public record requests for
 33 information posted on the website; authorizing the
 34 Chief Financial Officer to adopt rules; creating the
 35 User Experience Task Force to develop and recommend a
 36 design for consolidating existing state-managed
 37 websites; providing for membership; providing for
 38 staffing; requiring reports; providing for expiration;
 39 providing for an appropriation; providing an effective
 40 date.

41
 42 Be It Enacted by the Legislature of the State of Florida:

43
 44 Section 1. Section 215.985, Florida Statutes, is reordered
 45 and amended to read:

46 215.985 Transparency in government spending.—

47 (1) This section may be cited as the "Transparency Florida
 48 Act."

49 (2) As used in this section, the term:

50 (c) ~~(a)~~ "Governmental entity" means a ~~any~~ state, regional,
 51 county, municipal, special district, or other political
 52 subdivision whether executive, judicial, or legislative,
 53 including, but not limited to, a ~~any~~ department, division,
 54 bureau, commission, authority, district, or agency thereof, or
 55 ~~any~~ public school, Florida College System institution, state
 56 university, or associated board.

57 (d) ~~(b)~~ "Website" means a site on the Internet which is
 58 easily accessible to the public at no cost and does not require

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

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59 the user to provide ~~any~~ information.

60 ~~(a) (e)~~ "Committee" means the Legislative Auditing Committee
61 created in s. 11.40.

62 (b) "Contract" means a written agreement or purchase order
63 issued for the purchase of goods or services, or written
64 agreement for the receipt of state or federal financial
65 assistance.

66 (3) The Executive Office of the Governor, in consultation
67 with the appropriations committees of the Senate and the House
68 of Representatives, shall establish and maintain a single
69 website that provides access to all other websites required by
70 this section. Such single website and other websites must:

71 (a) Be constructed for usability that, to the extent
72 possible, provides an intuitive user experience.

73 (b) Provide a consistent visual design, interaction or
74 navigation design, and information or data presentation.

75 (c) Be deployed in compliance with the Americans with
76 Disabilities Act.

77 (d) Be compatible with all major web browsers.

78 ~~(4) (3)~~ The Executive Office of the Governor, in
79 consultation with the appropriations committees of the Senate
80 and the House of Representatives, shall establish and maintain a
81 ~~single website that, directly accessible through the state's~~
82 ~~official Internet portal, which~~ provides information relating to
83 ~~the approved operating budget each appropriation in the General~~
84 ~~Appropriations Act~~ for each branch of state government and state
85 agency.

86 (a) At a minimum, the information ~~provided~~ must include:

87 1. Disbursement data for each appropriation by the object

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88 code associated with each expenditure established within the
89 Florida Accounting Information Resource Subsystem. Expenditure
90 data must include the name of the payee, the date of the
91 expenditure, the amount of the expenditure, and the statewide
92 document number. Such data must be searchable by the name of the
93 payee, the paying agency, and fiscal year, and must be
94 downloadable in a format that allows offline analysis.

95 2. For each appropriation, any adjustments, including
96 vetoes, approved supplemental appropriations included in
97 legislation other than the General Appropriations Act, budget
98 amendments, other actions approved pursuant to chapter 216, and
99 ~~any~~ other adjustments authorized by law.

100 3. Status of spending authority for each appropriation in
101 the approved operating budget, including released, unreleased,
102 reserved, and disbursed balances.

103 4. Position and rate information for positions provided in
104 the General Appropriations Act or approved through an amendment
105 to the approved operating budget and position information for
106 positions established in the legislative branch.

107 5. Allotments for planned expenditures of state
108 appropriations established by state agencies in the Florida
109 Accounting Information Resource Subsystem, and the current
110 balances of such allotments.

111 6. Trust fund balance reports, including cash available,
112 investments, and receipts.

113 7. General revenue fund balance reports, including revenue
114 received and amounts disbursed.

115 8. Fixed capital outlay project data, including original
116 appropriation and disbursements throughout the life of the

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117 project.

118 9. A 10-year history of appropriations indicated by agency.

119 10. Links to state audits or reports related to the

120 expenditure and dispersal of state funds.

121 11. Links to program or activity descriptions for which

122 funds may be expended.

123 (b) All data provided through the website must be data

124 currently available in the state's financial management

125 information system referenced in s. 215.93. The Office of Policy

126 and Budget in the Executive Office of the Governor shall ensure

127 that all data added to the website remains accessible to the

128 public for 10 years.

129 ~~(4) The committee shall propose providing additional state~~

130 ~~fiscal information, which may include, but is not limited to,~~

131 ~~the following information for state agencies:~~

132 ~~(a) Details of nonoperating budget authority established~~

133 ~~pursuant to c. 216.181.~~

134 ~~(b) Trust fund balance reports, including cash available,~~

135 ~~investments, and receipts.~~

136 ~~(c) General revenue fund balance reports, including revenue~~

137 ~~received and amounts disbursed.~~

138 ~~(d) Fixed capital outlay project data, including original~~

139 ~~appropriation and disbursements throughout the life of the~~

140 ~~project.~~

141 ~~(e) A 10 year history of appropriations indicated by~~

142 ~~agency.~~

143 ~~(f) Links to state audits or reports related to the~~

144 ~~expenditure and dispersal of state funds.~~

145 ~~(g) Links to program or activity descriptions for which~~

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146 ~~funds may be expended.~~

147 (5) The Executive Office of the Governor, in consultation

148 with the appropriations committees of the Senate and the House

149 of Representatives, shall establish and maintain a website that

150 provides information relating to fiscal planning for the state.

151 (a) At a minimum, the information must include:

152 1. The long-range financial outlook adopted by the

153 Legislative Budget Commission.

154 2. The instructions to the agencies relating to legislative

155 budget requests, capital improvement plans, and long-range

156 program plans.

157 3. The legislative budget requests submitted by each state

158 agency or branch of state government, and any amendments to such

159 requests.

160 4. The capital improvement plans submitted by each state

161 agency or branch of state government.

162 5. The long-range program plans submitted by each state

163 agency or branch of state government.

164 6. The Governor's budget recommendation submitted pursuant

165 to s. 216.163.

166 (b) The data must be searchable by fiscal year, agency,

167 appropriation category, and keywords.

168 (c) The Office of Policy and Budget in the Executive Office

169 of the Governor shall ensure that all data added to the website

170 remains accessible to the public for 10 years.

171 ~~(5) The committee shall recommend a format for collecting~~

172 ~~and displaying information from state universities, Florida~~

173 ~~College System institutions, school districts, charter schools,~~

174 ~~charter technical career centers, local governmental units, and~~

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175 ~~other governmental entities.~~

176 (6) The Department of Management Services shall establish
 177 and maintain a website that provides current information
 178 relating to each employee or officer of a state agency, state
 179 university, or the State Board of Administration, regardless of
 180 the appropriation category from which the person is paid.

181 (a) For each employee or officer, the information must
 182 include, at a minimum, his or her:

- 183 1. Name and salary or hourly rate of pay.
- 184 2. Position number, class code, and class title.
- 185 3. Employing agency and budget entity.

186 (b) The information must be searchable by state agency,
 187 state university, and the State Board of Administration, and by
 188 employee name, salary range, or class code and must be
 189 downloadable in a format that allows offline analysis.

190 (7) ~~(6)~~ By November 1, 2013 ~~2012~~, and annually thereafter,
 191 the committee shall recommend to the President of the Senate and
 192 the Speaker of the House of Representatives:

193 (a) Additional information to be added to a website, such
 194 as whether to expand the scope of the information provided to
 195 include state universities, Florida College System institutions,
 196 school districts, charter schools, charter technical career
 197 centers, local government units, and other governmental
 198 entities.

199 (b) ~~develop~~ A schedule for adding ~~additional~~ information to
 200 the website by type of information and governmental entity,
 201 including timeframes and development entity.

202 (c) A format for collecting and displaying the additional
 203 information. ~~The schedule for adding additional information~~

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204 ~~shall be submitted to the President of the Senate and the~~
 205 ~~Speaker of the House of Representatives. Additional information~~
 206 ~~may include:~~

207 ~~(a) Disbursements by the governmental entity from funds~~
 208 ~~established within the treasury of the governmental entity,~~
 209 ~~including, for all branches of state government, allotment~~
 210 ~~balances in the Florida Accounting Information Resource~~
 211 ~~Subsystem.~~

212 ~~(b) Revenues received by each governmental entity,~~
 213 ~~including receipts or deposits by the governmental entity into~~
 214 ~~funds established within the treasury of the governmental~~
 215 ~~entity.~~

216 ~~(c) Information relating to a governmental entity's bonded~~
 217 ~~indebtedness, including, but not limited to, the total amount of~~
 218 ~~obligation stated in terms of principal and interest, an~~
 219 ~~itemization of each obligation, the term of each obligation, the~~
 220 ~~source of funding for repayment of each obligation, the amounts~~
 221 ~~of principal and interest previously paid to reduce each~~
 222 ~~obligation, the balance remaining of each obligation, any~~
 223 ~~refinancing of any obligation, and the cited statutory authority~~
 224 ~~to issue such bonds.~~

225 ~~(d) Links to available governmental entity websites.~~

226 (8) ~~(7)~~ The manager of each website described in subsections
 227 (4), (5), and (6) shall submit to the committee information
 228 relating to the cost of creating and maintaining such website,
 229 and ~~A counter shall be established on the website to show the~~
 230 number of times the website has been accessed.

231 ~~(8) By August 31 of each fiscal year, each executive branch~~
 232 ~~agency, the state court system, and the Legislature shall~~

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233 ~~establish allotments in the Florida Accounting Information~~
 234 ~~Resource Subsystem for planned expenditures of state~~
 235 ~~appropriations.~~

236 (9) The committee shall coordinate with the Financial
 237 Management Information Board in developing ~~any~~ recommendations
 238 for including information on the website which is necessary to
 239 meet the requirements of s. 215.91(8).

240 (10) Functional owners as described ~~defined~~ in s. 215.94
 241 and other governmental entities shall provide information
 242 necessary to accomplish the purposes of this section.

243 ~~(11) A municipality or special district that has total~~
 244 ~~annual revenues of less than \$10 million is exempt from this~~
 245 ~~section.~~

246 ~~(11)(12)~~ By September 1, 2011, Each water management
 247 district shall provide a monthly financial statement to its
 248 governing board and make such statement available for public
 249 access on its website.

250 ~~(12)(13)~~ This section does not require or permit the
 251 disclosure of information that is considered confidential under
 252 ~~by~~ state or federal law.

253 ~~(14) The Office of Policy and Budget in the Executive~~
 254 ~~Office of the Governor shall ensure that all data added to the~~
 255 ~~website remains accessible to the public for 10 years.~~

256 ~~(13)(15)~~ The committee shall prepare an annual report
 257 detailing progress in establishing the single website and
 258 providing recommendations for enhancement of the content and
 259 format of the website and related policies and procedures. The
 260 ~~first~~ report shall be submitted to the Governor, the President
 261 of the Senate, and the Speaker of the House of Representatives

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262 ~~by November 1, 2011, and annually by November 1 thereafter.~~

263 ~~(14)(16)~~ The Chief Financial Officer shall establish and
 264 maintain a secure, shared state contract tracking system
 265 accessible through a website to provide public access to a state
 266 ~~contract management system that provides~~ information and
 267 documentation relating to contracts procured by state agencies
 268 ~~governmental entities.~~

269 (a) Within 30 calendar days after executing a contract,
 270 each state agency must post the following information and
 271 documentation relating to that contract on the system:

- 272 1. The names of the contracting entities.
- 273 2. The procurement method.
- 274 3. The contract beginning and ending dates.
- 275 4. The nature or type of commodities or services purchased.
- 276 5. Applicable contract unit prices and deliverables.
- 277 6. Total compensation to be paid or received under the
 278 contract.
- 279 7. All payments made to the contractor to date.
- 280 8. Applicable contract performance measures.
- 281 9. If a competitive solicitation was not used to procure
 282 the goods or services, the justification of such action,
 283 including citation to a statutory exemption or exception from
 284 competitive solicitation, if any.
- 285 10. Electronic copies of the contract and procurement
 286 documents that have been redacted to conceal exempt or
 287 confidential information as provided under paragraph (c). ~~The~~
 288 data collected in the system must include, but need not be
 289 limited to, the contracting agency; the procurement method; the
 290 contract beginning and ending dates; the type of commodity or

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291 ~~service; the purpose of the commodity or service; the~~
 292 ~~compensation to be paid; compliance information, such as~~
 293 ~~performance metrics for the service or commodity; contract~~
 294 ~~violations; the number of extensions or renewals; and the~~
 295 ~~statutory authority for providing the service.~~

296 (b) Within 30 calendar days after a major modification or
 297 amendment ~~change~~ to an existing contract, ~~or the execution of a~~
 298 ~~new contract, agency procurement staff of~~ the affected state
 299 governmental entity shall update the ~~necessary~~ information and
 300 documentation described in paragraph (a) in the state contract
 301 tracking ~~management~~ system. A major modification or amendment
 302 ~~change~~ to a contract includes, but is not limited to, a renewal,
 303 termination, or extension of the contract, or an amendment to
 304 the contract as determined by the Chief Financial Officer.

305 (c) Each state agency shall redact, as defined in s.
 306 119.011, information that is exempt from s. 119.07(1) and Art.
 307 I, s. 24(a) of the State Constitution, or that is otherwise made
 308 confidential by law, from the contract or procurement documents
 309 before posting an electronic copy of such documents on the state
 310 contract tracking system.

311 1. If a state agency becomes aware that an electronic copy
 312 of a contract or procurement document that it posted has not
 313 been properly redacted, the state agency shall immediately
 314 notify the Chief Financial Officer so that the contract or
 315 procurement document can be removed. Within 7 calendar days, the
 316 state agency shall provide the Chief Financial Officer with a
 317 properly redacted copy for posting.

318 2. If a party to a contract, or an authorized
 319 representative thereof, discovers that an electronic copy of a

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320 contract or procurement document on the system has not been
 321 properly redacted, the party or representative may request the
 322 state agency that posted the document to redact the exempt or
 323 confidential information. Upon receipt of a request in
 324 compliance with this subparagraph, the state agency that posted
 325 the document shall redact the exempt or confidential
 326 information.

327 a. Such request must be in writing and delivered by mail or
 328 electronic transmission, or in person, to the state agency that
 329 posted the information. The request must identify the specific
 330 document, the page numbers that include the exempt or
 331 confidential information, the information that is exempt or
 332 confidential, and the statute that makes the information exempt
 333 or confidential. A fee may not be charged for a redaction made
 334 pursuant to such request.

335 b. If necessary, a party to a contract may petition the
 336 circuit court for an order directing compliance with this
 337 paragraph.

338 3. The Chief Financial Officer, the Department of Financial
 339 Services, or an officer, employee, or contractor thereof, is not
 340 responsible for redacting exempt or confidential information
 341 from an electronic copy of a contract or procurement document
 342 posted by another state agency on the system, and is not liable
 343 for the failure of the state agency to redact the exempt or
 344 confidential information. The Chief Financial Officer may notify
 345 the posting state agency if a document posted on the tracking
 346 system which contains exempt or confidential information is
 347 discovered.

348 (d) Pursuant to ss. 119.01 and 119.07, the Chief Financial

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 349 Officer may make information posted on the state contract
 350 tracking system available for viewing and downloading by the
 351 public through a website. Unless otherwise provided by law,
 352 information retrieved electronically pursuant to this paragraph
 353 is not admissible in court as an authenticated document.

354 1. The Chief Financial Officer may regulate and prohibit
 355 the posting of records that could facilitate identity theft or
 356 fraud, such as signatures; compromise or reveal an agency
 357 investigation; reveal the identity of undercover personnel;
 358 reveal proprietary business information or trade secrets; reveal
 359 an individual's medical information; or reveal any other record
 360 or information that the Chief Financial Officer believes may
 361 jeopardize the health, safety, or welfare of the public.
 362 However, such action by the Chief Financial Officer does not
 363 supersede the duty of a state agency to provide a copy of a
 364 public record upon request. The Chief Financial Officer shall
 365 use appropriate Internet security measures to ensure that no
 366 person has the ability to alter or modify records available on
 367 the website.

368 2. Records made available on the website, including
 369 electronic copies of contracts or procurement documents, may not
 370 reveal information made exempt or confidential by law. Notice of
 371 the right of an affected party to request redaction of exempt or
 372 confidential information pursuant to paragraph (c) must be
 373 displayed on the website.

374 (e) The posting of information on the state contract
 375 tracking system, or the provision of contract information on a
 376 website for public viewing and downloading, does not supersede
 377 the duty of a state agency to respond to a public record request

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 378 for such information or to a subpoena for such information.
 379 1. A request for a copy of a contract or procurement document or
 380 a certified copy of a contract or procurement document shall be
 381 made to the state agency that is party to the contract. Such
 382 request may not be made to the Chief Financial Officer or the
 383 Department of Financial Services or an officer, employee, or
 384 contractor thereof unless the Chief Financial Officer or the
 385 Department of Financial Services is a party to the contract.

386 2. A subpoena for a copy of a contract or procurement
 387 document or certified copy of a contract or procurement document
 388 must be served on the state agency that is a party to the
 389 contract and that maintains the original documents. The Chief
 390 Financial Officer or the Department of Financial Services or an
 391 officer, employee, or contractor thereof may not be served a
 392 subpoena for those records unless the Chief Financial Officer or
 393 the Department of Financial Services is a party to the contract.

394 (f) The Chief Financial Officer may adopt rules to
 395 administer this subsection, including procedures and
 396 requirements for submitting and updating the information and
 397 documentation relating to contracts required by this subsection.

398 Section 2. User Experience Task Force.—

399 (1) The User Experience Task Force is created to develop
 400 and recommend a design for consolidating existing state-managed
 401 websites that provide public access to state operational and
 402 fiscal information into a single website. If necessary, the
 403 recommendation may include a complete redesign of data
 404 submission and inclusion.

405 (2) The task force shall be comprised of four members:

406 (a) One member designated by the Governor.

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407 (b) One member designated by the Chief Financial Officer.408 (c) One member designated by the President of the Senate.409 (d) One member designated by the Speaker of the House of
410 Representatives.411 (3) The task force shall elect a chair from among its
412 members.413 (4) The Governor, the Chief Financial Officer, the
414 President of the Senate, and the Speaker of the House of
415 Representatives shall assign staff to assist the task force in
416 performing its duties.417 (5) By October 1, 2013, the task force shall submit a work
418 plan to the Governor, the Chief Financial Officer, the President
419 of the Senate, and the Speaker of the House of Representatives.
420 The work plan must include, but is not limited to, a review of:421 (a) All relevant state-managed websites.422 (b) Options for reducing the number of websites without
423 losing detailed data.424 (c) Options for linking expenditure data with related
425 invoices and contracts.426 (6) By March 1, 2014, the task force shall submit its
427 complete recommendation to the Governor, the Chief Financial
428 Officer, the President of the Senate, and the Speaker of the
429 House of Representatives. The recommended design must provide an
430 intuitive and cohesive user experience that allows users to move
431 easily between varied types of related data. The recommendation
432 must also include a cost estimate for implementation of the
433 design.434 (7) This section expires June 30, 2014.435 Section 3. The sum of \$326,775 in recurring funds and

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436 \$386,292 in nonrecurring funds from the General Revenue Fund and
437 four full-time equivalent positions and associated salary rate
438 of 231,409 are appropriated to the Department of Financial
439 Services for the 2013-2014 fiscal year to implement the state
440 contract tracking system.

441 Section 4. This act shall take effect July 1, 2013.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3 11/4/2013

Meeting Date

Topic _____

Bill Number 1764
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

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

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

S-001 (10/20/11)

CourtSmart Tag Report

Room: KN 412

Case:

Type:

Caption: Senate Appropriations Committee

Judge:

Started: 3/14/2013 2:31:52 PM

Ends: 3/14/2013 4:29:49 PM

Length: 01:57:58

2:31:56 PM Sen. Negron (Chair)
2:33:03 PM S 160
2:33:20 PM PCS 934206
2:33:27 PM Sen. Grimsley
2:33:32 PM Sen. Richter
2:34:11 PM Jo Morris, Legislative Affairs, Florida Department of Health
2:34:15 PM Travis Coker, Director of Government Affairs, Florida Association of Community Health Centers
2:34:19 PM Jim Brodie, Legislative Affairs Director, Florida Department of Veteran's Affairs
2:34:31 PM Sen. Richter
2:35:59 PM S 306
2:36:11 PM PCS 355358
2:36:20 PM S 322
2:36:43 PM Chris Spencer, Legislative Assistant to Senator Brandes
2:38:31 PM S 306
2:38:35 PM Sen. Braynon
2:40:37 PM PCS 355358
2:40:48 PM Am. 863426
2:40:59 PM Sen. Margolis
2:42:18 PM Sen. Latvala
2:43:21 PM Sen. Margolis
2:43:58 PM Sen. Latvala
2:44:52 PM Jose Diez-Arguelles, Staff Director, Senate Appropriations Subcommittee on Finance and Taxation
2:46:43 PM Sen. Latvala
2:47:00 PM J. Diez-Arguelles
2:47:59 PM Sen. Margolis
2:49:08 PM Fernando Capablanca, Bank Director, International Bankers
2:53:56 PM Sen. Latvala
2:54:51 PM F. Capablanca
2:55:16 PM Sen. Sobel
2:55:27 PM F. Capablanca
2:55:44 PM Sen. Sobel
2:55:53 PM F. Capablanca
2:56:23 PM Sen. Margolis
2:57:09 PM Anthony DiMarco, EVP, Florida Bankers Association
2:59:17 PM Sen. Braynon
3:00:03 PM Sen. Margolis
3:02:30 PM Am. 895568
3:02:39 PM Sen. Gardiner
3:02:57 PM Sen. Margolis
3:03:45 PM Sen. Lee
3:04:34 PM Sen. Gardiner
3:04:44 PM Sen. Lee
3:04:52 PM Sen. Gardiner
3:05:38 PM S 306
3:05:53 PM Abigail Maclver, Director of Policy, Americans for Prosperity
3:07:57 PM Shira Kastan, Assistant Vice President, University of Miami
3:08:30 PM Marti Bueso, Corporate Marketing
3:11:46 PM Ron Book, SunLife Stadium/Dolphins
3:17:00 PM Sen. Lee
3:18:04 PM R. Book
3:18:28 PM Sen. Sobel
3:19:08 PM R. Book

3:22:31 PM Mike Dee, CEO, Miami Dolphins
3:26:04 PM Sen. Hays
3:26:39 PM M. Dee
3:27:25 PM Sen. Hays
3:27:40 PM M. Dee
3:28:31 PM Sen. Ring
3:29:00 PM M. Dee
3:29:37 PM Jess McCarty, Assistant County Attorney, Miami-Dade County
3:29:52 PM Albert E. Dotson Sr., Past President, Orange Bowl Committee
3:33:02 PM Sen. Negron
3:33:23 PM A. Dotson Sr.
3:35:19 PM Carol Bowen, Vice President of Government Affairs, Associated Builders & Contractors
3:36:49 PM Mike Kovensky, Director of Sales and Marketing, Intercontinental Hotel Miami
3:38:52 PM Brian Pitts, Trustee, Justice 2 Jesus
3:44:03 PM Mario J. Bailey, Lobbyist, City of Miami Gardens
3:44:36 PM Sen. Lee
3:47:26 PM Sen. Joyner
3:50:19 PM Sen. Sobel
3:52:07 PM Sen. Montford
3:53:30 PM Sen. Margolis
3:54:19 PM Sen. Ring
3:55:55 PM Sen. Braynon
4:02:00 PM Sen. Sobel
4:02:15 PM S 520
4:02:23 PM Sen. Bradley
4:02:38 PM Daniel Griffin, President Elect, Florida EMS Educators
4:03:48 PM S 878
4:03:59 PM Sen. Galvano
4:05:05 PM Am. 877842
4:05:12 PM Sen. Galvano
4:05:40 PM Am. 297990
4:05:46 PM Sen. Galvano
4:06:16 PM Am. 764846
4:06:22 PM Sen. Galvano
4:07:08 PM Bill Warren, Legislative Director, Foundation for Florida's Future
4:07:22 PM Linda Nestor, Florida PTA
4:08:03 PM Sen. Montford
4:09:27 PM Rosanne Wood, retired principal
4:13:39 PM Ron Meyer, Attorney, Florida Education Association
4:18:48 PM Sen. Ring
4:19:41 PM Sen. Galvano
4:22:31 PM S 1096
4:22:36 PM Sen. Montford
4:23:41 PM Wayne Blanton, Executive Director, Florida School Boards Association
4:23:48 PM Ashley Spicola, Policy Chief on Education, Governor's Office
4:24:46 PM S 1764
4:24:53 PM Sen. Ring
4:25:46 PM B. Pitts
4:29:25 PM Sen. Gardiner
4:29:35 PM Sen. Smith



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on Finance and Tax, *Chair*
Appropriations
Appropriations Subcommittee on Education
Commerce and Tourism
Communications, Energy, and Public Utilities
Community Affairs
Governmental Oversight and Accountability

JOINT COMMITTEE:
Joint Committee on Public Counsel Oversight

SENATOR DOROTHY L. HUKILL
8th District

March 14, 2013

Chairman Joe Negron
Committee on Appropriations
412 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chairman Negron:

I respectfully ask to be excused from the Committee on Appropriations being held on Thursday, March 14, 2013 at 2:00pm. Due to a death in the family I will not be able to attend.

Thank you in advance for your consideration.

Sincerely,

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

SENT TO: CHAIRMAN
STAFF DIR. STAFF
13 MAR 14 AM 7:44
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President Pro Tempore